

MAR 28 1990

HOUSE FILE 2564

BY COMMITTEE ON APPROPRIATIONS

APPROPRIATIONS CALENDAR

(SUCCESSOR TO LSB 7778YH)

Passed House, Date 3/29/90 (p.1605) Passed Senate, Date 4/6/90 (p.1628)

Vote: Ayes 99 Nays 0 Vote: Ayes 50 Nays 0

Approved May 7, 1990
John J. [unclear]

A BILL FOR

1 An Act relating to substance abuse prevention and treatment,
2 enforcement of controlled substance provisions, making
3 appropriations, and providing penalties.

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

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HF 2564

1 Section 1.

2 There is appropriated from the general fund of the state to
3 the department of economic development for the fiscal year
4 beginning July 1, 1990, and ending June 30, 1991, the
5 following amount, or so much thereof as is necessary, to be
6 used for the purpose designated:

7 For the Iowa conservation corps, and Iowa youth corps and
8 youth services administration:

9 \$ 100,000

10 Sec. 2.

11 There is appropriated from the general fund of the state to
12 the department of education to be deposited in the youth 2000
13 community fund established in section 256.44 for the fiscal
14 year beginning July 1, 1990, and ending June 30, 1991, the
15 following amount, or so much thereof as is necessary, to be
16 used for the purpose designated:

17 For the youth 2000 coordinating council for awarding
18 community planning grants for collaborative efforts to
19 establish local drug prevention and youth development programs
20 as provided in section 256.42, subsection 5:

21 \$ 80,000

22 Sec. 3.

23 There is appropriated from the general fund of the state to
24 the department of education for the fiscal year beginning July
25 1, 1990, and ending June 30, 1991, the following amount, or so
26 much thereof as is necessary, to be used for the purpose
27 designated:

28 For providing grants to community colleges for training
29 staff to provide courses designed for first time domestic
30 abuse offenders:

31 \$ 22,000

32 As a condition, limitation, and qualification of this
33 appropriation, grants shall not exceed \$2,000 and shall be
34 awarded on a competitive basis pursuant to criteria
35 established by the department. Awards need not be made to all

1 community colleges. The department shall submit a report to
2 the justice system appropriations subcommittee and the
3 legislative fiscal bureau by December 1, 1990, which shall
4 identify each community college receiving a grant, the amount
5 of each grant, and a program description of each proposal for
6 which a grant is awarded.

7 Sec. 4.

8 There is appropriated from the general fund of the state to
9 the state board of regents for the fiscal year beginning July
10 1, 1990, and ending June 30, 1991, the following amount, or so
11 much thereof as is necessary, to be used for the purpose
12 designated:

13 For continuation of the study at the university of Iowa
14 approved by the legislative council on October 18, 1989,
15 relating to the possible expanded use of Ritalin, a legal
16 drug, in Iowa to high activity level (attention-deficit
17 hyperactivity disorder) classroom children:

18 \$ 5,000

19 Sec. 5.

20 There is appropriated from the general fund of the state to
21 the Iowa department of public health for the fiscal year
22 beginning July 1, 1990, and ending June 30, 1991, the
23 following amount, or so much thereof as is necessary, to be
24 used for the purpose designated:

25 For additional outreach services at existing centers
26 providing maternal and child health services to women and
27 children to decrease problems of pregnancy outcomes, to reduce
28 the incidence of low birth weights, and to assist children
29 with special health care needs:

30 \$ 25,000

31 As a condition, limitation, and qualification of this
32 appropriation, the funds appropriated shall be used for
33 brochures, pamphlets, public service announcements, or other
34 means of informing potential clients of available maternal and
35 child health services and eligibility criteria for obtaining

1 these services. The centers shall provide substance abuse
2 information and referral assistance to clients who have a
3 substance abuse problem. The effectiveness of this program
4 shall be evaluated after the end of the fiscal year ending
5 June 30, 1991, and a report shall be made to the general
6 assembly prior to the start of the next regular session of the
7 general assembly.

8 Sec. 6.

9 There is appropriated from the general fund of the state to
10 the Iowa department of public health for the fiscal year
11 beginning July 1, 1990, and ending June 30, 1991, the
12 following amount, or so much thereof as is necessary, to be
13 used for the purposes designated:

14 1. For the division of substance abuse for program grants:
15 \$ 1,633,000

16 As a condition, limitation, and qualification of this
17 appropriation, the division shall allocate this amount in a
18 manner which will effectively reduce, if not eliminate, the
19 waiting period which now exists at publicly funded substance
20 abuse treatment centers for individuals, including adults and
21 juveniles, awaiting assessment, outpatient treatment, entry
22 into a halfway house, and residential treatment, and which
23 will provide for increases in provider salaries.

24 2. For the division of substance abuse for the addiction
25 treatment effectiveness advisory council established pursuant
26 to section 125.15A:

27 \$ 250,000

28 As a condition, limitation, and qualification of this
29 appropriation, the department shall implement sections 125.15A
30 through 125.15K. The department shall employ one additional
31 program investigator to be used for substance abuse program
32 review. As a further condition, limitation, and qualification
33 of this appropriation, the division shall provide staff
34 support to the advisory council as necessary.

35 Sec. 7.

1 There is appropriated from the general fund of the state to
2 the department of public safety for the fiscal year beginning
3 July 1, 1990, and ending June 30, 1991, the following amounts,
4 or so much thereof as is necessary, to be used for the
5 purposes designated:

6 1. For the division of criminal investigation and bureau
7 of identification for equipment and salaries and support for
8 the following additional full-time equivalent positions:

9	\$	50,000
10	FTEs	4.00

11 As a condition, limitation, and qualification of this
12 appropriation, the division shall use the amount appropriated
13 in this subsection to match and obtain available federal
14 funds, the total amount of these funds to be used to employ an
15 additional 4 full-time lab technicians for the criminalistic
16 laboratory.

17 2. For use by the department to provide additional law
18 enforcement officials to initiate project D.A.R.E. (drug abuse
19 resistance education) within local communities:

20	\$	52,500
21	FTEs	4.00

22 As a condition, limitation, and qualification of this
23 appropriation, the department shall use the amount
24 appropriated in this subsection to match and obtain available
25 federal funds, the total amount of these funds to be used to
26 employ 4 additional members of the highway safety patrol to
27 assist with the initiation of project D.A.R.E. within local
28 communities.

29 3. For the division of narcotics for the salaries and
30 support of up to the following additional full-time equivalent
31 positions:

32	\$	150,000
33	FTEs	10.00

34 As a condition, limitation, and qualification of this
35 appropriation, the department shall use the amount

1 appropriated in this subsection to match and obtain available
2 federal funds, the total amount of these funds to be used to
3 employ up to an additional 10 full-time special agents.

4 Sec. 8.

5 There is appropriated from the general fund of the state to
6 the office of the governor for the drug enforcement and abuse
7 prevention coordinator for the fiscal year beginning July 1,
8 1990, and ending June 30, 1991, the following amounts, or so
9 much thereof as is necessary, to be used for the purposes
10 designated:

11 1. For the Iowa substance abuse information center located
12 in Cedar Rapids:

13 \$ 10,000

14 As a condition, limitation, and qualification of this
15 appropriation, the drug abuse enforcement and abuse prevention
16 coordinator shall use the amount appropriated in this
17 subsection to match and obtain available federal funds, the
18 total amount of these funds to be used for the costs of the
19 information center.

20 2. For establishing a drug abuse warning network:

21 \$ 12,500

22 As a condition, limitation, and qualification of this
23 appropriation, the drug abuse enforcement and abuse prevention
24 coordinator shall use the amount appropriated in this
25 subsection to match and obtain available federal funds, the
26 total amount of these funds to be used for establishing a drug
27 abuse warning network.

28 3. For planning and establishing a program of
29 identification, treatment, and education of students in grades
30 kindergarten through 3 in the Waterloo community school
31 district whose mothers were addicted to or using controlled
32 substances while pregnant:

33 \$ 150,000

34 As a condition, limitation, and qualification of this
35 appropriation, a pilot project shall be established for the

1 identification and education of elementary students whose
2 mothers were using controlled substances during pregnancy
3 resulting in the children experiencing special learning and
4 behavioral problems. The program shall include medical and
5 psychiatric research with the university of Iowa, educational
6 research with the university of northern Iowa, an educational
7 program for parents of the children including programs for
8 parents confined in a county jail or committed to the custody
9 of the director of the department of corrections, a child care
10 educational program to address the problems of parenting such
11 children, a program for the care and education of such
12 children before and after school, creation of a mentor program
13 with jobs and local businesses, a treatment program for
14 parents, and team teacher training.

15 Sec. 9. 1989 Iowa Acts, chapter 225, section 6, is amended
16 to read as follows:

17 SEC. 6. Notwithstanding any other provisions of law, the
18 treasurer of state before making allotments of the moneys
19 within the Iowa plan fund pursuant to section 99E.32,
20 subsection 1, for the fiscal year beginning July 1, 1989,
21 shall transfer to the ~~Iowa-narcotics-enforcement-advisory~~
22 ~~council~~ drug enforcement and abuse prevention coordinator, the
23 following amount, to be used for the purposes designated:

24 1. For the Iowa narcotics enforcement advisory council for
25 the administration of a drug enforcement training program for
26 local law enforcement officers, as defined in section 80B.3,
27 subsection 3, including, but not limited to, training for the
28 detection of gang and juvenile activity and the apprehension
29 of gang members and juvenile delinquents, subject to the
30 limitation that the council shall not pay for more than fifty
31 percent of the cost of training of any officer, including
32 salary and other benefits, with the remaining fifty percent to
33 be paid by the law enforcement officer's local jurisdiction
34 relating to all aspects of drug control:

35 \$ 300,000

197,000

1
2 As a condition, limitation, and qualification of this
3 appropriation, the law enforcement officers to be trained
4 under this program shall be selected by the Iowa narcotics
5 enforcement advisory council in closed session. The record of
6 the closed session is exempt from chapter 22. When the
7 council has reached a decision, it shall convene in open
8 meeting and announce such decision. No more than four law
9 enforcement officers participating in this training shall be
10 employed by law enforcement agencies located in the same
11 county. The training program shall be for a period of one
12 year and an officer participating in this program shall
13 perform, after receiving initial instruction and training at
14 the law enforcement academy, duties as directed by the
15 department of public safety within the narcotics enforcement
16 division relating to the department's responsibility for the
17 enforcement of all laws and rules relating to any controlled
18 substance or counterfeit substance as provided in sections
19 80.27 through 80.34.

20 2. For administration of the governor's alliance on
21 substance abuse:

22 \$ 81,000

23 As a condition, limitation, and qualification of this
24 appropriation, the drug enforcement and abuse prevention
25 coordinator shall use the amount appropriated in this sub-
26 section to match and obtain available federal funds, the total
27 amount of these funds to be used for the costs of
28 administration.

29 3. For the Iowa substance abuse information center located
30 in Cedar Rapids:

31 \$ 22,000

32 As a condition, limitation, and qualification of this
33 appropriation, the drug enforcement and abuse prevention
34 coordinator shall use the amount appropriated in this
35 subsection to match and obtain available federal funds, the

1 total amount of these funds to be used for the costs of the
2 information center.

3 Sec. 10.

4 There is appropriated from the general fund of the state to
5 the judicial department for the fiscal year beginning July 1,
6 1990, and ending June 30, 1991, the following amounts, or so
7 much thereof as is necessary, to be used for the purposes
8 designated:

9 1. For salaries, support, maintenance, and technical
10 assistance for the purpose of reducing court delays:
11 \$ 25,000

12 As a condition, limitation, and qualification of this
13 appropriation, the judicial department, with the assistance of
14 the drug enforcement and abuse prevention coordinator, shall
15 use this amount to match and obtain available federal funds,
16 the total amount of these funds to be used for the purpose of
17 reducing court delays.

18 2. Notwithstanding section 602.6201, for an additional
19 judgeship to be established in judicial election district 8B
20 pursuant to House File 2045, as enacted by the Seventy-third
21 General Assembly, 1990 Session:

22 \$ 135,000

23 Sec. 11.

24 It is the intent of the general assembly that of the funds
25 anticipated to be received from the federal government by the
26 drug enforcement and abuse prevention coordinator for the
27 governor's alliance on substance abuse, the coordinator shall
28 give the highest priority for distribution of such funds to
29 applications made by public agencies which have contracted
30 with other public agencies pursuant to chapter 28E for the
31 purpose of cooperating jointly in enforcement efforts related
32 primarily to controlled substances, counterfeit substances, or
33 simulated controlled substances.

34 The coordinator shall also give priority to providing
35 funding to the office of the attorney general for providing

1 grants for additional local prosecutors, funding for local
2 drug enforcement operations to be used for the purchase of
3 illegal substances in furtherance of these enforcement
4 operations, funding to provide training for local law
5 enforcement officials to initiate project D.A.R.E. (drug abuse
6 resistance education) within local communities, and funding
7 for the clearinghouse in Cedar Rapids.

8 Sec. 12.

9 It is the intent of the general assembly that of funds made
10 available from federal block grants for the fiscal year
11 beginning October 1, 1991, and ending September 30, 1992,
12 priority shall be given to the extent possible, to providing
13 additional substance abuse prevention specialists, boosting
14 provider salaries, reducing substance abuse treatment waiting
15 lists, and providing aftercare for persons completing
16 substance abuse treatment, dual diagnosis, and for early
17 identification and intervention of children born afflicted
18 with a substance addiction.

19 Sec. 13. DEPARTMENT OF EDUCATION -- SURVEY.

20 The department of education shall survey all school
21 districts in the state to determine the extent to which
22 substance abuse education is being provided to students in
23 grades kindergarten through 12. The department shall report
24 its findings to the general assembly by January 1, 1991.

25 Sec. 14. DEPARTMENT OF EDUCATION -- CURRICULA.

26 The department shall also encourage the use of phase III
27 moneys for teachers who have completed drug awareness
28 training. Information shall be provided to school districts
29 regarding available training courses and the importance of
30 this training.

31 The department shall encourage schools to establish student
32 assistance teams and other drug abuse prevention groups to
33 provide support and help to students with substance abuse
34 problems and to provide support to other students who are not
35 yet substance abusers. Positive role models should be

1 established in an effort to deter increased substance abuse by
2 younger students and other students within the role models'
3 peer groups.

4 Sec. 15. RESEARCH DEVELOPMENT.

5 The general assembly encourages the development and
6 maintenance of research and information by the federal
7 government, research centers, and universities concerning
8 substance abuse and treatment of substance abusers in an
9 effort to determine the most effective method of treatment.

10 Sec. 16. NEW SECTION. 123.152 HEALTH WARNING SIGNS BY
11 RETAILERS.

12 The holder of a class "E" liquor control license, class "B"
13 and class "C" beer permit, and a class "B" wine permit shall
14 post in a prominent place in the licensed premise notice of
15 health warnings concerning alcohol and pregnancy. The
16 division shall establish by rule the size, location, and
17 content of the notice.

18 Sec. 17. NEW SECTION. 125.15A ADDICTION TREATMENT
19 EFFECTIVENESS ADVISORY COUNCIL -- MEMBERS.

20 1. An addiction treatment effectiveness advisory council
21 is established within the department, which consists of
22 fifteen members appointed by the governor to staggered terms
23 of six years beginning and ending as provided in section
24 69.19. The appointments are subject to senate confirmation.
25 The members of the council shall include the following:

26 a. Two physicians licensed in this state who have
27 substantial experience in substance abuse treatment and who
28 are certified by the association of specialists in addiction
29 medicine.

30 b. One registered nurse who has substantial experience in
31 substance abuse treatment.

32 c. Two certified substance abuse counselors. One
33 counselor shall represent private substance abuse treatment
34 providers and one shall represent public substance abuse
35 treatment providers.

1 d. Two directors of substance abuse treatment providers.
2 One director shall represent private substance abuse treatment
3 providers and one shall represent public substance abuse
4 treatment providers.

5 e. One person with a master's degree in social work.

6 f. Two actuaries.

7 g. Two representatives of the business community.

8 h. Three citizens of the state.

9 The appointments shall be based upon the training,
10 experience, and capacity of the appointees, and not based upon
11 political considerations, other than as provided in section
12 69.16. A member of the council shall not hold any other state
13 or federal office.

14 2. The director of public health or the director's
15 designee and the director of human services or the director's
16 designee shall be ex officio, nonvoting members of the
17 council.

18 3. A vacancy on the council shall be filled for the
19 unexpired term in the same manner as the original appointment.

20 4. The voting members of the council shall be reimbursed
21 for actual and necessary travel and related expenses incurred
22 in the discharge of official duties. Each voting member of
23 the council may also be eligible to receive compensation as
24 provided in section 7E.6.

25 5. The council shall hold an organizational meeting within
26 thirty days of the beginning of a new regular term for one or
27 more of its members. The council shall organize by electing a
28 chairperson, vice chairperson, secretary, and any other
29 officers deemed necessary or desirable. The council shall
30 meet at least quarterly throughout the year.

31 6. A majority of the voting members of the council
32 constitutes a quorum, and a majority of a quorum may act in
33 any matter within the jurisdiction of the council, unless a
34 more restrictive rule is adopted by the council.

35 Sec. 18. NEW SECTION. 125.15B DUTIES OF COUNCIL.

1 Except as otherwise provided by law, the council shall:

2 1. Recommend policy and rule changes to the director
3 necessary to provide for the effective regulation and
4 assessment of treatment providers in this state and the
5 effective administration of this chapter.

6 2. Recommend to the director a contractor for the purpose
7 of data collection related to the evaluation of providers
8 subject to the provisions of this chapter and for the
9 collection of patient data.

10 3. Recommend to the director, after consultation with the
11 contractor selected for data collection, a standardized
12 reporting form to be used by providers for submitting the
13 patient information required under section 125.15C.

14 4. Receive and review the information contained in the
15 provider reports received by the department.

16 Sec. 19. REPORTING INFORMATION FOR YEAR BEGINNING JULY 1,
17 1990.

18 For the period beginning July 1, 1990, and ending June 30,
19 1991, the form to be used for the reporting required under
20 section 125.15C shall provide for the submission of
21 information related to all of the following:

22 1. Addiction-related symptoms of the patient within the
23 thirty-day period prior to admission.

24 2. Substances to which the person is addicted, or which
25 have been used on a daily basis during the thirty-day period
26 prior to admission.

27 3. Severe liver disease, heart disease, or renal disease
28 associated with use of substances to which the patient is
29 addicted, and which is active at the time of treatment.

30 4. Organic brain dysfunction evidenced by disorientation,
31 hallucinations, delusions, or illusions in the twenty-four
32 hour period prior to admission.

33 5. A suicide attempt within the thirty-day period prior to
34 treatment.

35 6. Two or more substance-related arrests in the five years

1 prior to treatment.

2 7. Symptomatic major psychosis at the time of admission.

3 8. Three or more treatment failures within the ten years
4 prior to the current treatment.

5 9. Age of the patient at the time of admission.

6 10. Other information deemed relevant by the advisory
7 council.

8 Rules to be adopted by the department pursuant to section
9 125.15C shall be effective July 1, 1991.

10 Sec. 20. NEW SECTION. 125.15C REQUIRED REPORTING.

11 Unless otherwise provided, a substance abuse treatment
12 provider, regardless of whether the provider is licensed by
13 the commission on substance abuse, shall report to the
14 department on forms provided by the department, information
15 relating to all patients admitted to treatment and completing
16 such treatment as required by department rule. The provider
17 shall provide all information requested which is available to
18 the treatment provider. The department, after consultation
19 with the advisory council, shall adopt rules providing for the
20 reporting form to be used and providing the information to be
21 reported to the department and the advisory council.

22 Sec. 21. NEW SECTION. 125.15D DATA CONTRACTOR.

23 The department, after consultation with the advisory
24 council, shall contract with an independent data collector to
25 survey substance abuse treatment providers required to report
26 information under section 125.15C, and provide such
27 information to the council.

28 Sec. 22. NEW SECTION. 125.15E MEASUREMENT STANDARDS.

29 1. Programs shall be reviewed as to effectiveness of
30 treatment based upon the following criteria:

31 a. Abstinence by a patient treated under a program.

32 b. Arrest rate of patients treated under a program.

33 2. The department, after consultation with the advisory
34 council shall adopt rules providing for the definition of
35 abstinence.

1 Sec. 23. ABSTINENCE DEFINITION FOR YEAR BEGINNING JULY 1,
2 1990.

3 For the period beginning July 1, 1990, and ending June 30,
4 1991, for purposes of section 125.15E, "abstinence" means the
5 nonuse of any nonprescribed habituating drug or alcohol by a
6 patient during the year following discharge from a treatment
7 program. A patient is deemed to have abstained if the patient
8 uses a nonprescribed habituating drug or alcohol during no
9 more than any three days during the year following discharge.

10 Rules to be adopted by the department pursuant to section
11 125.15E shall be effective July 1, 1991.

12 Sec. 24. NEW SECTION. 125.15F TYPES OF PROGRAMS.

13 For purposes of review of substance abuse treatment
14 programs, all programs providing substance abuse treatment and
15 subject to the requirements of section 125.15A through
16 125.15K, shall be divided into class 1 and class 2 programs as
17 follows:

18 1. Class 1 programs are those programs where twenty-five
19 percent or more of all patients admitted to the program for
20 treatment suffer from severe addiction.

21 2. Class 2 programs are all other substance abuse
22 treatment programs which are not class 1 programs.

23 3. The department, after consultation with the advisory
24 council, shall adopt rules relating to the definition of class
25 1 and class 2 programs.

26 Sec. 25. PROGRAM CLASSES FOR THE YEAR BEGINNING JULY 1,
27 1990.

28 For the period beginning July 1, 1990, and ending June 30,
29 1991, class 1 programs are those programs where twenty-five
30 percent or more of all patients admitted to the program for
31 treatment suffer from severe addiction characterized by daily
32 substance use and withdrawal symptoms accompanied by two or
33 more of the following:

34 1. Addiction-related symptoms within the previous thirty
35 days prior to admission.

- 1 2. Addiction to two or more substances, or one substance
- 2 used parenterally on a daily basis in the previous thirty
- 3 days.
- 4 3. Severe substance-related liver disease, heart disease,
- 5 or renal disease which is active at the time of treatment.
- 6 4. Organic brain dysfunction with evidence of
- 7 disorientation, or hallucinations, or delusions, or illusions
- 8 in the twenty-four hours prior to admission.
- 9 5. A suicide attempt within thirty days prior to
- 10 applicable treatment.
- 11 6. A history of two or more substance-related arrests in
- 12 the previous five years.
- 13 7. Symptomatic major psychosis at the time of admission.
- 14 8. Three or more treatment failures in the last ten years.
- 15 9. Patients over sixty-five or under eighteen at the time
- 16 of admission.

17 Class 2 programs are all other substance abuse treatment

18 programs which are not class 1 programs.

19 Rules to be adopted by the department pursuant to section

20 125.15F shall be effective July 1, 1991.

21 Sec. 26. NEW SECTION. 125.15G REVIEW OF PROGRAMS.

22 1. A class 1 program which experiences an abstinence rate

23 of less than thirty percent or an arrest rate of more than

24 twenty percent, is subject to increased review as provided in

25 this section.

26 2. A class 2 program which experiences an abstinence rate

27 of less than forty percent or an arrest rate of more than ten

28 percent, is subject to increased review as provided in this

29 section.

30 3. A treatment program identified pursuant to subsection 1

31 or 2 shall be reviewed by the advisory council. Within thirty

32 days after the advisory council has concluded its review, the

33 advisory council shall provide recommendations for program

34 changes, if any, to the substance abuse treatment program, or

35 authorize other appropriate action to be taken pursuant to

1 this section.

2 4. If the advisory council recommends program changes, the
3 advisory council shall take no further action for one year
4 from the date the recommendations are made during which time
5 new patient data shall be collected for review. If the
6 provider's success rate, as measured by the data collected
7 pursuant to section 125.15C, fails to improve, the advisory
8 council shall authorize other appropriate action to be taken
9 pursuant to this section.

10 5. If the advisory council finds that a substance abuse
11 treatment provider has failed to attain the minimum success
12 rate as defined in this section and action by the advisory
13 council is not taken pursuant to subsection 4, the advisory
14 council may do any of the following:

15 a. Direct the director of public health to withhold
16 funding for the substance abuse treatment provider relating to
17 the substance abuse treatment programs of the provider or
18 direct the director to order the provider to cease providing
19 such treatment, or both.

20 b. Direct the director of human services to withhold
21 medical assistance funding relating to the substance abuse
22 treatment programs of the provider or direct the director to
23 order the provider to cease providing such treatment, or both.

24 c. Recommend to the appropriate licensing authority that
25 the license of the substance abuse treatment provider be
26 suspended or revoked relating to the substance abuse treatment
27 programs of the provider.

28 6. Notwithstanding subsections 3 through 5, the advisory
29 council may find that the program serves a particularly
30 difficult patient population and that the public health and
31 welfare would be furthered by continuing to fund the program.
32 In such a case, a new measurement standard shall be
33 established by the department, in consultation with the
34 advisory council, by rule for the program.

35 If the advisory council has acted pursuant to subsection 4,

1 the advisory council may extend such grace period for one
2 additional year and continue intensified review of the
3 program.

4 7. The advisory council shall periodically review the
5 minimum review standards as established in subsections 1 and 2
6 for all programs and make any recommendations to the general
7 assembly concerning appropriate adjustments.

8 Sec. 27. NEW SECTION. 125.15H CONFIDENTIALITY OF
9 INFORMATION.

10 1. Information received by the department contained in the
11 reports required pursuant to section 125.15C is subject to the
12 confidentiality provisions of sections 125.37 and 125.93.

13 However, a summary of data concerning a program which has
14 been sanctioned pursuant to section 125.15G, subsection 4 or
15 5, shall be made available, as appropriate, by the department.

16 2. Beginning July 1, 1993, to the extent permitted by
17 state and federal law, a summary of data concerning the
18 success of all substance abuse treatment programs shall be
19 made available by the department upon the request of any
20 interested person.

21 Sec. 28. NEW SECTION. 125.15I EXEMPLARY PROVIDERS --
22 PREFERENTIAL TREATMENT.

23 The department, in consultation with the advisory council,
24 shall adopt rules providing for the recognition of exemplary
25 substance abuse treatment programs which achieve an abstinence
26 and arrest rate which is in the top fifty percent of all
27 programs surveyed pursuant to section 125.15C.

28 Additionally, to the extent permitted by applicable state
29 and federal requirements relating to substance treatment
30 funding, the department shall preferentially consider such
31 exemplary substance abuse treatment providers in subsequent
32 funding grant applications.

33 Sec. 29. NEW SECTION. 125.15J FALSIFICATION OF REPORT
34 DATA.

35 A substance abuse treatment provider required to provide

1 information to the department pursuant to section 125.15C, who
2 intentionally falsifies any diagnosis of a patient admitted to
3 treatment to avoid review pursuant to section 125.15E, is
4 subject to a civil penalty of five thousand dollars per false
5 diagnosis, in addition to any other appropriate action which
6 may be taken by the department or the council. Such penalties
7 shall be collected by the department and deposited in the
8 general fund of the state.

9 Sec. 30. NEW SECTION. 125.15K PROGRAMS EXCLUDED --
10 PENALTY.

11 In addition to any other provider excluded by law, any
12 provider or facility which provides only detoxification,
13 screening, or assessment of persons is excluded from the
14 review and reporting requirements of sections 125.15A through
15 125.15J with respect to that patient as long as the patient is
16 subsequently referred to counseling or other substance abuse
17 treatment providers following detoxification.

18 Unless otherwise excluded, any person providing substance
19 abuse treatment is subject to the requirements of sections
20 125.15A through 125.15J. A provider who fails to comply with
21 these sections shall cease providing such services. Such
22 provider who continues to provide such services in violation
23 of this section is subject to a civil penalty of one thousand
24 dollars for each day the provider continues to provide such
25 services after notification by the department to cease such
26 treatment.

27 Sec. 31. NEW SECTION. 136D.1 WARNINGS OF REPRODUCTIVE
28 TOXICITY -- ALCOHOL.

29 1. A person in the course of doing business shall not
30 knowingly and intentionally expose another person to alcoholic
31 beverages which cause reproductive toxicity without first
32 providing a warning as prescribed by rule of the Iowa
33 department of public health.

34 2. The Iowa department of public health shall adopt rules
35 which require a warning of reproductive toxicity in the form

1 of a label affixed to a shelf or a warning sign to be posted
2 near the product. The rules for a food service establishment
3 or a premise which holds a license or permit under chapter 123
4 to sell alcohol for consumption on the premises shall require
5 a notice to be included in a menu which includes alcoholic
6 beverage selections which cause reproductive toxicity.

7 3. A warning shall include the following language:
8 "WARNING: Drinking alcoholic beverages during pregnancy may
9 cause birth defects."

10 4. A person who does not provide a warning as prescribed
11 under this section is guilty of a serious misdemeanor.

12 Sec. 32. Section 249A.4, Code Supplement 1989, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 13. Shall stop payments and withhold
15 further medical assistance payments for substance abuse
16 treatment as directed by the addiction treatment effectiveness
17 advisory council pursuant to section 125.15G.

18 Sec. 33. NEW SECTION. 256.43 STAFFING AND TECHNICAL
19 ASSISTANCE TO COUNCIL.

20 1. Staff support for the youth 2000 coordinating council
21 shall be provided by the department of education. Staff
22 duties shall include, but are not limited to, collecting,
23 collating, analyzing, and presenting necessary information,
24 data, and materials to the council; advising and assisting the
25 council in policy analysis and the development of council
26 recommendations; preparation of reports and other materials
27 necessary to accomplish the goals of the council; preparation
28 and dissemination of interagency, intergovernmental, and
29 public communications associated with the work of the council;
30 coordination of council activities with other policy analysis
31 and development activities carried on within the state; and
32 coordination in delivery of state-level council services with
33 department of education staff providing technical assistance
34 to the council under subsection 2.

35 2. The department of education shall contract with a

1 nonprofit organization to provide technical assistance to
2 communities. Technical assistance shall be structured to
3 provide direct services to Iowa communities which are
4 establishing community planning teams and to assist in the
5 development of collaborative drug use prevention, dropout
6 prevention, and youth development efforts.

7 Technical assistance to community planning teams shall
8 include, but is not limited to, providing professional advice
9 on youth development, drug use prevention, and other issues;
10 providing access to current research and information;
11 assisting community planning teams in identifying appropriate
12 team members; facilitating team building; assisting in the
13 development of strategic plans relating to community youth
14 issues; providing community development activities; providing
15 conflict resolution; and developing educational and technical
16 materials. Technical assistance shall also include, but is
17 not limited to, the identification of funding and other
18 resources to aid in the implementation of drug use prevention,
19 dropout prevention, and youth development programs; the
20 identification of appropriate drug use prevention, dropout
21 prevention, and youth development program models; and
22 coordination in the delivery of state-level council services
23 with department of education staff providing staff support for
24 the council.

25 Sec. 34. NEW SECTION. 256.44 YOUTH 2000 COMMUNITY FUND.

26 A youth 2000 community fund is established in the office of
27 treasurer of state to provide grants to communities for the
28 purpose of providing technical assistance for the planning and
29 developing of collaborative drug use prevention, dropout
30 prevention, and youth development programs. The fund is
31 created as a separate fund in the state treasury, and moneys
32 deposited in the fund shall not revert to the general fund of
33 the state under section 8.33.

34 The state board of education shall adopt rules for the
35 awarding of grants by the youth 2000 coordinating council from

1 moneys deposited in the fund in accordance with sections
2 256.40 through 256.43.

3 Sec. 35. 1989 Iowa Acts, chapter 310, section 1,
4 subsections 4, 5, 6, and 7, are amended to read as follows:

5 4. There is appropriated from the fund created by section
6 8.41 to the Iowa department of public health, under Pub. L.
7 No. 100-690 for the federal fiscal year beginning October 1,
8 1989, the following amount:

9	\$ 1,970,000
10	<u>4,965,000</u>

11 Funds appropriated by this section provide for the alcohol
12 and drug abuse treatment and mental health services block
13 grant. The department shall expend the funds appropriated by
14 this section as provided in the federal law making the funds
15 available and in conformance with chapter 17A.

16 5. An amount not exceeding ~~five~~ four percent of the funds
17 appropriated in subsection 4 shall be used by the Iowa
18 department of public health for administrative expenses.

19 6. Ten percent of the funds appropriated in subsections 1
20 and 4 shall be used to provide alcohol and drug abuse services
21 to women and priority shall be given to pregnant women with
22 substance abuse problems.

23 7. After deducting the funds allocated in subsections 1,
24 2, 5, and 6, the remaining funds appropriated in subsections 1
25 and 4 shall be allocated according to the following
26 percentages to supplement appropriations for the following
27 programs within the Iowa department of public health:

28 a. Drug abuse treatment programs 38.89 percent

29 Of the amount appropriated under this paragraph, at least
30 ~~\$373,095~~ \$1,358,000 must be used for intravenous drug abusers
31 unless a waiver is granted from the federal government.

32 b. Alcohol abuse treatment programs 38.89 percent

33 c. Alcohol and drug abuse prevention
34 programs 22.22 percent

35 As a condition, limitation, and qualification of the funds

1 appropriated in paragraphs "a" and "b", \$490,000 shall be made
2 available May 1, 1990, to reduce substance abuse treatment
3 waiting lists with priority given to women and juveniles.
4 Effective July 1, 1990, existing services shall be maintained,
5 \$1,128,702 shall be used to reduce substance abuse treatment
6 waiting lists including increases in provider salaries, and
7 \$400,000 shall be used to provide aftercare services.

8 As a condition, limitation, and qualification of the funds
9 appropriated in paragraph "c", \$126,000 shall be made
10 available May 1, 1990, to fund no more than six additional
11 prevention specialists. Effective July 1, 1990, existing
12 services shall be maintained, \$200,000 shall be used to fund
13 no more than ten additional prevention specialists, and
14 \$250,698 shall be used to fund increases in provider salaries
15 and add additional prevention specialists.

16 EXPLANATION

17 This bill appropriates money from the general fund of the
18 state for purposes related to the areas of drug enforcement
19 and drug abuse prevention and treatment. Funds are
20 appropriated for the Iowa conservation and youth corps in the
21 department of economic development; for the youth 2000
22 coordinating council and for grants for staff training for
23 courses for first time offenders of domestic abuse in the
24 department of education; for the Ritalin study at the
25 university of Iowa; for the maternal and child health services
26 and the division of substance abuse in the Iowa department of
27 public health; for lab technicians, project D.A.R.E., and
28 additional narcotics agents in the department of public
29 safety; for reduction in court delays and an additional judge
30 in judicial election district 8B; and for the Iowa substance
31 abuse information center located in Cedar Rapids, establishing
32 a drug abuse warning network, and for an identification,
33 treatment, and education program for students whose mothers
34 were addicted to or using controlled substances while
35 pregnant. Lottery funds are also redistributed, from an

1 appropriation made for the 1989-1990 fiscal year to the drug
2 enforcement and abuse prevention coordinator.

3 The department of education is to conduct a survey and
4 assessment of existing education programs related to substance
5 abuse. Warning signs concerning the dangers of consuming
6 alcohol during pregnancy are to be placed on shelves of retail
7 establishments and located in bars and restaurants. An
8 addiction treatment effectiveness council is established to
9 review existing substance abuse treatment providers and to
10 determine the effectiveness of such providers. The council is
11 given authority to review and sanction certain providers based
12 upon the providers' effectiveness. A youth 2000 community
13 fund is established and intent language related to the purpose
14 of the fund is provided. Amendments to the 1989-1990 federal
15 block grant bill are included to reflect changes in funding
16 level and for the purpose of adding intent language as the
17 preference for use of those funds.

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HOUSE FILE 2564

H-5954

- 1 Amend House File 2564 as follows:
2 1. Page 1, by inserting after line 21 the fol-
3 lowing:
4 "As a condition, limitation, and qualification of
5 this appropriation, grants shall not exceed \$2,500 and
6 shall be awarded for collaborative efforts within the
7 community receiving the grant."
8 2. Page 20, by striking lines 27 and 28, and
9 inserting the following: "treasurer of state to
10 provide funding for contracting with a nonprofit
11 organization to provide technical assistance to
12 communities pursuant to section 256.43, and to provide
13 grants to communities for the planning and".

By BRAND of Benton

H-5954 FILED MARCH 29, 1990

ADOPTED (p. 1594)

HOUSE FILE 2564

H-5942

- A 1 Amend House File 2564 as follows:
2 1. Page 10, by striking lines 10 through 17.
3 2. By striking page 18, line 27, through page 19,
B 4 line 11.
5 3. By renumbering as necessary.

By PETERS of Woodbury

H-5942 FILED MARCH 29, 1990

DIVISION A - OUT OF ORDER, DIVISION B - ADOPTED (p. 1604)

HOUSE FILE 2564

H-5943

- 1 Amend House File 2564 as follows:
2 1. Page 6, line 4, by inserting after the word
3 "problems." the following: "The drug enforcement and
4 abuse prevention coordinator shall monitor the program
5 and receive reports required to be made concerning the
6 program. Persons responsible for the program shall
7 report to the drug enforcement and abuse prevention
8 coordinator concerning progress in establishing the
9 program and the expenditures made. The coordinator
10 shall provide such reports to the general assembly."
11 2. Page 6, by inserting after line 14, the
12 following:
13 "Persons responsible for the program shall
14 coordinate and encourage the involvement of other
15 programs and service providers within the community in
16 developing this program."

By ADAMS of Hamilton

H-5943 FILED MARCH 29, 1990

ADOPTED (p. 1598)

HOUSE FILE 2564

H-5947

- 1 Amend House File 2564 as follows:
- 2 1. Page 10, by striking lines 10 through 17.
- 3 2. By renumbering as necessary.

By FEY of Scott

H-5947 FILED MARCH 29, 1990

ADOPTED (p. 1548)

HOUSE FILE 2564

H-5948

- 1 Amend House File 2564 as follows:
- 2 1. Page 11, by inserting after line 17 the
- 3 following:
- 4 " . The majority leader of the senate shall
- 5 appoint two members from the membership of the senate
- 6 and the speaker of the house of representatives shall
- 7 appoint two members from the membership of the house
- 8 who shall be ex officio, nonvoting members of the
- 9 council."
- 10 2. Renumber and correct internal references as
- 11 necessary.

By ADAMS of Hamilton
McKINNEY of Dallas

H-5948 FILED MARCH 29, 1990

ADOPTED (as amended by 5974 3/29 (p. 1599))

HOUSE FILE 2564

H-5949

- 1 Amend House File 2564 as follows:
- 2 1. Page 19, line 11, by striking the word
- 3 "serious" and inserting the following: "simple".

By PETERS of Woodbury

H-5949 FILED MARCH 29, 1990

OUT OF ORDER (p. 1604)

HOUSE FILE 2564

H-5950

- 1 Amend House File 2564 as follows:
- 2 1. Title page, by striking lines 1 through 3, and
- 3 inserting the following: "An Act relating to making
- 4 appropriations for substance abuse treatment,
- 5 prevention, education, and enforcement programs,
- 6 establishing an evaluation mechanism for substance
- 7 abuse treatment programs, and providing civil
- 8 penalties."

By McKINNEY of Dallas

H-5950 FILED MARCH 29, 1990

ADOPTED (p. 1605)

HOUSE FILE 2564

H-5955

1 Amend House File 2564 as follows:

2 1. Page 3, line 26, by inserting after the figure
3 "125.15A" the following: ", and for not more than the
4 following full-time equivalent positions".

5 2. Page 3, by inserting after line 27, the
6 following:

7 "..... FTEs 1.50".

8 3. Page 3, by inserting after line 34, the
9 following:

10 "3. For the state board of pharmacy examiners for
11 establishing a drug abuse warning network and an Iowa
12 drug abuse monitoring system:

13 \$ 12,500

14 As a condition, limitation, and qualification of
15 this appropriation, the board of pharmacy examiners,
16 in cooperation with the drug enforcement and abuse
17 prevention coordinator, shall use the amount
18 appropriated in this subsection to match and obtain
19 available federal funds, the total amount of these
20 funds to be used for establishing a drug abuse warning
21 network and an Iowa drug abuse monitoring system."

22 4. Page 5, line 3, by inserting after the word
23 "agents" the following: "and additional support
24 personnel".

25 5. Page 5, line 15, by striking the words "drug
26 abuse" and inserting the following: "drug".

27 6. Page 5, by striking lines 20 through 27.

28 7. Page 7, by striking lines 2 through 19 and
29 inserting the following:

30 ~~"As a condition, limitation, and qualification of
31 this appropriation, the law enforcement officers to be
32 trained under this program shall be selected by the
33 Iowa narcotics enforcement advisory council in closed
34 session. The record of the closed session is exempt
35 from chapter 22. When the council has reached a
36 decision, it shall convene in open meeting and
37 announce such decision. No more than four law
38 enforcement officers participating in this training
39 shall be employed by law enforcement agencies located
40 in the same county. The training program shall be for
41 a period of one year and an officer participating in
42 this program shall perform, after receiving initial
43 instruction and training at the law enforcement
44 academy, duties as directed by the department of
45 public safety within the narcotics enforcement
46 division relating to the department's responsibility
47 for the enforcement of all laws and rules relating to
48 any controlled substance or counterfeit substance as
49 provided in sections 80-27 through 80-34."~~

50 8. Page 8, line 30, by inserting after the figure

H-5955

Page 2

1 "28E" the following: ", and public agencies which
2 have created multijurisdictional task forces,".
3 9. Page 9, line 1, by inserting after the words
4 "funding for" the following: "state and".
5 10. Page 9, by striking lines 4 through 6, and
6 inserting the following: "operations, funding to
7 initiate or continue project D.A.R.E. (drug abuse
8 resistance education) within local communities,
9 including training for local law enforcement
10 officials, and funding".
11 11. Page 9, by striking lines 10 and 11, and
12 inserting the following: "available through the
13 alcohol and drug abuse and mental health services
14 block grant for the federal fiscal year beginning
15 October 1, 1990, and ending September 30, 1991,".
16 12. Page 9, by inserting after line 18, the
17 following:
18 "It is also the intent of the general assembly that
19 of funds made available through the drug control and
20 system improvement grant program for the federal
21 fiscal year beginning October 1, 1990, and ending
22 September 30, 1991, priority shall be given, to the
23 extent possible, for funding applications made by
24 public agencies pursuant to chapter 28E, and public
25 agencies which have created multijurisdictional task
26 forces, for the purpose of cooperating jointly in
27 enforcement efforts related primarily to controlled
28 substances, for funding project D.A.R.E. (drug abuse
29 resistance education), for funding adult and juvenile
30 treatment programs, for funding drug enforcement
31 operations to be used for the purchase of illegal
32 substances in furtherance of these enforcement
33 operations, for funding for providing progressive
34 training to law enforcement personnel on all aspects
35 of drug control, for funding local prosecutors, for
36 funding efforts at reducing court delays, and for
37 funding the Iowa substance abuse information center
38 located in Cedar Rapids."
39 13. Page 9, by striking lines 20 through 25, and
40 inserting the following:
41 "The department of education shall survey all
42 school districts in the state for the purpose of
43 evaluating and assessing the extent to which substance
44 abuse education is being provided to students in
45 grades kindergarten through 12. The department shall
46 recognize successful programs and provide information
47 concerning such programs to other districts. The
48 department shall report the findings of its survey to
49 the general assembly no later than January 15, 1991.
50 Sec. ____."

H-5955

Page 3

1 14. Page 13, line 31, by striking the words "a
2 patient" and inserting the following: "patients".

3 15. Page 22, by inserting after line 15, the
4 following:

5 "Sec. ____ . 1989 Iowa Acts, chapter 310, section 4,
6 subsections 1 and 2, are amended to read as follows:

7 1. There is appropriated from the fund created in
8 section 8.41 to the ~~Iowa-department-of-public-health~~
9 office of the governor for the drug enforcement and
10 abuse prevention coordinator for the federal fiscal
11 year beginning October 1, 1989, the following amount:

12	\$	<u>7,553,000</u>
13		<u>4,860,000</u>

14 Funds appropriated by this subsection are the
15 anticipated funds to be received from the federal
16 government for the designated fiscal year under Pub.
17 L. No. 100-690 which provides for the drug control and
18 system improvement grant program. The department drug
19 enforcement and abuse prevention coordinator shall
20 expend the funds appropriated by this section as
21 provided in the federal law making the funds available
22 and in conformance with chapter 17A.

23 2. An amount not exceeding ten five percent of the
24 funds appropriated in subsection 1 shall be used by
25 the ~~Iowa-department-of-public-health~~ drug enforcement
26 and abuse prevention coordinator for administrative
27 expenses. From the funds set aside by this subsection
28 for administrative expenses, the ~~Iowa-department-of~~
29 public-health drug enforcement and abuse prevention
30 coordinator shall pay to the auditor of state an
31 amount sufficient to pay the cost of auditing the use
32 and administration of the state's portion of the funds
33 appropriated in subsection 1. The auditor of state
34 shall bill the ~~Iowa-department-of-public-health~~ drug
35 enforcement and abuse prevention coordinator for the
36 cost of the audit.

37 Sec. ____ . 1989 Iowa Acts, chapter 310, section 14,
38 subsection 1, is amended to read as follows:

39 1. If funds received from the federal government
40 in the form of block grants exceed the amounts
41 appropriated in sections ~~27-37-and-4~~ and 3, and
42 section 7, subsection 1 of this Act, the excess shall
43 be prorated to the appropriate programs according to
44 the percentages specified in those sections, except
45 additional funds shall not be prorated for
46 administrative expenses."

47 16. Renumber as necessary.

By MCKINNEY of Dallas

H-5955 FILED MARCH 29, 1990
ADOPTED (p 1598)

HOUSE FILE 2564

H-5974

- 1 Amend amendment H-5948, to House File 2564 as
2 follows:
3 1. Page 1, line 5, by inserting after the word
4 "members" the following: ", one member from each
5 political party,".
6 2. Page 1, line 7, by inserting after the word
7 "members" the following: ", one member from each
8 political party,".

By HALVORSON of Clayton

H-5974 FILED MARCH 29, 1990
ADOPTED BY UNANIMOUS CONSENT (p. 1599)

HOUSE FILE 2564

H-5977

- 1 Amend House File 2564 as follows:
2 1. Page 11, line 32, by striking the words "a
3 quorum may" and inserting the following: "the voting
4 members of the council is necessary to".

By PAVICH of Pottawattamie

H-5977 FILED MARCH 29, 1990
ADOPTED (p. 1604)

Dem. Approp. 3/30 Amend (5874) & No. Pass 4/3

HOUSE FILE 2564
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 7778YH)

(As Amended and Passed the House March 29, 1990)

Passed House, Date 4/8/90 (p. 2366) Passed Senate, Date 4/6/90 (p. 1628)

Vote: Ayes 92 Nays 0 Vote: Ayes 50 Nays 0

Approved May 7, 1990 Item Vetoed

*Repassed Senate a/w 6035
4/8/90 (p. 1737)
44-0*

A BILL FOR

1 An Act relating to making appropriations for substance abuse
2 treatment, prevention, education, and enforcement programs,
3 establishing an evaluation mechanism for substance abuse
4 treatment programs, and providing civil penalties.

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

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House Amendments _____
Deleted Language *

1 Section 1.

2 There is appropriated from the general fund of the state to
3 the department of economic development for the fiscal year
4 beginning July 1, 1990, and ending June 30, 1991, the
5 following amount, or so much thereof as is necessary, to be
6 used for the purpose designated:

7 For the Iowa conservation corps, and Iowa youth corps and
8 youth services administration:

9 \$ 100,000

10 Sec. 2.

11 There is appropriated from the general fund of the state to
12 the department of education to be deposited in the youth 2000
13 community fund established in section 256.44 for the fiscal
14 year beginning July 1, 1990, and ending June 30, 1991, the
15 following amount, or so much thereof as is necessary, to be
16 used for the purpose designated:

17 For the youth 2000 coordinating council for awarding
18 community planning grants for collaborative efforts to
19 establish local drug prevention and youth development programs
20 as provided in section 256.42, subsection 5:

21 \$ 80,000

22 As a condition, limitation, and qualification of this
23 appropriation, grants shall not exceed \$2,500 and shall be
24 awarded for collaborative efforts within the community
25 receiving the grant.

26 Sec. 3.

27 There is appropriated from the general fund of the state to
28 the department of education for the fiscal year beginning July
29 1, 1990, and ending June 30, 1991, the following amount, or so
30 much thereof as is necessary, to be used for the purpose
31 designated:

32 For providing grants to community colleges for training
33 staff to provide courses designed for first time domestic
34 abuse offenders:

35 \$ 22,000

1 As a condition, limitation, and qualification of this
2 appropriation, grants shall not exceed \$2,000 and shall be
3 awarded on a competitive basis pursuant to criteria
4 established by the department. Awards need not be made to all
5 community colleges. The department shall submit a report to
6 the justice system appropriations subcommittee and the
7 legislative fiscal bureau by December 1, 1990, which shall
8 identify each community college receiving a grant, the amount
9 of each grant, and a program description of each proposal for
10 which a grant is awarded.

11 Sec. 4.

12 There is appropriated from the general fund of the state to
13 the state board of regents for the fiscal year beginning July
14 1, 1990, and ending June 30, 1991, the following amount, or so
15 much thereof as is necessary, to be used for the purpose
16 designated:

17 For continuation of the study at the university of Iowa
18 approved by the legislative council on October 18, 1989,
19 relating to the possible expanded use of Ritalin, a legal
20 drug, in Iowa to high activity level (attention-deficit
21 hyperactivity disorder) classroom children:

22 \$ 5,000

23 Sec. 5.

24 There is appropriated from the general fund of the state to
25 the Iowa department of public health for the fiscal year
26 beginning July 1, 1990, and ending June 30, 1991, the
27 following amount, or so much thereof as is necessary, to be
28 used for the purpose designated:

29 For additional outreach services at existing centers
30 providing maternal and child health services to women and
31 children to decrease problems of pregnancy outcomes, to reduce
32 the incidence of low birth weights, and to assist children
33 with special health care needs:

34 \$ 25,000

35 As a condition, limitation, and qualification of this

1 appropriation, the funds appropriated shall be used for
2 brochures, pamphlets, public service announcements, or other
3 means of informing potential clients of available maternal and
4 child health services and eligibility criteria for obtaining
5 these services. The centers shall provide substance abuse
6 information and referral assistance to clients who have a
7 substance abuse problem. The effectiveness of this program
8 shall be evaluated after the end of the fiscal year ending
9 June 30, 1991, and a report shall be made to the general
10 assembly prior to the start of the next regular session of the
11 general assembly.

12 Sec. 6.

13 There is appropriated from the general fund of the state to
14 the Iowa department of public health for the fiscal year
15 beginning July 1, 1990, and ending June 30, 1991, the
16 following amount, or so much thereof as is necessary, to be
17 used for the purposes designated:

18 1. For the division of substance abuse for program grants:
19 \$ 1,633,000

20 As a condition, limitation, and qualification of this
21 appropriation, the division shall allocate this amount in a
22 manner which will effectively reduce, if not eliminate, the
23 waiting period which now exists at publicly funded substance
24 abuse treatment centers for individuals, including adults and
25 juveniles, awaiting assessment, outpatient treatment, entry
26 into a halfway house, and residential treatment, and which
27 will provide for increases in provider salaries.

28 2. For the division of substance abuse for the addiction
29 treatment effectiveness advisory council established pursuant
30 to section 125.15A, and for not more than the following full-
31 time equivalent positions:

32 \$ 250,000
33 FTEs 1.50

34 As a condition, limitation, and qualification of this
35 appropriation, the department shall implement sections 125.15A

1 through 125.15K. The department shall employ one additional
2 program investigator to be used for substance abuse program
3 review. As a further condition, limitation, and qualification
4 of this appropriation, the division shall provide staff
5 support to the advisory council as necessary.

6 3. For the state board of pharmacy examiners for
7 establishing a drug abuse warning network and an Iowa drug
8 abuse monitoring system:

9 \$ 12,500

10 As a condition, limitation, and qualification of this
11 appropriation, the board of pharmacy examiners, in cooperation
12 with the drug enforcement and abuse prevention coordinator,
13 shall use the amount appropriated in this subsection to match
14 and obtain available federal funds, the total amount of these
15 funds to be used for establishing a drug abuse warning network
16 and an Iowa drug abuse monitoring system.

17 Sec. 7.

18 There is appropriated from the general fund of the state to
19 the department of public safety for the fiscal year beginning
20 July 1, 1990, and ending June 30, 1991, the following amounts,
21 or so much thereof as is necessary, to be used for the
22 purposes designated:

23 1. For the division of criminal investigation and bureau
24 of identification for equipment and salaries and support for
25 the following additional full-time equivalent positions:

26 \$ 50,000
27 FTEs 4.00

28 As a condition, limitation, and qualification of this
29 appropriation, the division shall use the amount appropriated
30 in this subsection to match and obtain available federal
31 funds, the total amount of these funds to be used to employ an
32 additional 4 full-time lab technicians for the criminalistic
33 laboratory.

34 2. For use by the department to provide additional law
35 enforcement officials to initiate project D.A.R.E. (drug abuse

1 resistance education) within local communities:

2	\$	52,500
3	FTEs	4.00

4 As a condition, limitation, and qualification of this
 5 appropriation, the department shall use the amount
 6 appropriated in this subsection to match and obtain available
 7 federal funds, the total amount of these funds to be used to
 8 employ 4 additional members of the highway safety patrol to
 9 assist with the initiation of project D.A.R.E. within local
 10 communities.

11 3. For the division of narcotics for the salaries and
 12 support of up to the following additional full-time equivalent
 13 positions:

14	\$	150,000
15	FTEs	10.00

16 As a condition, limitation, and qualification of this
 17 appropriation, the department shall use the amount
 18 appropriated in this subsection to match and obtain available
 19 federal funds, the total amount of these funds to be used to
 20 employ up to an additional 10 full-time special agents and
 21 additional support personnel.

22 Sec. 8.

23 There is appropriated from the general fund of the state to
 24 the office of the governor for the drug enforcement and abuse
 25 prevention coordinator for the fiscal year beginning July 1,
 26 1990, and ending June 30, 1991, the following amounts, or so
 27 much thereof as is necessary, to be used for the purposes
 28 designated:

29 1. For the Iowa substance abuse information center located
 30 in Cedar Rapids:

31	\$	10,000
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32 As a condition, limitation, and qualification of this
 33 appropriation, the drug enforcement and abuse prevention
 34 coordinator shall use the amount appropriated in this
 35 subsection to match and obtain available federal funds, the

1 total amount of these funds to be used for the costs of the
2 information center.

*3 2. For planning and establishing a program of
4 identification, treatment, and education of students in grades
5 kindergarten through 3 in the Waterloo community school
6 district whose mothers were addicted to or using controlled
7 substances while pregnant:

8 \$ 150,000

9 As a condition, limitation, and qualification of this
10 appropriation, a pilot project shall be established for the
11 identification and education of elementary students whose
12 mothers were using controlled substances during pregnancy
13 resulting in the children experiencing special learning and
14 behavioral problems. The drug enforcement and abuse
15 prevention coordinator shall monitor the program and receive
16 reports required to be made concerning the program. Persons
17 responsible for the program shall report to the drug
18 enforcement and abuse prevention coordinator concerning
19 progress in establishing the program and the expenditures
20 made. The coordinator shall provide such reports to the
21 general assembly. The program shall include medical and
22 psychiatric research with the university of Iowa, educational
23 research with the university of northern Iowa, an educational
24 program for parents of the children including programs for
25 parents confined in a county jail or committed to the custody
26 of the director of the department of corrections, a child care
27 educational program to address the problems of parenting such
28 children, a program for the care and education of such
29 children before and after school, creation of a mentor program
30 with jobs and local businesses, a treatment program for
31 parents, and team teacher training.

32 Persons responsible for the program shall coordinate and
33 encourage the involvement of other programs and service
34 providers within the community in developing this program.

35 Sec. 9. 1989 Iowa Acts, chapter 225, section 6, is amended

1 to read as follows:

2 SEC. 6. Notwithstanding any other provisions of law, the
3 treasurer of state before making allotments of the moneys
4 within the Iowa plan fund pursuant to section 99E.32,
5 subsection 1, for the fiscal year beginning July 1, 1989,
6 shall transfer to the ~~Iowa narcotics enforcement advisory~~
7 ~~council~~ drug enforcement and abuse prevention coordinator, the
8 following amount, to be used for the purposes designated:

9 1. For the Iowa narcotics enforcement advisory council for
10 the administration of a drug enforcement training program for
11 local law enforcement officers, as defined in section 80B.3,
12 subsection 3, including, but not limited to, training for the
13 detection of gang and juvenile activity and the apprehension
14 of gang members and juvenile delinquents, subject to the
15 limitation that the council shall not pay for more than fifty
16 percent of the cost of training of any officer, including
17 salary and other benefits, with the remaining fifty percent to
18 be paid by the law enforcement officer's local jurisdiction
19 relating to all aspects of drug control:

20 \$ 300,000
21 197,000

22 As a condition, limitation, and qualification of this
23 appropriation, the law enforcement officers to be trained
24 under this program shall be selected by the Iowa narcotics
25 enforcement advisory council in closed session. The record of
26 the closed session is exempt from chapter 22. When the
27 council has reached a decision, it shall convene in open
28 meeting and announce such decision. No more than four law
29 enforcement officers participating in this training shall be
30 employed by law enforcement agencies located in the same
31 county. The training program shall be for a period of one
32 year and an officer participating in this program shall
33 perform, after receiving initial instruction and training at
34 the law enforcement academy, duties as directed by the
35 department of public safety within the narcotics enforcement

1 ~~division-relating-to-the-department's-responsibility-for-the~~
2 ~~enforcement-of-all-laws-and-rules-relating-to-any-controlled~~
3 ~~substance-or-counterfeit-substance-as-provided-in-sections~~
4 ~~80-27-through-80-34-~~

5 2. For administration of the governor's alliance on
6 substance abuse:
7 \$ 81,000

8 As a condition, limitation, and qualification of this
9 appropriation, the drug enforcement and abuse prevention
10 coordinator shall use the amount appropriated in this sub-
11 section to match and obtain available federal funds, the total
12 amount of these funds to be used for the costs of
13 administration.

14 3. For the Iowa substance abuse information center located
15 in Cedar Rapids:
16 \$ 22,000

17 As a condition, limitation, and qualification of this
18 appropriation, the drug enforcement and abuse prevention
19 coordinator shall use the amount appropriated in this
20 subsection to match and obtain available federal funds, the
21 total amount of these funds to be used for the costs of the
22 information center.

23 Sec. 10.

24 There is appropriated from the general fund of the state to
25 the judicial department for the fiscal year beginning July 1,
26 1990, and ending June 30, 1991, the following amounts, or so
27 much thereof as is necessary, to be used for the purposes
28 designated:

29 1. For salaries, support, maintenance, and technical
30 assistance for the purpose of reducing court delays:
31 \$ 25,000

32 As a condition, limitation, and qualification of this
33 appropriation, the judicial department, with the assistance of
34 the drug enforcement and abuse prevention coordinator, shall
35 use this amount to match and obtain available federal funds,

1 the total amount of these funds to be used for the purpose of
2 reducing court delays.

3 2. Notwithstanding section 602.6201, for an additional
4 judgeship to be established in judicial election district 8B
5 pursuant to House File 2045, as enacted by the Seventy-third
6 General Assembly, 1990 Session:

7 \$ 135,000

8 Sec. 11.

9 It is the intent of the general assembly that of the funds
10 anticipated to be received from the federal government by the
11 drug enforcement and abuse prevention coordinator for the
12 governor's alliance on substance abuse, the coordinator shall
13 give the highest priority for distribution of such funds to
14 applications made by public agencies which have contracted
15 with other public agencies pursuant to chapter 28E, and public
16 agencies which have created multijurisdictional task forces,
17 for the purpose of cooperating jointly in enforcement efforts
18 related primarily to controlled substances, counterfeit
19 substances, or simulated controlled substances.

20 The coordinator shall also give priority to providing
21 funding to the office of the attorney general for providing
22 grants for additional local prosecutors, funding for state and
23 local drug enforcement operations to be used for the purchase
24 of illegal substances in furtherance of these enforcement
25 operations, funding to initiate or continue project D.A.R.E.
26 (drug abuse resistance education) within local communities,
27 including training for local law enforcement officials, and
28 funding for the clearinghouse in Cedar Rapids.

29 Sec. 12.

30 It is the intent of the general assembly that of funds made
31 available through the alcohol and drug abuse and mental health
32 services block grant for the federal fiscal year beginning
33 October 1, 1990, and ending September 30, 1991, priority shall
34 be given to the extent possible, to providing additional
35 substance abuse prevention specialists, boosting provider

1 salaries, reducing substance abuse treatment waiting lists,
2 and providing aftercare for persons completing substance abuse
3 treatment, dual diagnosis, and for early identification and
4 intervention of children born afflicted with a substance
5 addiction.

6 It is also the intent of the general assembly that of funds
7 made available through the drug control and system improvement
8 grant program for the federal fiscal year beginning October 1,
9 1990, and ending September 30, 1991, priority shall be given,
10 to the extent possible, for funding applications made by
11 public agencies pursuant to chapter 28E, and public agencies
12 which have created multijurisdictional task forces, for the
13 purpose of cooperating jointly in enforcement efforts related
14 primarily to controlled substances, for funding project
15 D.A.R.E. (drug abuse resistance education), for funding adult
16 and juvenile treatment programs, for funding drug enforcement
17 operations to be used for the purchase of illegal substances
18 in furtherance of these enforcement operations, for funding
19 for providing progressive training to law enforcement
20 personnel on all aspects of drug control, for funding local
21 prosecutors, for funding efforts at reducing court delays, and
22 for funding the Iowa substance abuse information center
23 located in Cedar Rapids.

24 Sec. 13. DEPARTMENT OF EDUCATION -- SURVEY.

25 The department of education shall survey all school
26 districts in the state for the purpose of evaluating and
27 assessing the extent to which substance abuse education is
28 being provided to students in grades kindergarten through 12.
29 The department shall recognize successful programs and provide
30 information concerning such programs to other districts. The
31 department shall report the findings of its survey to the
32 general assembly no later than January 15, 1991.

33 Sec. 14.

34 The department shall also encourage the use of phase III
35 moneys for teachers who have completed drug awareness

1 training. Information shall be provided to school districts
2 regarding available training courses and the importance of
3 this training.

4 The department shall encourage schools to establish student
5 assistance teams and other drug abuse prevention groups to
6 provide support and help to students with substance abuse
7 problems and to provide support to other students who are not
8 yet substance abusers. Positive role models should be
9 established in an effort to deter increased substance abuse by
10 younger students and other students within the role models'
11 peer groups.

12 Sec. 15. RESEARCH DEVELOPMENT.

13 The general assembly encourages the development and
14 maintenance of research and information by the federal
15 government, research centers, and universities concerning
16 substance abuse and treatment of substance abusers in an
17 effort to determine the most effective method of treatment.

* 18 Sec. 16. NEW SECTION. 125.15A ADDICTION TREATMENT
19 EFFECTIVENESS ADVISORY COUNCIL -- MEMBERS.

20 1. An addiction treatment effectiveness advisory council
21 is established within the department, which consists of
22 fifteen members appointed by the governor to staggered terms
23 of six years beginning and ending as provided in section
24 69.19. The appointments are subject to senate confirmation.
25 The members of the council shall include the following:

26 a. Two physicians licensed in this state who have
27 substantial experience in substance abuse treatment and who
28 are certified by the association of specialists in addiction
29 medicine.

30 b. One registered nurse who has substantial experience in
31 substance abuse treatment.

32 c. Two certified substance abuse counselors. One
33 counselor shall represent private substance abuse treatment
34 providers and one shall represent public substance abuse
35 treatment providers.

1 d. Two directors of substance abuse treatment providers.
2 One director shall represent private substance abuse treatment
3 providers and one shall represent public substance abuse
4 treatment providers.

5 e. One person with a master's degree in social work.

6 f. Two actuaries.

7 g. Two representatives of the business community.

8 h. Three citizens of the state.

9 The appointments shall be based upon the training,
10 experience, and capacity of the appointees, and not based upon
11 political considerations, other than as provided in section
12 69.16. A member of the council shall not hold any other state
13 or federal office.

14 2. The director of public health or the director's
15 designee and the director of human services or the director's
16 designee shall be ex officio, nonvoting members of the
17 council.

18 3. The majority leader of the senate shall appoint two
19 members, one member from each political party, from the
20 membership of the senate and the speaker of the house of
21 representatives shall appoint two members, one member from
22 each political party, from the membership of the house who
23 shall be ex officio, nonvoting members of the council.

24 4. A vacancy on the council shall be filled for the
25 unexpired term in the same manner as the original appointment.

26 5. The voting members of the council shall be reimbursed
27 for actual and necessary travel and related expenses incurred
28 in the discharge of official duties. Each voting member of
29 the council may also be eligible to receive compensation as
30 provided in section 7E.6.

31 6. The council shall hold an organizational meeting within
32 thirty days of the beginning of a new regular term for one or
33 more of its members. The council shall organize by electing a
34 chairperson, vice chairperson, secretary, and any other
35 officers deemed necessary or desirable. The council shall

1 meet at least quarterly throughout the year.

2 7. A majority of the voting members of the council
3 constitutes a quorum, and a majority of the voting members of
4 the council is necessary to act in any matter within the
5 jurisdiction of the council, unless a more restrictive rule is
6 adopted by the council.

7 Sec. 17. NEW SECTION. 125.15B DUTIES OF COUNCIL.

8 Except as otherwise provided by law, the council shall:

9 1. Recommend policy and rule changes to the director
10 necessary to provide for the effective regulation and
11 assessment of treatment providers in this state and the
12 effective administration of this chapter.

13 2. Recommend to the director a contractor for the purpose
14 of data collection related to the evaluation of providers
15 subject to the provisions of this chapter and for the
16 collection of patient data.

17 3. Recommend to the director, after consultation with the
18 contractor selected for data collection, a standardized
19 reporting form to be used by providers for submitting the
20 patient information required under section 125.15C.

21 4. Receive and review the information contained in the
22 provider reports received by the department.

23 Sec. 18. REPORTING INFORMATION FOR YEAR BEGINNING JULY 1,
24 1990.

25 For the period beginning July 1, 1990, and ending June 30,
26 1991, the form to be used for the reporting required under
27 section 125.15C shall provide for the submission of
28 information related to all of the following:

29 1. Addiction-related symptoms of the patient within the
30 thirty-day period prior to admission.

31 2. Substances to which the person is addicted, or which
32 have been used on a daily basis during the thirty-day period
33 prior to admission.

34 3. Severe liver disease, heart disease, or renal disease
35 associated with use of substances to which the patient is

- 1 addicted, and which is active at the time of treatment.
- 2 4. Organic brain dysfunction evidenced by disorientation,
- 3 hallucinations, delusions, or illusions in the twenty-four
- 4 hour period prior to admission.
- 5 5. A suicide attempt within the thirty-day period prior to
- 6 treatment.
- 7 6. Two or more substance-related arrests in the five years
- 8 prior to treatment.
- 9 7. Symptomatic major psychosis at the time of admission.
- 10 8. Three or more treatment failures within the ten years
- 11 prior to the current treatment.
- 12 9. Age of the patient at the time of admission.
- 13 10. Other information deemed relevant by the advisory
- 14 council.

15 Rules to be adopted by the department pursuant to section
16 125.15C shall be effective July 1, 1991.

17 Sec. 19. NEW SECTION. 125.15C REQUIRED REPORTING.
 18 Unless otherwise provided, a substance abuse treatment
 19 provider, regardless of whether the provider is licensed by
 20 the commission on substance abuse, shall report to the
 21 department on forms provided by the department, information
 22 relating to all patients admitted to treatment and completing
 23 such treatment as required by department rule. The provider
 24 shall provide all information requested which is available to
 25 the treatment provider. The department, after consultation
 26 with the advisory council, shall adopt rules providing for the
 27 reporting form to be used and providing the information to be
 28 reported to the department and the advisory council.

29 Sec. 20. NEW SECTION. 125.15D DATA CONTRACTOR.
 30 The department, after consultation with the advisory
 31 council, shall contract with an independent data collector to
 32 survey substance abuse treatment providers required to report
 33 information under section 125.15C, and provide such
 34 information to the council.

35 Sec. 21. NEW SECTION. 125.15E MEASUREMENT STANDARDS.

1 1. Programs shall be reviewed as to effectiveness of
2 treatment based upon the following criteria:

3 a. Abstinence by patients treated under a program.

4 b. Arrest rate of patients treated under a program.

5 2. The department, after consultation with the advisory
6 council shall adopt rules providing for the definition of
7 abstinence.

8 Sec. 22. ABSTINENCE DEFINITION FOR YEAR BEGINNING JULY 1,
9 1990.

10 For the period beginning July 1, 1990, and ending June 30,
11 1991, for purposes of section 125.15E, "abstinence" means the
12 nonuse of any nonprescribed habituating drug or alcohol by a
13 patient during the year following discharge from a treatment
14 program. A patient is deemed to have abstained if the patient
15 uses a nonprescribed habituating drug or alcohol during no
16 more than any three days during the year following discharge.

17 Rules to be adopted by the department pursuant to section
18 125.15E shall be effective July 1, 1991.

19 Sec. 23. NEW SECTION. 125.15F TYPES OF PROGRAMS.

20 For purposes of review of substance abuse treatment
21 programs, all programs providing substance abuse treatment and
22 subject to the requirements of section 125.15A through
23 125.15K, shall be divided into class 1 and class 2 programs as
24 follows:

25 1. Class 1 programs are those programs where twenty-five
26 percent or more of all patients admitted to the program for
27 treatment suffer from severe addiction.

28 2. Class 2 programs are all other substance abuse
29 treatment programs which are not class 1 programs.

30 3. The department, after consultation with the advisory
31 council, shall adopt rules relating to the definition of class
32 1 and class 2 programs.

33 Sec. 24. PROGRAM CLASSES FOR THE YEAR BEGINNING JULY 1,
34 1990.

35 For the period beginning July 1, 1990, and ending June 30,

1 1991, class 1 programs are those programs where twenty-five
2 percent or more of all patients admitted to the program for
3 treatment suffer from severe addiction characterized by daily
4 substance use and withdrawal symptoms accompanied by two or
5 more of the following:

6 1. Addiction-related symptoms within the previous thirty
7 days prior to admission.

8 2. Addiction to two or more substances, or one substance
9 used parenterally on a daily basis in the previous thirty
10 days.

11 3. Severe substance-related liver disease, heart disease,
12 or renal disease which is active at the time of treatment.

13 4. Organic brain dysfunction with evidence of
14 disorientation, or hallucinations, or delusions, or illusions
15 in the twenty-four hours prior to admission.

16 5. A suicide attempt within thirty days prior to
17 applicable treatment.

18 6. A history of two or more substance-related arrests in
19 the previous five years.

20 7. Symptomatic major psychosis at the time of admission.

21 8. Three or more treatment failures in the last ten years.

22 9. Patients over sixty-five or under eighteen at the time
23 of admission.

24 Class 2 programs are all other substance abuse treatment
25 programs which are not class 1 programs.

26 Rules to be adopted by the department pursuant to section
27 125.15F shall be effective July 1, 1991.

28 Sec. 25. NEW SECTION. 125.15G REVIEW OF PROGRAMS.

29 1. A class 1 program which experiences an abstinence rate
30 of less than thirty percent or an arrest rate of more than
31 twenty percent, is subject to increased review as provided in
32 this section.

33 2. A class 2 program which experiences an abstinence rate
34 of less than forty percent or an arrest rate of more than ten
35 percent, is subject to increased review as provided in this

1 section.

2 3. A treatment program identified pursuant to subsection 1
3 or 2 shall be reviewed by the advisory council. Within thirty
4 days after the advisory council has concluded its review, the
5 advisory council shall provide recommendations for program
6 changes, if any, to the substance abuse treatment program, or
7 authorize other appropriate action to be taken pursuant to
8 this section.

9 4. If the advisory council recommends program changes, the
10 advisory council shall take no further action for one year
11 from the date the recommendations are made during which time
12 new patient data shall be collected for review. If the
13 provider's success rate, as measured by the data collected
14 pursuant to section 125.15C, fails to improve, the advisory
15 council shall authorize other appropriate action to be taken
16 pursuant to this section.

17 5. If the advisory council finds that a substance abuse
18 treatment provider has failed to attain the minimum success
19 rate as defined in this section and action by the advisory
20 council is not taken pursuant to subsection 4, the advisory
21 council may do any of the following:

22 a. Direct the director of public health to withhold
23 funding for the substance abuse treatment provider relating to
24 the substance abuse treatment programs of the provider or
25 direct the director to order the provider to cease providing
26 such treatment, or both.

27 b. Direct the director of human services to withhold
28 medical assistance funding relating to the substance abuse
29 treatment programs of the provider or direct the director to
30 order the provider to cease providing such treatment, or both.

31 c. Recommend to the appropriate licensing authority that
32 the license of the substance abuse treatment provider be
33 suspended or revoked relating to the substance abuse treatment
34 programs of the provider.

35 6. Notwithstanding subsections 3 through 5, the advisory

1 council may find that the program serves a particularly
2 difficult patient population and that the public health and
3 welfare would be furthered by continuing to fund the program.
4 In such a case, a new measurement standard shall be
5 established by the department, in consultation with the
6 advisory council, by rule for the program.

7 If the advisory council has acted pursuant to subsection 4,
8 the advisory council may extend such grace period for one
9 additional year and continue intensified review of the
10 program.

11 7. The advisory council shall periodically review the
12 minimum review standards as established in subsections 1 and 2
13 for all programs and make any recommendations to the general
14 assembly concerning appropriate adjustments.

15 Sec. 26. NEW SECTION. 125.15H CONFIDENTIALITY OF
16 INFORMATION.

17 1. Information received by the department contained in the
18 reports required pursuant to section 125.15C is subject to the
19 confidentiality provisions of sections 125.37 and 125.93.

20 However, a summary of data concerning a program which has
21 been sanctioned pursuant to section 125.15G, subsection 4 or
22 5, shall be made available, as appropriate, by the department.

23 2. Beginning July 1, 1993, to the extent permitted by
24 state and federal law, a summary of data concerning the
25 success of all substance abuse treatment programs shall be
26 made available by the department upon the request of any
27 interested person.

28 Sec. 27. NEW SECTION. 125.15I EXEMPLARY PROVIDERS --
29 PREFERENTIAL TREATMENT.

30 The department, in consultation with the advisory council,
31 shall adopt rules providing for the recognition of exemplary
32 substance abuse treatment programs which achieve an abstinence
33 and arrest rate which is in the top fifty percent of all
34 programs surveyed pursuant to section 125.15C.

35 Additionally, to the extent permitted by applicable state

1 and federal requirements relating to substance treatment
2 funding, the department shall preferentially consider such
3 exemplary substance abuse treatment providers in subsequent
4 funding grant applications.

5 Sec. 28. NEW SECTION. 125.15J FALSIFICATION OF REPORT
6 DATA.

7 A substance abuse treatment provider required to provide
8 information to the department pursuant to section 125.15C, who
9 intentionally falsifies any diagnosis of a patient admitted to
10 treatment to avoid review pursuant to section 125.15E, is
11 subject to a civil penalty of five thousand dollars per false
12 diagnosis, in addition to any other appropriate action which
13 may be taken by the department or the council. Such penalties
14 shall be collected by the department and deposited in the
15 general fund of the state.

16 Sec. 29. NEW SECTION. 125.15K PROGRAMS EXCLUDED --
17 PENALTY.

18 In addition to any other provider excluded by law, any
19 provider or facility which provides only detoxification,
20 screening, or assessment of persons is excluded from the
21 review and reporting requirements of sections 125.15A through
22 125.15J with respect to that patient as long as the patient is
23 subsequently referred to counseling or other substance abuse
24 treatment providers following detoxification.

25 Unless otherwise excluded, any person providing substance
26 abuse treatment is subject to the requirements of sections
27 125.15A through 125.15J. A provider who fails to comply with
28 these sections shall cease providing such services. Such
29 provider who continues to provide such services in violation
30 of this section is subject to a civil penalty of one thousand
31 dollars for each day the provider continues to provide such
32 services after notification by the department to cease such
33 treatment.

*34 Sec. 30. Section 249A.4, Code Supplement 1989, is amended
35 by adding the following new subsection:

1 NEW SUBSECTION. 13. Shall stop payments and withhold
2 further medical assistance payments for substance abuse
3 treatment as directed by the addiction treatment effectiveness
4 advisory council pursuant to section 125.15G.

5 Sec. 31. NEW SECTION. 256.43 STAFFING AND TECHNICAL
6 ASSISTANCE TO COUNCIL.

7 1. Staff support for the youth 2000 coordinating council
8 shall be provided by the department of education. Staff
9 duties shall include, but are not limited to, collecting,
10 collating, analyzing, and presenting necessary information,
11 data, and materials to the council; advising and assisting the
12 council in policy analysis and the development of council
13 recommendations; preparation of reports and other materials
14 necessary to accomplish the goals of the council; preparation
15 and dissemination of interagency, intergovernmental, and
16 public communications associated with the work of the council;
17 coordination of council activities with other policy analysis
18 and development activities carried on within the state; and
19 coordination in delivery of state-level council services with
20 department of education staff providing technical assistance
21 to the council under subsection 2.

22 2. The department of education shall contract with a
23 nonprofit organization to provide technical assistance to
24 communities. Technical assistance shall be structured to
25 provide direct services to Iowa communities which are
26 establishing community planning teams and to assist in the
27 development of collaborative drug use prevention, dropout
28 prevention, and youth development efforts.

29 Technical assistance to community planning teams shall
30 include, but is not limited to, providing professional advice
31 on youth development, drug use prevention, and other issues;
32 providing access to current research and information;
33 assisting community planning teams in identifying appropriate
34 team members; facilitating team building; assisting in the
35 development of strategic plans relating to community youth

1 issues; providing community development activities; providing
2 conflict resolution; and developing educational and technical
3 materials. Technical assistance shall also include, but is
4 not limited to, the identification of funding and other
5 resources to aid in the implementation of drug use prevention,
6 dropout prevention, and youth development programs; the
7 identification of appropriate drug use prevention, dropout
8 prevention, and youth development program models; and
9 coordination in the delivery of state-level council services
10 with department of education staff providing staff support for
11 the council.

12 Sec. 32. NEW SECTION. 256.44 YOUTH 2000 COMMUNITY FUND.

13 A youth 2000 community fund is established in the office of
14 treasurer of state to provide funding for contracting with a
15 nonprofit organization to provide technical assistance to
16 communities pursuant to section 256.43, and to provide grants
17 to communities for the planning and developing of
18 collaborative drug use prevention, dropout prevention, and
19 youth development programs. The fund is created as a separate
20 fund in the state treasury, and moneys deposited in the fund
21 shall not revert to the general fund of the state under
22 section 8.33.

23 The state board of education shall adopt rules for the
24 awarding of grants by the youth 2000 coordinating council from
25 moneys deposited in the fund in accordance with sections
26 256.40 through 256.43.

27 Sec. 33. 1989 Iowa Acts, chapter 310, section 1,
28 subsections 4, 5, 6, and 7, are amended to read as follows:

29 4. There is appropriated from the fund created by section
30 8.41 to the Iowa department of public health, under Pub. L.
31 No. 100-690 for the federal fiscal year beginning October 1,
32 1989, the following amount:

33	\$ 1,970,000
34		<u>4,965,000</u>

35 Funds appropriated by this section provide for the alcohol

1 and drug abuse treatment and mental health services block
2 grant. The department shall expend the funds appropriated by
3 this section as provided in the federal law making the funds
4 available and in conformance with chapter 17A.

5 5. An amount not exceeding ~~five~~ four percent of the funds
6 appropriated in subsection 4 shall be used by the Iowa
7 department of public health for administrative expenses.

8 6. Ten percent of the funds appropriated in subsections 1
9 and 4 shall be used to provide alcohol and drug abuse services
10 to women and priority shall be given to pregnant women with
11 substance abuse problems.

12 7. After deducting the funds allocated in subsections 1,
13 2, 5, and 6, the remaining funds appropriated in subsections 1
14 and 4 shall be allocated according to the following
15 percentages to supplement appropriations for the following
16 programs within the Iowa department of public health:

17 a. Drug abuse treatment programs 38.89 percent

18 Of the amount appropriated under this paragraph, at least
19 ~~\$373,095~~ \$1,358,000 must be used for intravenous drug abusers
20 unless a waiver is granted from the federal government.

21 b. Alcohol abuse treatment programs 38.89 percent

22 c. Alcohol and drug abuse prevention
23 programs 22.22 percent

24 As a condition, limitation, and qualification of the funds
25 appropriated in paragraphs "a" and "b", \$490,000 shall be made
26 available May 1, 1990, to reduce substance abuse treatment
27 waiting lists with priority given to women and juveniles.

28 Effective July 1, 1990, existing services shall be maintained,
29 \$1,128,702 shall be used to reduce substance abuse treatment
30 waiting lists including increases in provider salaries, and
31 \$400,000 shall be used to provide aftercare services.

32 As a condition, limitation, and qualification of the funds
33 appropriated in paragraph "c", \$126,000 shall be made
34 available May 1, 1990, to fund no more than six additional
35 prevention specialists. Effective July 1, 1990, existing

1 services shall be maintained, \$200,000 shall be used to fund
2 no more than ten additional prevention specialists, and
3 \$250,698 shall be used to fund increases in provider salaries
4 and add additional prevention specialists.

5 Sec. 34. 1989 Iowa Acts, chapter 310, section 4,
6 subsections 1 and 2, are amended to read as follows:

7 1. There is appropriated from the fund created in section
8 8.41 to the Iowa-department-of-public-health office of the
9 governor for the drug enforcement and abuse prevention
10 coordinator for the federal fiscal year beginning October 1,
11 1989, the following amount:

12	\$ 1,553,000
13	4,860,000

14 Funds appropriated by this subsection are the anticipated
15 funds to be received from the federal government for the
16 designated fiscal year under Pub. L. No. 100-690 which
17 provides for the drug control and system improvement grant
18 program. The department drug enforcement and abuse prevention
19 coordinator shall expend the funds appropriated by this
20 section as provided in the federal law making the funds
21 available and in conformance with chapter 17A.

22 2. An amount not exceeding ten five percent of the funds
23 appropriated in subsection 1 shall be used by the Iowa
24 department-of-public-health drug enforcement and abuse
25 prevention coordinator for administrative expenses. From the
26 funds set aside by this subsection for administrative
27 expenses, the Iowa-department-of-public-health drug
28 enforcement and abuse prevention coordinator shall pay to the
29 auditor of state an amount sufficient to pay the cost of
30 auditing the use and administration of the state's portion of
31 the funds appropriated in subsection 1. The auditor of state
32 shall bill the Iowa-department-of-public-health drug
33 enforcement and abuse prevention coordinator for the cost of
34 the audit.

35 Sec. 35. 1989 Iowa Acts, chapter 310, section 14,

1 subsection 1, is amended to read as follows:

2 1. If funds received from the federal government in the
3 form of block grants exceed the amounts appropriated in
4 sections ~~2, 3, and 4~~ and 3, and section 7, subsection 1 of
5 this Act, the excess shall be prorated to the appropriate
6 programs according to the percentages specified in those
7 sections, except additional funds shall not be prorated for
8 administrative expenses.

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HOUSE FILE 2564

S-5879

1 Amend House File 2564, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 1, through page 3,
 4 line 11.
 5 2. Page 3, line 19, by striking the figure
 6 "1,633,000" and inserting the following: "1,212,208".
 7 3. By striking page 3, line 26, through page 4,
 8 line 6, and inserting the following: "into a halfway
 9 house, and residential treatment.

10 As a further condition, limitation, and
 11 qualification of this appropriation, the division,
 12 when allocating this amount in a manner which will
 13 effectively reduce the waiting period, shall give
 14 priority to persons released or discharged from a
 15 facility under the direction of the department of
 16 corrections, pregnant women, and juveniles.

17 2. For the division of substance abuse for
 18 providing aftercare services for persons completing
 19 substance abuse treatment:

20 \$ 500,000

21 3. For the division of substance abuse for
 22 providing substance abuse prevention programs:

23 \$ 300,000

24 4. For providing funding to existing community
 25 health agencies in Des Moines and Waterloo providing
 26 treatment and outreach services:

27 \$ 200,000

28 5. For the council on chemically exposed infants
 29 established pursuant to section 235C.1:

30 \$ 50,000

31 6. For planning and establishing a program of
 32 identification, treatment, and education of students
 33 in grades kindergarten through 3 in the Waterloo
 34 community school district whose mothers were addicted
 35 to or using controlled substances while pregnant:

36 \$ 100,000

37 As a condition, limitation, and qualification of
 38 this appropriation, a pilot project shall be
 39 established for the identification and education of
 40 elementary students whose mothers were using
 41 controlled substances during pregnancy resulting in
 42 the children experiencing special learning and
 43 behavioral problems. The drug enforcement and abuse
 44 prevention coordinator shall monitor the program and
 45 receive reports required to be made concerning the
 46 program. Persons responsible for the program shall
 47 report to the drug enforcement and abuse prevention
 48 coordinator concerning progress in establishing the
 49 program and the expenditures made. The coordinator
 50 shall provide such reports to the general assembly.

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1 The program shall include medical and psychiatric
 2 research with the university of Iowa, educational
 3 research with the university of northern Iowa, an
 4 educational program for parents of the children
 5 including programs for parents confined in a county
 6 jail or committed to the custody of the director of
 7 the department of corrections, a child care
 8 educational program to address the problems of
 9 parenting such children, a program for the care and
 10 education of such children before and after school,
 11 creation of a mentor program with jobs and local
 12 businesses, a treatment program for parents, and team
 13 teacher training.

14 Persons responsible for the program shall
 15 coordinate and encourage the involvement of other
 16 programs and service providers within the community in
 17 developing this program.

18 7. For the state board of pharmacy examiners for".

19 4. Page 4, line 26, by striking the figure
 20 "50,000" and inserting the following: "31,792".

21 5. By striking page 4, line 34, through page 5,
 22 line 15, and inserting the following:

23 "2. For the division of narcotics for the salaries
 24 and support of additional full-time equivalent
 25 positions:

26 \$ 75,000".

27 6. Page 5, line 20, by striking the words "up to
 28 an additional 10 full-time" and inserting the
 29 following: "additional".

30 7. Page 5, by inserting after line 21, the
 31 following:

32 "3. For the division of narcotics for funding drug
 33 enforcement operations to be used for the purchase of
 34 illegal substances in furtherance of these enforcement
 35 operations:

36 \$ 150,000

37 Sec. _____.

38 There is appropriated from the road use tax fund to
 39 the department of public safety for the fiscal year
 40 beginning July 1, 1990, and ending June 30, 1991, the
 41 following amount, or so much thereof as is necessary,
 42 to be used for the following purpose:

43 For use by the department to provide additional law
 44 enforcement officials to initiate project D.A.R.E.
 45 (drug abuse resistance education) within local
 46 communities, and for not more than the following full-
 47 time equivalent positions:

48 \$ 52,500
 49FTEs 4.00

50 As a condition, limitation, and qualification of

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1 this appropriation, the department shall use the
2 amount appropriated in this subsection to match and
3 obtain available federal funds, the total amount of
4 these funds to be used to employ 4 additional members
5 of the highway safety patrol to assist with the
6 initiation of project D.A.R.E. within local
7 communities."

8 8. Page 5, line 29, by striking the figure "1."

9 9. Page 5, line 31, by striking the figure
10 "10,000" and inserting the following: "59,000".

11 10. Page 6, by striking lines 3 through 34.

12 11. Page 8, by striking lines 5 through 22, and
13 inserting the following:

14 "2. For the prosecuting attorney training program:
15 \$ 100,000

16 3. For reimbursement payments to law enforcement
17 officers under the guaranteed loan payment program
18 pursuant to section 261.51, if enacted by the Seventy-
19 third General Assembly, 1990 Session:

20 \$ 50,000".

21 12. By striking page 8, line 29 through page 9,
22 line 3, and inserting the following:

23 "Notwithstanding section 602.6201, for an
24 additional".

25 13. By striking page 9, line 34, through page 10,
26 line 23, and inserting the following: "be given to
27 the extent possible, to reducing substance abuse
28 waiting lists, providing aftercare for persons
29 completing substance abuse treatment, providing
30 additional substance abuse prevention specialists,
31 dual diagnosis, and for early identification and
32 intervention of children born afflicted with a
33 substance addiction. Of the funds used for reducing
34 substance abuse waiting lists, priority shall be given
35 to persons released or discharged from a facility
36 under the direction of the department of corrections,
37 pregnant women, and juveniles."

38 14. By striking page 11, line 18, through page
39 21, line 26, and inserting the following:

40 "Sec. ____ . ADVISORY COUNCIL ESTABLISHED.
41 The legislative council shall establish an advisory
42 council to recommend policy changes and proposed
43 legislation intended to provide for the effective
44 regulation and assessment of substance abuse treatment
45 providers in this state. The advisory council shall
46 make recommendations concerning the factors to be
47 considered in evaluating treatment programs and
48 methods of data collection for this purpose. The
49 council shall report its findings and recommendations
50 to the general assembly no later than December 15,

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1 1990.

2 Sec. ____ . Section 232.73, Code 1989, is amended to
3 read as follows:

4 232.73 IMMUNITY FROM LIABILITY.

5 A person participating in good faith in the making
6 of a report, or photographs, or X rays, or in the
7 performance of a medically relevant test pursuant to
8 this chapter, or aiding and assisting in an
9 investigation of a child abuse report pursuant to
10 section 232.71, shall have immunity from any
11 liability, civil or criminal, which might otherwise be
12 incurred or imposed. The person shall have the same
13 immunity with respect to participation in good faith
14 in any judicial proceeding resulting from the report
15 or relating to the subject matter of the report.

16 As used in this section and section 232.77,
17 "medically relevant test" means a test that produces
18 reliable results of exposure to cocaine, heroin,
19 amphetamine, methamphetamine, or other illegal drugs,
20 or combinations or derivatives thereof, including a
21 drug urine screen test.

22 Sec. ____ . Section 232.77, Code 1989, is amended to
23 read as follows:

24 232.77 PHOTOGRAPHS AND, X RAYS, AND MEDICALLY
25 RELEVANT TESTS.

26 1. Any person who is required to report a case of
27 child abuse may take or cause to be taken, at public
28 expense, photographs or X rays of the areas of trauma
29 visible on a child. Any health practitioner may, if
30 medically indicated, cause to be performed
31 radiological examination of the child. Any person who
32 takes any photographs or X rays pursuant to this
33 section shall notify the department of human services
34 that such photographs or X rays have been taken, and
35 shall retain such photographs or X rays for a
36 reasonable time thereafter. Whenever such person is
37 required to report under section 232.69, in that
38 person's capacity as a member of the staff of a
39 medical or other private or public institution, agency
40 or facility, that person shall immediately notify the
41 person in charge of such institution, agency, or
42 facility or that person's designated delegate of the
43 need for photographs or X rays.

44 2. If a health practitioner discovers in a child
45 under one year of age physical or behavioral symptoms
46 of the effects of exposure to cocaine, heroin,
47 amphetamine, methamphetamine, or other illegal drugs,
48 or combinations or derivatives thereof, which were not
49 prescribed by a health practitioner, or if the health
50 practitioner has determined through examination of the

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1 natural mother of the child that the child was exposed
2 in utero, the health practitioner may perform or cause
3 to be performed a medically relevant test, as defined
4 in section 232.73, on the child. The practitioner
5 shall report any positive results of such a test on
6 the child to the department, unless the natural mother
7 has shown good faith in seeking appropriate care and
8 treatment. The department shall begin an
9 investigation pursuant to section 232.71 upon receipt
10 of such a report. The positive result shall
11 constitute a showing of probable cause under section
12 232.71, subsection 3, but shall not be used in any
13 criminal prosecution of the natural mother of the
14 child, and shall not represent grounds for a
15 determination of child abuse.

16 Sec. ____ . NEW SECTION. 235C.1 COUNCIL CREATED --
17 PURPOSE.

18 A council on chemically exposed infants is
19 established as a subcommittee of the committee on
20 maternal and child health of the community health
21 division of the Iowa department of public health. The
22 purpose of the council is to help the state develop
23 and implement policies to reduce the likelihood that
24 infants will be born chemically exposed, and to assist
25 those who are born chemically exposed to grow and
26 develop in a safe environment.

27 As used in this chapter, a "chemically exposed
28 infant" is an infant who shows evidence of exposure to
29 or the presence of alcohol, cocaine, heroin,
30 amphetamine, methamphetamine, or other illegal drugs
31 or combinations or derivatives thereof which were not
32 prescribed by a health practitioner.

33 Sec. ____ . NEW SECTION. 235C.2 MEMBERSHIP.

34 The council on chemically exposed infants shall be
35 composed of the following members:

36 1. Two members of the Iowa department of public
37 health selected by the director of the Iowa department
38 of public health, one from the division of substance
39 abuse and one from the division of family and
40 community health.

41 2. The director of the department of human
42 services or the director's designee.

43 3. The department coordinator of the department of
44 human rights or the coordinator's designee.

45 4. The director of the department of education or
46 the director's designee.

47 5. The chairperson of the state maternal and child
48 health advisory council or the chairperson's designee.

49 6. A physician selected by the board of the Iowa
50 medical society with expertise in the care of the

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1 mother and a physician selected by the board of the
2 Iowa medical society with expertise in the care of the
3 infant.

4 7. A hospital administrator selected by the board
5 of the Iowa hospital association.

6 8. A representative from a community health center
7 located in Iowa selected by the Iowa/Nebraska primary
8 care association.

9 9. A representative from a maternal and child
10 health center selected by the governor.

11 10. A representative from a substance abuse
12 treatment program, selected by the governor.

13 11. Two legislators, designated by the legislative
14 council.

15 12. Two citizen members, selected by the governor.

16 13. A representative from the governor's alliance
17 on substance abuse selected by the alliance.

18 14. A representative from the university of Iowa
19 medical school selected by the director of the medical
20 school.

21 15. A representative from a community-based
22 substance abuse prevention program, selected by the
23 governor.

24 16. A representative from the juvenile court,
25 selected by the chief justice of the Iowa supreme
26 court.

27 17. An attorney who practices in the area of
28 juvenile law, selected by the Iowa state bar
29 association.

30 The council shall be staffed by the Iowa department
31 of public health. The council shall elect its own
32 chairperson.

33 Sec. ____ . NEW SECTION. 235C.3 COUNCIL DUTIES.

34 The council shall be responsible for the following
35 activities:

36 1. DATA COLLECTION. The council shall assemble
37 relevant materials regarding the extent to which
38 infants born in Iowa are chemically exposed, the
39 services currently available to meet the needs of
40 infants born who are chemically exposed, and the costs
41 incurred in caring for infants born who are chemically
42 exposed, including both costs borne directly by the
43 state and costs borne by society.

44 2. PREVENTION AND EDUCATION. The council, after
45 reviewing education and prevention programs employed
46 in Iowa and in other states, shall develop a state
47 prevention and education campaign, including the
48 following components:

49 a. A broad-based public education campaign
50 outlining the dangers inherent in substance use during

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1 pregnancy.

2 b. A health professional training campaign
3 providing assistance in the identification of women at
4 risk of substance abuse during pregnancy and
5 strategies to be employed in assisting those women to
6 maintain healthy lifestyles during pregnancy.
7 Included in this education campaign shall be
8 guidelines to health professionals offering
9 information on assessment, laboratory testing,
10 medication use, and referrals.

11 c. A targeted public education campaign directed
12 toward high-risk populations.

13 d. A technical assistance program for developing
14 support programs to identified high-risk populations,
15 including pregnant women who previously have given
16 birth to chemically exposed infants or currently are
17 using substances dangerous to the health of the fetus.

18 e. An education program for use within the school
19 system, including training materials for school
20 personnel to assist those personnel in identification,
21 care, and referral.

22 3. IDENTIFICATION. The council shall develop
23 recommendations regarding state programs or policies
24 to increase the identification of chemically exposed
25 infants.

26 4. TREATMENT SERVICES. The council shall seek to
27 improve effective treatment services within the state
28 for chemically exposed infants. As part of this
29 responsibility, the council shall:

30 a. Serve as a clearinghouse for information on
31 treatment program efforts and their effectiveness in
32 helping chemically exposed infants and their families,
33 and the conditions under which, and families for
34 which, these programs are most likely to be effective.

35 b. Identify programs available within the state
36 for serving chemically exposed infants and their
37 families.

38 c. Recommended ways to enhance funding for
39 effective treatment programs, including the use of
40 state health care programs and services under the
41 medical assistance program and the maternal and child
42 health programs.

43 d. Identify means to serve children who were
44 chemically exposed infants when the children enter the
45 school system.

46 5. CARE AND PLACEMENT. The council shall work
47 with the department of human services to expand
48 appropriate placement options for chemically exposed
49 infants who have been abandoned by their parents or
50 cannot safely be returned home. As part of this

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1 responsibility, the council shall do all of the
2 following:

3 a. Assist the department of human services in
4 developing rules to establish specialized foster care
5 services that can attract foster parents to care for
6 chemically exposed infants.

7 b. Identify additional services, such as
8 therapeutic day care services, that may be needed to
9 effectively care for chemically exposed infants.

10 c. Review the need for residential programs
11 designed to meet the needs of chemically exposed
12 infants.

13 6. AWARDS OF GRANTS AND DEVELOPMENT OF PILOT
14 PROGRAMS. From funds appropriated for this purpose,
15 the council shall award grants or develop pilot
16 programs to achieve the purposes of the council.

17 7. ANNUAL REPORT. The council shall annually
18 report to the governor and members of the general
19 assembly on the progress it has made toward meeting
20 its responsibilities.

21 The council shall meet at least twice annually, and
22 may establish such subcommittees and task forces as
23 are necessary to achieve its purpose.

24 8. CONFIDENTIALITY OF INFORMATION. Data collected
25 pursuant to this chapter shall be confidential to the
26 extent necessary to protect the identity of persons
27 who are the subjects of the data collection."

28 15. Page 21, by inserting before line 27, the
29 following:

30 "Sec. 101. ALCOHOL AND DRUG ABUSE AND MENTAL
31 HEALTH SERVICES APPROPRIATION.

32 1. There is appropriated from the fund created by
33 section 8.41 to the Iowa department of public health
34 for the federal fiscal year beginning October 1, 1990,
35 the following amount:

36 \$ 7,804,000

37 Funds appropriated by this section are the
38 anticipated funds to be received from the federal
39 government for the designated federal fiscal year
40 under Pub. L. No. 97-35, Title IX, Subtitle A, and
41 Pub. L. No. 97-414 which provides for the alcohol and
42 drug abuse and mental health services block grant.
43 The department shall expend the funds appropriated by
44 this section as provided in the federal law making the
45 funds available and in conformance with chapter 17A.

46 Of the funds appropriated in this section, an
47 amount not exceeding \$33,133 shall be used for audits.
48 The auditor of state shall bill the Iowa department of
49 public health for the cost of the audits.

50 The Iowa department of public health shall pay to

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1 the auditor of state an amount sufficient to pay the
 2 cost of auditing the use and administration of the
 3 state's portion of the funds appropriated in this
 4 subsection from funds appropriated to the department
 5 from the general fund of the state, in addition to the
 6 amount to be used for audits as provided in this
 7 subsection. The auditor of state shall bill the Iowa
 8 department of public health for the costs of the
 9 audit.

10 | 2. 10 percent of the remaining funds, as allowed
 11 pursuant to Pub. L. No. 97-35, Title IX, Subtitle A,
 12 and which are appropriated in subsection 1 shall be
 13 transferred to the division of mental health, mental
 14 retardation, and developmental disabilities within the
 15 department of human services and allocated for
 16 community mental health centers with priority being
 17 given to dual diagnosis. Of this amount, 10 percent
 18 shall be used to provide services and programs for
 19 severely emotionally disturbed children and
 20 adolescents, and 55 percent shall be used to develop
 21 and provide community mental health services and
 22 programs not available on October 1, 1988. New
 23 services developed between October 1, 1984, and
 24 October 1, 1988, with alcohol, drug abuse, and mental
 25 health services block grant funds may be treated as
 26 new services.

27 3. An amount not exceeding 5 percent of the funds
 28 in excess of \$2,839,000 appropriated in subsection 1
 29 shall be used by the Iowa department of public health
 30 for administrative expenses.

31 4. 10 percent of the funds appropriated in
 32 subsection 1 shall be used to provide alcohol and drug
 33 abuse services to women.

34 5. After deducting the funds allocated in
 35 subsections 1, 2, 3, and 4, the remaining funds
 36 appropriated in subsection 1 shall be allocated
 37 according to the following percentages to supplement
 38 appropriations for the following programs within the
 39 Iowa department of public health:

- 40 a. Drug abuse treatment programs 38.89 percent
- 41 Of the amount appropriated under this paragraph, at
- 42 least \$1,358,000 must be used for intravenous drug
- 43 abusers unless a waiver is granted from the federal
- 44 government.
- 45 b. Alcohol abuse treatment programs 38.89 percent
- 46 c. Alcohol and drug abuse prevention
- 47 programs 22.22 percent

48 As a condition, limitation, and qualification of
 49 the appropriation in this section, and the allocations
 50 in subsection 5, paragraphs "a" and "b", priority

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1 shall be given to maintaining existing services,
2 reducing the treatment waiting lists, including
3 increasing provider salaries, providing aftercare
4 services, and providing early intervention in the
5 treatment of infants affected by cocaine.

6 As a condition, limitation, and qualification of
7 the appropriation in this section, and the allocations
8 in subsection 5, paragraph "c", priority shall be
9 given to maintaining existing services, funding
10 additional prevention specialists, and increasing
11 provider salaries.

12 Sec. 102. DRUG CONTROL AND SYSTEM IMPROVEMENT
13 GRANT PROGRAM APPROPRIATION.

14 1. There is appropriated from the fund created in
15 section 8.41 to the governor's substance abuse
16 coordinator for the federal fiscal year beginning
17 October 1, 1990, the following amount:

18 \$ 4,860,000

19 Funds appropriated by this subsection are the
20 anticipated funds to be received from the federal
21 government for the designated fiscal year under Pub.
22 L. No. 100-690 which provides for the drug control and
23 system improvement grant program. The coordinator
24 shall expend the funds appropriated by this subsection
25 as provided in the federal law making the funds
26 available and in conformance with chapter 17A.

27 2. An amount not exceeding 5 percent of the funds
28 appropriated in subsection 1 shall be used by the
29 governor's substance abuse coordinator for
30 administrative expenses. From the funds set aside by
31 this subsection for administrative expenses, the
32 coordinator shall pay to the auditor of state an
33 amount sufficient to pay the cost of auditing the use
34 and administration of the state's portion of the funds
35 appropriated in subsection 1. The auditor of state
36 shall bill the governor's substance abuse coordinator
37 for the cost of the audit.

38 Sec. ____ . PROCEDURE FOR REDUCED FEDERAL FUNDS.

39 1. If the funds received from the federal government for the
40 block grants specified in sections 101 and 102 of this
41 Act are less than the amounts appropriated, the funds
42 actually received shall be prorated by the governor
43 for the various programs, for which each block grant
44 is available according to the percentages that each
45 program is to receive as specified in this Act.
46 However, if the governor determines that the funds
47 allocated by the percentages will not be sufficient to
48 effect the purposes of a particular program, or if the
49 appropriation is not allocated by percentage, the
50 governor may allocate the funds in a manner which will

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effect, to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of subcommittees of those committees, and the director of the legislative fiscal bureau shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons notified shall be allowed at least 2 weeks to review and comment on the proposed action before the action is taken.

Sec. . PROCEDURE FOR INCREASED FEDERAL FUNDS.

If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 101 and 102 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

Sec. . PROCEDURE FOR CONSOLIDATED, CATEGORICAL, OR EXPANDED FEDERAL BLOCK GRANTS.

Notwithstanding section 8.41, federal funds made available to the state which are authorized for the federal fiscal year beginning October 1, 1990, resulting from the federal government consolidating former categorical grants into block grants, or which expand block grants included in Pub. L. No. 97-35, to include additional programs formerly funded by categorical grants, which are not otherwise appropriated by the general assembly, are appropriated for the programs formerly receiving the categorical grants, subject to the conditions of this section. The governor shall, whenever possible, allocate from the block grant to each program in the same proportion as the amount of federal funds received by the program during the 1990 federal fiscal year as modified by the 1990 Session of the Seventy-third Iowa General Assembly for the state fiscal year beginning July 1, 1990, compared to the total federal funds received in the federal fiscal year by all programs consolidated into the block grant. However, if one agency did not

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1 have categorical funds appropriated for the federal
2 fiscal year beginning October 1, 1989, but had
3 anticipated applying for funds during the federal
4 fiscal year beginning October 1, 1990, the governor
5 may allocate the funds in order to provide funding.
6 If the amount received in the form of a
7 consolidated or expanded block grant is less than the
8 total amount of federal funds received for the
9 programs in the form of categorical grants for the
10 1990 federal fiscal year, state funds appropriated to
11 the program by the general assembly to match the
12 federal funds shall be reduced by the same proportion
13 of the reduction in federal funds for the program.
14 State funds released by the reduction shall be
15 deposited in a special fund in the state treasury and
16 are available for appropriation by the general
17 assembly. The governor shall notify the chairpersons
18 and ranking members of the senate and house standing
19 committees on appropriations, the appropriate
20 chairpersons and ranking members of the subcommittees
21 of those committees, and the director of the
22 legislative fiscal bureau before making the allocation
23 of federal funds or any proportional reduction of
24 state funds under this section. The notice shall
25 state the amount of federal funds to be allocated to
26 each program, the amount of federal funds received by
27 the program during the 1990 federal fiscal year, the
28 amount by which state funds for the program will be
29 reduced according to this section, and the amount of
30 state funds received by the program during the 1990
31 fiscal year. Chairpersons notified shall be allowed
32 at least 2 weeks to review and comment on the proposed
33 action before the action is taken.

34 If the amount received in the form of a
35 consolidated or expanded block grant is more than the
36 total amount of federal funds received for the
37 programs in the form of categorical grants for the
38 1990 federal fiscal year, the excess funds shall be
39 deposited in the special fund created in section 8.41
40 and are subject to the provisions of that section.

41 Sec. ____ IOWA DEPARTMENT OF PUBLIC HEALTH.

42 There is appropriated from the federal grants,
43 receipts, and funds and other nonstate grants,
44 receipts, and funds, available in whole or in part for
45 the fiscal year beginning July 1, 1990, and ending
46 June 30, 1991, to the Iowa department of public
47 health, the following amounts, to be used for the
48 purposes designated:

49 1. For drug free schools and comprehensive
50 prevention services, to high-risk youth, grant number

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1 S186A90067:

2 \$ 1,346,000

3 2. For the drug abuse treatment waiting list
4 reduction grant program, grant number ADH000020-01:

5 \$ 279,647

6 It is the intent of the general assembly that of
7 the funds appropriated in this subsection, priority
8 shall be given to the extent possible, for the youth
9 2000 coordinating council for awarding community
10 planning grants for collaborative efforts to establish
11 local drug prevention and youth development programs
12 as provided in section 256.42, subsection 5.

13 Sec. ____ . DEPARTMENT OF EDUCATION.

14 There is appropriated from federal grants,
15 receipts, and funds, available in whole or in part for
16 the fiscal year beginning July 1, 1990, and ending
17 June 30, 1991, to the department of education, the
18 following amount, to be used for the purposes
19 designated:

20 \$ 3,500,000

21 It is the intent of the general assembly that of
22 the funds appropriated in this section and provided to
23 school districts, priority shall be given to the
24 extent possible, to providing funding for curriculum
25 development and training, implementation of human
26 growth and development curriculum, staff training, and
27 other related programs. It is also the intent of the
28 general assembly that to the extent possible, funds
29 provided to the school districts by this section be
30 used for projects with demonstrated success. The
31 department shall collect program evaluations and
32 assess the effectiveness of programs related to
33 controlled substances and provide the results of such
34 assessment to schools making application for these
35 funds. The department shall monitor school district
36 programs and report to the general assembly by
37 December of each year concerning the impact of the
38 programs funded with these funds."

39 16. Page 22, by striking lines 27 through 31, and
40 inserting the following: "waiting lists with priority
41 to be given to persons released or discharged from a
42 facility under the direction of the department of
43 corrections, pregnant women, and juveniles. Effective
44 July 1, 1990, existing services shall be maintained,
45 \$1,528,702 shall be used to reduce substance abuse
46 treatment waiting lists with priority to be given to
47 persons released or discharged from a facility under
48 the direction of the department of corrections,
49 pregnant women, and juveniles."

50 17. Page 23, line 1, by striking the figure

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1 "200,000" and inserting the following: "450,698".
2 18. Page 23, by striking lines 2 through 4, and
3 inserting the following: "additional prevention
4 specialists.
5 As an additional condition, limitation, and
6 qualification of the funds appropriated in this
7 section, the department shall evaluate and determine
8 the variations in per service hour costs for all state
9 and federally funded substance abuse prevention
10 providers providing services in the state. The
11 results of this study shall be submitted to the
12 general assembly no later than November 1, 1990."
13 19. Page 23, by inserting after line 34, the
14 following:
15 "Sec. ____ . 1989 Iowa Acts, chapter 310, section 4,
16 is amended by adding the following new subsections:
17 NEW SUBSECTION. 4. Priority shall be given, to
18 the extent possible, to programs which accomplish any
19 of the following:
20 a. Expand analysis capabilities at the state
21 criminalistics laboratory.
22 b. The formation of multijurisdictional task
23 forces, created for the purpose of cooperating jointly
24 in enforcement efforts related primarily to controlled
25 substances, counterfeit substances, or simulated
26 controlled substances.
27 c. Expand prosecutorial capabilities at the county
28 and state level for drug-related offenses.
29 d. Establish or continue training programs for law
30 enforcement officers, prosecutors, judges, probation
31 officers, correctional officers, staff working with
32 juvenile offenders, substance abuse prevention and
33 treatment providers, and members of the community,
34 which emphasize multidisciplinary understanding of
35 drug abuse, including prevention and intervention
36 policies.
37 e. Establish or continue treatment programs for
38 prison-based populations and juvenile rehabilitation
39 programs.
40 f. Establish or continue project D.A.R.E. (drug
41 abuse resistance education).
42 g. Other programs authorized under the drug
43 control and system improvement grant program.
44 NEW SUBSECTION. 5. The department shall collect
45 program evaluations and document the effectiveness of
46 the various programs funded under this grant program.
47 The department shall make this information available
48 to applicants and grantees and report to the general
49 assembly, no later than December 15, 1990, concerning
50 the effectiveness of programs funded."

Page 15

1 20. Renumber as necessary.

By COMMITTEE ON APPROPRIATIONS
JOE WELSH, Chairperson

S-5879 FILED APRIL 3, 1990

Placed % (p.1627)

HOUSE FILE 2564

S-5863

- 1 Amend House File 2564, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 17, by striking line 27 and inserting the
4 following:
5 "b. Recommend that the director of human services
6 withhold".
7 2. Page 17, by striking line 29 and inserting the
8 following: "treatment programs of the provider or
9 recommend that the director".
10 3. Page 20, line 3, by striking the word
11 "directed" and inserting the following:
12 "recommended".

By CHARLES BRUNER

S-5863 FILED APRIL 3, 1990

Placed on file 4/6 (p. 1628)

HOUSE FILE 2564

S-5845

- 1 Amend House File 2564, as amended, passed, and
2 reprinted, by the House, as follows:
3 1. Page 10, by striking lines 4 and 5, and
4 inserting the following: "intervention of infants and
5 children showing signs or symptoms of exposure to
6 nonprescribed drugs or alcohol."

By CHARLES BRUNER

S-5845 FILED APRIL 2, 1990

Placed on file 4/6 (p. 1628)

Page 2

1 gender balance requirements of sections 69.16 and
2 69.16A.

3 3. The commission shall select from its membership
4 a chairperson and other officers as it deems
5 necessary. A majority of the members of the
6 commission shall constitute a quorum.

7 Sec. ~~NEW SECTION. 601K.92B~~ DUTIES OF THE
8 COMMISSION.

9 The commission shall:

10 1. Meet at least quarterly to review the progress
11 of programs of the division.

12 2. Adopt rules pursuant to chapter 17A as it deems
13 necessary for the commission and division, including
14 rules concerning programs and policies for all bureaus
15 of the division.

16 3. Supervise the collection of data relative to
17 the scope of services provided by the community action
18 agencies.

19 4. Recommend legislation to the governor and the
20 general assembly designed to improve the status of
21 low-income persons in the state."

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

24 "Sec. ~~NEW SECTION. 601K.92B~~ CONTINGENCY - CREATION OF COMMISSION
25 ON COMMUNITY ACTION AGENCIES.

26 If the commission on community action agencies is
27 established, the provisions of 1990 Iowa Acts, House
28 File 2294, creating the affordable heating program
29 advisory council, shall not be implemented."

BEVERLY A. HANNON
JULIA GENTLEMAN

S-5933

1 Amend House File 2564, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 9.

4 2. Page 1, by inserting after line 25, the
5 following:

6 "Applicants for grants to be made pursuant to this
7 program shall include with the application a letter of
8 support from a comprehensive prevention program funded
9 through the division serving the district within which
10 a part of the school district is situated."

11 3. By striking page 1, line 26, through page 3,
12 line 11.

13 4. Page 3, line 19, by striking the figure
14 "1,633,000" and inserting the following: "1,212,208".

15 5. Page 3, by inserting after line 27, the
16 following:

17 "As a further condition, limitation, and
18 qualification of this appropriation, the division,
19 when allocating this amount in a manner which will
20 effectively reduce the waiting period, shall give
21 priority to persons released or discharged from a
22 facility under the direction of the department of
23 corrections who were in treatment programs and who are
24 identified by the parole board to be in need of
25 further treatment, women of childbearing age, and
26 juveniles.

27 As a further condition, limitation, and
28 qualification of this appropriation, the division of
29 substance abuse and the department of corrections
30 shall cooperate in developing a continuum of care
31 related to substance abuse treatment of inmates and
32 persons released or discharged from a facility.

33 2. For the division of substance abuse for
34 providing aftercare services for persons completing
35 substance abuse treatment:

36 \$ 250,000

37 3. For the division of substance abuse for
38 providing substance abuse prevention programs:

39 \$ 300,000

40 4. For the division of substance abuse to initiate
41 demonstration projects in the two urban areas
42 currently experiencing the highest incidence of
43 infants born with addiction problems, as determined by
44 the division, to provide outreach services, and
45 prenatal and postnatal services and treatment for
46 these infants, mothers with substance abuse problems,
47 and women of childbearing age:

48 \$ 200,000

49 5. For the council on chemically exposed infants
50 established pursuant to section 235C.1:

Page 2

1 \$ 50,000

2 6. For the division of substance abuse for
3 planning and establishing a program of identification,
4 treatment, and education of students whose mothers
5 were addicted to or used controlled substances while
6 pregnant, in grades kindergarten through 3 in a school
7 district, as determined by the division, experiencing
8 a high incidence of such students:

9 \$ 100,000

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10 As a condition, limitation, and qualification of
 11 this appropriation, a pilot project shall be
 12 established for the identification and education of
 13 elementary students whose mothers were addicted to or
 14 used controlled substances during pregnancy resulting
 15 in the children experiencing special learning and
 16 behavioral problems. The drug enforcement and abuse
 17 prevention coordinator shall monitor the program and
 18 receive reports required to be made concerning the
 19 program. Persons responsible for the program shall
 20 report to the drug enforcement and abuse prevention
 21 coordinator concerning progress in establishing the
 22 program and the expenditures made. The coordinator
 23 shall provide such reports to the general assembly.
 24 The program, to the extent possible, shall include
 25 medical and psychiatric research with the university
 26 of Iowa, educational research with the university of
 27 northern Iowa, an educational program for parents of
 28 the children including programs for parents confined
 29 in a county jail or committed to the custody of the
 30 director of the department of corrections, a child
 31 care educational program to address the problems of
 32 parenting such children, a program for the care and
 33 education of such children before and after school,
 34 creation of a mentor program with jobs and local
 35 businesses, a treatment program for parents, and team
 36 teacher training.
 37 Persons responsible for the program shall
 38 coordinate and encourage the involvement of other
 39 programs and service providers within the community in
 40 developing this program."

41 6. Page 3, line 33, by striking the figure "1.50"
 42 and inserting the following: "2.50".

43 7. Page 4, by inserting after line 5, the
 44 following:

45 "Notwithstanding section 8.33, funds appropriated
 46 by this subsection shall not revert."

47 8. Page 4, line 26, by striking the figure
 48 "50,000" and inserting the following: "31,792".

49 9. By striking page 4, line 34, through page 5,
 50 line 15, and inserting the following:

Page 3

1 "2. For the division of narcotics for the salaries
 2 and support of additional full-time equivalent
 3 positions:

4 \$ 75,000".

5 10. Page 5, line 20, by striking the words "up to
 6 an additional 10 full-time" and inserting the

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1,000

7 following: "additional".

8 11. Page 5, by inserting after line 21, the
9 following:

10 "Sec. _____

11 There is appropriated from the road use tax fund to
12 the department of public safety for the fiscal year
13 beginning July 1, 1990, and ending June 30, 1991, the
14 following amount, or so much thereof as is necessary,
15 to be used for the following purpose:

16 For use by the department to provide additional law
17 enforcement officials to initiate project D.A.R.E.
18 (drug abuse resistance education) within local
19 communities, and for not more than the following full-
20 time equivalent positions:

21	\$ 52,500
22	FTEs 4.00

23 As a condition, limitation, and qualification of
24 this appropriation, the department shall use the
25 amount appropriated in this subsection to match and
26 obtain available federal funds, the total amount of
27 these funds to be used to employ 4 additional members
28 of the highway safety patrol to assist with the
29 initiation of project D.A.R.E. within local
30 communities."

31 12. Page 5, line 29, by striking the figure "1."

32 13. Page 5, line 31, by striking the figure
33 "10,000" and inserting the following: "59,000".

34 14. Page 6, by striking lines 3 through 34.

35 15. Page 7, by striking lines 9 through 21 and
36 inserting the following:

37 "For the administration of a drug enforcement
38 training program for law enforcement officers, as
39 defined in section 80B.3, subsection 3, including, but
40 not limited to, training for the detection of gang and
41 juvenile activity and the apprehension of gang members
42 and juvenile delinquents, subject to the limitation
43 that the council shall not pay for more than fifty
44 percent of the cost of training of any officer,
45 including salary and other benefits, with the
46 remaining fifty percent to be paid by the law
47 enforcement officer's local jurisdiction:

48	\$ 300,000".
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49 16. Page 8, line 5, by striking the figure "2."
50 and inserting the following: "1."

Page 4

1 17. Page 8, line 14, by striking the figure "3."

2 and inserting the following: "2."

3 18. Page 8, by inserting after line 22, the

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4 following:

5 "3. For the prosecuting attorney training program:
6 \$ 147,000

7 4. For reimbursement payments to law enforcement
8 officers under the guaranteed loan payment program
9 pursuant to section 261.51, if enacted by the Seventy-
10 third General Assembly, 1990 Session:
11 \$ 50,000

12 5. Notwithstanding section 8.33, funds
13 appropriated by this section shall not revert."

14 19. Page 8, line 30, by inserting after the word
15 "delays" the following: "and for training of judges".

16 20. By striking page 9, line 34, through page 10,
17 line 23, and inserting the following: "be given to
18 the extent possible, to reducing substance abuse
19 waiting lists, providing aftercare for persons
20 completing substance abuse treatment, providing
21 additional substance abuse prevention specialists,
22 dual diagnosis, for early identification and
23 intervention of children born afflicted with a
24 substance addiction, and for increasing provider
25 salaries. Of the funds used for reducing substance
26 abuse waiting lists, priority shall be given to
27 persons released or discharged from an institution
28 under the direction of the department of corrections
29 who were in treatment programs and who are identified
30 by the board of parole to be in need of further
31 treatment, women of childbearing age, and juveniles."
32 21. Page 10, line 25, by inserting after the word
33 "education" the following: ", in consultation with
34 the division of substance abuse of the Iowa department
35 of public health,".

36 22. Page 10, by inserting after line 28, the
37 following: "The department, in consultation with the
38 division, shall issue a request for proposals for the
39 purpose of contracting with an entity to conduct a
40 longitudinal study to evaluate and assess the
41 effectiveness of the programs provided, and shall
42 include in the study, follow-up information concerning
43 students participating in such programs, including
44 students who subsequently drop out of school."

45 23. Page 10, by striking lines 31 and 32, and
46 inserting the following: "department shall report the
47 findings of the joint survey and study to the general
48 assembly no later than January 15, 1991. the
49 department shall monitor school district programs and
50 report to the general assembly by December of each

52,500
4.00

300,000"

Page 5

1 year concerning the impact of the programs funded with
2 these funds."

3 24. Page 11, by striking lines 26 through 29 and
4 inserting the following:

5 "a. One physician licensed in this state who has
6 substantial experience in substance abuse treatment
7 and who is certified by the association of specialists
8 in addiction medicine."

9 25. By striking page 11, line 32 through page 12,
10 line 8, and inserting the following:

11 "c. Two persons, one who will represent certified
12 substance abuse counselors and one who will represent
13 substance abuse treatment providers. One shall be
14 appointed to represent such private persons and
15 entities and one shall be appointed to represent such
16 public persons and entities.

17 d. One person representing the master's degree
18 program in substance abuse counseling, division of
19 counselor education, college of education at the state
20 university of Iowa.

21 e. Two representatives of the business community.
22 One appointee under this paragraph shall represent the
23 business consumers of health insurance, and the other
24 appointee shall represent providers of such health
25 insurance.

26 f. Four citizens of the state."

27 26. By striking page 13, line 7 through page 19,
28 line 17, and inserting the following:

29 "Sec. —. NEW SECTION. 125.15B DUTIES OF
30 COUNCIL.

31 Except as otherwise provided by law, the council
32 shall:

33 1. Recommend policy and rule changes to the
34 director necessary to provide for the effective
35 regulation and assessment of treatment providers in
36 this state and the effective administration of this
37 chapter.

38 2. Receive and review the information contained in
39 the provider reports received by the department.
40 After review and evaluation of such reports, if the
41 council determines that additional information is
42 necessary, the council may recommend to the director a
43 contractor for the purpose of data collection related
44 to the evaluation of providers subject to the
45 provisions of this chapter and for the collection of
46 patient data.

47 3. Recommend standards to the department to be
48 established pursuant to section 125.15E for all

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49 programs and make any recommendations to the
50 department concerning appropriate changes.

Page 6

1 Sec. — NEW SECTION. 125.15C REQUIRED
2 REPORTING.

3 Unless otherwise provided, a substance abuse
4 treatment provider, regardless of whether the provider
5 is licensed by the commission on substance abuse,
6 shall report to the department on forms provided by
7 the department, information relating to all patients
8 applying for and admitted to treatment and discharged
9 from such treatment as required by department rule.
10 The provider shall provide all information requested
11 which is available to the treatment provider. The
12 department, after consultation with the advisory
13 council, shall adopt rules providing for the
14 information to be reported to the department and the
15 advisory council.

16 Sec. — NEW SECTION. 125.15D DATA CONTRACTOR.

17 The department, after consultation with and upon
18 recommendation of the advisory council, may contract
19 with an independent data collector to survey substance
20 abuse treatment providers required to report
21 information under section 125.15C, and shall provide
22 such information to the council and to the health data
23 commission.

24 Sec. — NEW SECTION. 125.15E MEASUREMENT
25 STANDARDS.

26 The department, after consultation with the
27 advisory council shall adopt rules establishing
28 minimum standards of measurement relating to the
29 effectiveness of substance abuse treatment programs.

30 Sec. — NEW SECTION. 125.16F PROGRAM
31 SANCTIONS.

32 1. A treatment program which fails to meet the
33 minimum standards established pursuant to section
34 125.15E shall be reviewed by the advisory council.
35 Within thirty days after the advisory council has
36 concluded its review, the advisory council shall
37 provide recommendations for program changes, if any,
38 to the substance abuse treatment program, or recommend
39 other appropriate action to be taken pursuant to this
40 section.

41 2. If the advisory council recommends program
42 changes, the advisory council shall recommend to the
43 director that no further action be taken for one year
44 from the date the recommendations are made during
45 which time new patient data shall be collected for

46 review. If the provider's success rate, as measured
47 by the data collected pursuant to section 125.15C,
48 fails to improve, the advisory council shall recommend
49 other appropriate action to be taken pursuant to this
50 section.

Page 7

1 3. If the advisory council finds that a substance
2 abuse treatment provider has failed to meet the
3 minimum standards established pursuant to section
4 125.15E and action by the advisory council is not
5 recommended pursuant to subsection 2, the advisory
6 council may do any of the following:
7 a. Recommend to the director of public health that
8 funding for the substance abuse treatment provider
9 relating to the substance abuse treatment programs of
10 the provider be withheld.
11 b. Recommend to the director of human services
12 that medical assistance funding relating to the
13 substance abuse treatment programs of the provider be
14 withheld.
15 c. Recommend to the appropriate licensing
16 authority that the license of the substance abuse
17 treatment provider be suspended or revoked relating to
18 the substance abuse treatment programs of the
19 provider.

20 d. Recommend that the substance abuse treatment
21 provider be included on a list of providers failing to
22 meet the minimum standards and provided to the public,
23 third-party payors for health services, local
24 government bodies, and substance abuse treatment
25 provider accreditation entities.

26 4. Notwithstanding subsections 1 through 3, the
27 advisory council may find that the program serves a
28 particularly difficult patient population and that the
29 public health and welfare would be furthered by
30 continuing to fund the program. In such a case, the
31 advisory council shall recommend that a new
32 measurement standard be established by the department,
33 in consultation with the advisory council, by rule for
34 the program.

35 5. If the advisory council has acted pursuant to
36 subsection 2 and the director accepts such
37 recommendation and stays action against the provider
38 for up to one additional year, the advisory council
39 shall continue intensified review of the program
40 during the period of such stay of action.

41 Sec. ____ . NEW SECTION. 125.15G CONFIDENTIALITY
42 OF INFORMATION.

43 1. Information received by the department
44 contained in the reports required pursuant to section
45 125.15C is subject to the confidentiality provisions
46 of sections 125.37 and 125.93.
47 However, a summary of data concerning a program
48 which has been sanctioned pursuant to section 125.15F,
49 subsection 2 or 3, shall be made available, as
50 appropriate, by the department.

Page 8

1 2. Beginning July 1, 1993, to the extent permitted
2 by state and federal law, a summary of data concerning
3 the success of all substance abuse treatment programs
4 shall be made available by the department upon the
5 request of any interested person.

6 Sec. — NEW SECTION. 125.15H EXEMPLARY
7 PROVIDERS - PREFERENTIAL TREATMENT.

8 The department, in consultation with the advisory
9 council, shall adopt rules defining exemplary
10 substance abuse treatment programs and providing for
11 the recognition of exemplary substance abuse treatment
12 programs. In adopting such rules the department shall
13 consider patient populations and other appropriate
14 factors.

15 Additionally, to the extent permitted by applicable
16 state and federal requirements relating to substance
17 abuse treatment funding, the department shall
18 preferentially consider such exemplary substance abuse
19 treatment providers in subsequent funding grant
20 applications.

21 Sec. — NEW SECTION. 125.15I FALSIFICATION OF
22 REPORT DATA.

23 A substance abuse treatment provider required to
24 provide information to the department pursuant to
25 section 125.15C, who intentionally falsifies any
26 diagnosis of a patient admitted to treatment to avoid
27 review pursuant to section 125.15E, or who fails to
28 report information to the department is subject to a
29 civil penalty of five thousand dollars per false
30 diagnosis, in addition to any other appropriate action
31 which may be taken by the department or the council.
32 Such penalties shall be collected by the department
33 and deposited in the general fund of the state.

34 In addition to the civil penalty provided in this
35 section, the department shall also make a list of
36 providers committing violations of this section
37 available to the public, third-party payors for health
38 services, local government bodies, and substance abuse
39 treatment provider accreditation entities.

40 Sec. ____ . NEW SECTION. 125.15J PROGRAMS EXCLUDED -
41 PENALTY."
42 27. Page 19, line 22, by striking the figure
43 "125.15J" and inserting the following: "125.15I".
44 28. Page 19, line 27, by striking the figure
45 "125.15J" and inserting the following: "125.15I".
46 29. Page 19, by inserting after line 33, the
47 following:
48 "Sec. ____ .
49 Rules to be adopted by the department pursuant to
50 sections 125.15C, 125.15F, and 125.15H shall be

Page 9

1 effective July 1, 1991. Until such time as rules
2 relating to information to be reported are adopted
3 pursuant to section 125.15C and forms for such
4 reporting are made available, the department shall use
5 the current substance abuse management information
6 system form for all providers subject to the reporting
7 requirements.

8 Sec. ____ . Section 232.73, Code 1989, is amended to
9 read as follows:

10 232.73 IMMUNITY FROM LIABILITY.

11 A person participating in good faith in the making
12 of a report, or photographs, or X rays, or in the
13 performance of a medically relevant test pursuant to
14 this chapter, or aiding and assisting in an
15 investigation of a child abuse report pursuant to
16 section 232.71, shall have immunity from any
17 liability, civil or criminal, which might otherwise be
18 incurred or imposed. The person shall have the same
19 immunity with respect to participation in good faith
20 in any judicial proceeding resulting from the report
21 or relating to the subject matter of the report.

22 As used in this section and section 232.77,
23 "medically relevant test" means a test that produces
24 reliable results of exposure to cocaine, heroin,
25 amphetamine, methamphetamine, or other illegal drugs,
26 or combinations or derivatives thereof, including a
27 drug urine screen test.

28 Sec. ____ . Section 232.77, Code 1989, is amended to
29 read as follows:

30 232.77 PHOTOGRAPHS AND, X RAYS, AND MEDICALLY
31 RELEVANT TESTS.

32 1. Any person who is required to report a case of
33 child abuse may take or cause to be taken, at public
34 expense, photographs or X rays of the areas of trauma
35 visible on a child. Any health practitioner may, if
36 medically indicated, cause to be performed

37 radiological examination of the child. Any person who
38 takes any photographs or X rays pursuant to this
39 section shall notify the department of human services
40 that such photographs or X rays have been taken, and
41 shall retain such photographs or X rays for a
42 reasonable time thereafter. Whenever such person is
43 required to report under section 232.69, in that
44 person's capacity as a member of the staff of a
45 medical or other private or public institution, agency
46 or facility, that person shall immediately notify the
47 person in charge of such institution, agency, or
48 facility or that person's designated delegate of the
49 need for photographs or X rays.
50 2. If a health practitioner discovers in a child

Page 10

1 under one year of age physical or behavioral symptoms
2 of the effects of exposure to cocaine, heroin,
3 amphetamine, methamphetamine, or other illegal drugs,
4 or combinations or derivatives thereof, which were not
5 prescribed by a health practitioner, or if the health
6 practitioner has determined through examination of the
7 natural mother of the child that the child was exposed
8 in utero, the health practitioner may perform or cause
9 to be performed a medically relevant test, as defined
10 in section 232.73, on the child. The practitioner
11 shall report any positive results of such a test on
12 the child to the department, unless the natural mother
13 has shown good faith in seeking appropriate care and
14 treatment. The department shall begin an
15 investigation pursuant to section 232.71 upon receipt
16 of such a report. The positive result shall
17 constitute a showing of probable cause under section
18 232.71, subsection 3, but shall not be used in any
19 criminal prosecution of the natural mother of the
20 child, and shall not represent grounds for a
21 determination of child abuse.
22 Sec. — . NEW SECTION. 235C.1 COUNCIL CREATED --
23 PURPOSE.

24 A council on chemically exposed infants is
25 established as a subcommittee of the committee on
26 maternal and child health of the community health
27 division of the Iowa department of public health. The
28 purpose of the council is to help the state develop
29 and implement policies to reduce the likelihood that
30 infants will be born chemically exposed, and to assist
31 those who are born chemically exposed to grow and
32 develop in a safe environment.

33 As used in this chapter, a "chemically exposed
 34 infant" is an infant who shows evidence of exposure to
 35 or the presence of alcohol, cocaine, heroin,
 36 amphetamine, methamphetamine, or other illegal drugs
 37 or combinations or derivatives thereof which were not
 38 prescribed by a health practitioner.
 39 Sec. ____ NEW SECTION. 235C.2 MEMBERSHIP.
 40 The council on chemically exposed infants shall be
 41 composed of the following members:
 42 1. Two members of the Iowa department of public
 43 health selected by the director of the Iowa department
 44 of public health, one from the division of substance
 45 abuse, and one from the division of family and
 46 community health.
 47 2. The director of the department of human
 48 services or the director's designee as a nonvoting ex
 49 officio member.
 50 3. The department coordinator of the department of

Page 11

1 human rights or the coordinator's designee as a
 2 nonvoting ex officio member.
 3 4. The director of the department of education or
 4 the director's designee as a nonvoting ex officio
 5 member.
 6 5. The chairperson of the state maternal and child
 7 health advisory council or the chairperson's designee.
 8 6. A physician selected by the board of the Iowa
 9 medical society with expertise in the care of the
 10 mother and a physician selected by the board of the
 11 Iowa medical society with expertise in the care of the
 12 infant.
 13 7. A hospital administrator selected by the board
 14 of the Iowa hospital association.
 15 8. A representative from a community health center
 16 located in Iowa selected by the Iowa/Nebraska primary
 17 care association.
 18 9. A representative from a maternal and child
 19 health center selected by the governor.
 20 10. A representative from a substance abuse
 21 treatment program, selected by the governor.
 22 11. Two citizen members, selected by the governor.
 23 12. A representative from the governor's alliance
 24 on substance abuse selected by the alliance.
 25 13. A representative from the university of Iowa
 26 medical school selected by the director of the medical
 27 school.
 28 14. A representative from a community-based
 29 substance abuse prevention program, selected by the

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30 governor.

31 15. A representative from the juvenile court,
32 selected by the chief justice of the Iowa supreme
33 court.

34 16. An attorney who practices in the area of
35 juvenile law, selected by the Iowa state bar
36 association.

37 The council shall be staffed by the Iowa department
38 of public health. The council shall elect its own
39 chairperson.

40 Sec. — . NEW SECTION. 235C.3 COUNCIL DUTIES.

41 The council shall be responsible for the following
42 activities:

43 1. DATA COLLECTION. The council shall assemble
44 relevant materials regarding the extent to which
45 infants born in Iowa are chemically exposed, the
46 services currently available to meet the needs of
47 infants born who are chemically exposed, and the costs
48 incurred in caring for infants born who are chemically
49 exposed, including both costs borne directly by the
50 state and costs borne by society.

Page 12

1 2. PREVENTION AND EDUCATION. The council, after
2 reviewing the data collected pursuant to subsection 1,
3 and after reviewing education and prevention programs
4 employed in Iowa and in other states, shall make
5 recommendations to the appropriate division to develop
6 a state prevention and education campaign, including
7 the following components:

8 a. A broad-based public education campaign
9 outlining the dangers inherent in substance use during
10 pregnancy.

11 b. A health professional training campaign,
12 including recommendations concerning the curriculum
13 offered at the college of medicine at the state
14 university of Iowa, providing assistance in the
15 identification of women at risk of substance abuse
16 during pregnancy and strategies to be employed in
17 assisting those women to maintain healthy lifestyles
18 during pregnancy. Included in this education campaign
19 shall be guidelines to health professionals offering
20 information on assessment, laboratory testing,
21 medication use, and referrals.

22 c. A targeted public education campaign directed
23 toward high-risk populations.

24 d. A technical assistance program for developing
25 support programs to identified high-risk populations,
26 including pregnant women who previously have given

27 birth to chemically exposed infants or currently are
 28 using substances dangerous to the health of the fetus.
 29 e. An education program for use within the school
 30 system, including training materials for school
 31 personnel to assist those personnel in identification,
 32 care, and referral.

33 3. IDENTIFICATION. The council shall develop
 34 recommendations regarding state programs or policies
 35 to increase the identification of chemically exposed
 36 infants.

37 4. TREATMENT SERVICES. The council shall seek to
 38 improve effective treatment services within the state
 39 for chemically exposed infants. As part of this
 40 responsibility, the council shall make recommendations
 41 to the addiction treatment effectiveness advisory
 42 council established in section 125.15A. Such
 43 recommendations shall include, but are not limited to,
 44 the following:

45 a. Identification of programs available within the
 46 state for serving chemically exposed infants and their
 47 families.

48 b. Recommended ways to enhance funding for
 49 effective treatment programs, including the use of
 50 state health care programs and services under the

Page 13

1 medical assistance program and the maternal and child
 2 health programs.

3 c. Identification of means to serve children who
 4 were chemically exposed infants when the children
 5 enter the school system.

6 As an additional part of this responsibility, the
 7 council shall determine whether a problem exists with
 8 respect to substance abuse treatment providers and
 9 physicians discriminating against pregnant women in
 10 providing treatment or prenatal care.

11 5. CARE AND PLACEMENT. The council shall work
 12 with the department of human services to expand
 13 appropriate placement options for chemically exposed
 14 infants who have been abandoned by their parents or
 15 cannot safely be returned home. As part of this
 16 responsibility, the council shall do all of the
 17 following:

18 a. Assist the department of human services in
 19 developing rules to establish specialized foster care
 20 services that can attract foster parents to care for
 21 chemically exposed infants.

22 b. Identify additional services, such as
 23 therapeutic day care services, that may be needed to

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24 effectively care for chemically exposed infants.
25 c. Review the need for residential programs
26 designed to meet the needs of chemically exposed
27 infants.
28 As an additional part of the responsibility, the
29 council shall determine whether a problem exists with
30 respect to substance abuse treatment providers and
31 physicians discriminating against pregnant women in
32 providing treatment or prenatal care.
33 6. AWARDS OF GRANTS AND DEVELOPMENT OF PILOT
34 PROGRAMS. From funds appropriated for this purpose,
35 the council shall award grants or develop pilot
36 programs to achieve the purposes of the council.
37 7. ANNUAL REPORT. The council shall annually
38 report to the governor and members of the general
39 assembly on the progress it has made toward meeting
40 its responsibilities.
41 The council shall meet at least twice annually, and
42 may establish such subcommittees and task forces as
43 are necessary to achieve its purpose.
44 8. CONFIDENTIALITY OF INFORMATION. Data collected
45 pursuant to this chapter shall be confidential to the
46 extent necessary to protect the identity of persons
47 who are the subjects of the data collection."
48 30. Page 21, by striking lines 12 through 26, and
49 inserting the following:
50 "Sec. ____ . Section 602.1612, subsection 1, Code

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1 1989, is amended to read as follows:
2 1. Justices of the supreme court, judges of the
3 court of appeals, district judges, and district
4 associate judges who are retired by reason of age or
5 who are drawing benefits under section 602.9106, and
6 senior judges who have retired under section 602.9207
7 or who have relinquished senior judgeship under
8 section 602.9208, subsection 1, may with their consent
9 be assigned by the supreme court or by the chief judge
10 in the case of district associate judges to temporary
11 judicial duties on a court in this state if the
12 assignment is deemed necessary by the supreme court to
13 expedite the administration of justice. A retired
14 justice or judge shall not be assigned to temporary
15 judicial duties on any court superior to the highest
16 court to which that justice or judge had been
17 appointed prior to retirement, and shall not be
18 assigned for temporary duties with the supreme court
19 or the court of appeals except in the case of a
20 temporary absence of a member of one of those courts.

21 Sec. ____ . Section 602.9202, Code 1989, is amended
 22 by adding the following new subsection:
 23 **NEW SUBSECTION.** 5. "Date of retirement" means the
 24 date that the annuitant is eligible to receive a
 25 retirement annuity under this part.

26 Sec. ____ . Section 602.9206, unnumbered paragraph
 27 1, Code 1989, is amended to read as follows:

28 Section 602.1612 does not apply to a senior judge
 29 but does apply to a retired senior judge. During the
 30 tenure of a senior judge, if the judge is able to
 31 serve, the judge may be assigned by the supreme court
 32 to temporary judicial duties on courts of this state
 33 without salary for an aggregate of thirteen weeks out
 34 of each twelve-month period, and for additional weeks
 35 with the judge's consent. A senior judge shall not be
 36 assigned to judicial duties on a court superior to the
 37 highest court to which the judge was appointed prior
 38 to retirement, and shall not be assigned to the court
 39 of appeals or the supreme court except to serve in the
 40 temporary absence of a member of that court. While
 41 serving on temporary assignment, a senior judge has
 42 and may exercise all of the authority of the office to
 43 which the judge is assigned, shall continue to be paid
 44 the judge's annuity as senior judge, shall be
 45 reimbursed for the judge's actual expenses to the
 46 extent expenses of a district judge are reimbursable
 47 under section 602.1509, may, if permitted by the
 48 assignment order, appoint a temporary court reporter,
 49 who shall be paid the remuneration and reimbursement
 50 for actual expenses provided by law for a reporter in

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1 the court to which the senior judge is assigned, and,
 2 if assigned to the court of appeals or the supreme
 3 court, shall be given the assistance of a law clerk
 4 and a secretary designated by the court administrator
 5 of the judicial department from the court
 6 administrator's staff. Each order of temporary
 7 assignment shall be filed with the clerks of court at
 8 the places where the senior judge is to serve.

9 Sec. 101. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH
 10 SERVICES APPROPRIATION.

11 1. There is appropriated from the fund created by
 12 section 8.41 to the Iowa department of public health
 13 for the federal fiscal year beginning October 1, 1990,
 14 the following amount:

15 \$ 7,804,000

16 Funds appropriated by this section are the
 17 anticipated funds to be received from the federal

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18 government for the designated federal fiscal year
19 under Pub. L. No. 97-35, Title IX, Subtitle A, and
20 Pub. L. No. 97-414 which provides for the alcohol and
21 drug abuse and mental health services block grant.
22 The department shall expend the funds appropriated by
23 this section as provided in the federal law making the
24 funds available and in conformance with chapter 17A.
25 Of the funds appropriated in this section, an
26 amount not exceeding \$33,133 shall be used for audits.
27 The auditor of state shall bill the Iowa department of
28 public health for the cost of the audits.
29 The Iowa department of public health shall pay to
30 the auditor of state an amount sufficient to pay the
31 cost of auditing the use and administration of the
32 state's portion of the funds appropriated in this
33 subsection from funds appropriated to the department
34 from the general fund of the state, in addition to the
35 amount to be used for audits as provided in this
36 subsection. The auditor of state shall bill the Iowa
37 department of public health for the costs of the
38 audit.
39 2. 10 percent of the remaining funds, as allowed
40 pursuant to Pub. L. No. 97-35, Title IX, Subtitle A,
41 and which are appropriated in subsection 1 shall be
42 transferred to the division of mental health, mental
43 retardation, and developmental disabilities within the
44 department of human services and allocated for
45 community mental health centers with priority being
46 given to dual diagnosis. Of this amount, 10 percent
47 shall be used to provide services and programs for
48 severely emotionally disturbed children and
49 adolescents, and 55 percent shall be used to develop
50 and provide community mental health services and

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1 programs not available on October 1, 1988. New
2 services developed between October 1, 1984, and
3 October 1, 1988, with alcohol, drug abuse, and mental
4 health services block grant funds may be treated as
5 new services.
6 3. An amount not exceeding 5 percent of the funds
7 in excess of \$2,839,000 appropriated in subsection 1
8 shall be used by the Iowa department of public health
9 for administrative expenses.
10 4. 10 percent of the funds appropriated in
11 subsection 1 shall be used to provide alcohol and drug
12 abuse services to women.
13 5. After deducting the funds allocated in
14 subsections 1, 2, 3, and 4, the remaining funds

15 appropriated in subsection 1 shall be allocated
 16 according to the following percentages to supplement
 17 appropriations for the following programs within the
 18 Iowa department of public health:

19 a. Drug abuse treatment programs 38.89 percent
 20 Of the amount appropriated under this paragraph, at
 21 least \$1,358,000 must be used for intravenous drug
 22 abusers unless a waiver is granted from the federal
 23 government.

24 b. Alcohol abuse treatment programs 38.89 percent
 25 c. Alcohol and drug abuse prevention
 26 programs 22.22 percent

27 As a condition, limitation, and qualification of
 28 the appropriation in this section, and the allocations
 29 in subsection 5, paragraphs "a" and "b", priority
 30 shall be given to maintaining existing services,
 31 reducing the treatment waiting lists, including
 32 increasing provider salaries, providing aftercare
 33 services, and providing early intervention in the
 34 treatment of infants affected by cocaine.

35 As a condition, limitation, and qualification of
 36 the appropriation in this section, and the allocations
 37 in subsection 5, paragraph "c", priority shall be
 38 given to maintaining existing services, funding
 39 additional prevention specialists, and increasing
 40 provider salaries.

41 Sec. 102. DRUG CONTROL AND SYSTEM IMPROVEMENT
 42 GRANT PROGRAM APPROPRIATION.

43 1. There is appropriated from the fund created in
 44 section 8.41 to the governor's substance abuse
 45 coordinator for the federal fiscal year beginning
 46 October 1, 1990, the following amount:
 47 \$ 4,860,000

48 Funds appropriated by this subsection are the
 49 anticipated funds to be received from the federal
 50 government for the designated fiscal year under Pub.

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1 L. No. 100-690 which provides for the drug control and
 2 system improvement grant program. The coordinator
 3 shall expend the funds appropriated by this subsection
 4 as provided in the federal law making the funds
 5 available and in conformance with chapter 17A.

6 2. An amount not exceeding 5 percent of the funds
 7 appropriated in subsection 1 shall be used by the
 8 governor's substance abuse coordinator for
 9 administrative expenses. From the funds set aside by
 10 this subsection for administrative expenses, the
 11 coordinator shall pay to the auditor of state an

12 amount sufficient to pay the cost of auditing the use
13 and administration of the state's portion of the funds
14 appropriated in subsection 1. The auditor of state
15 shall bill the governor's substance abuse coordinator
16 for the cost of the audit.

17 3. Priority for the funding of programs with funds
18 appropriated in subsection 1 shall be given, to the
19 extent possible, to programs which accomplish any of
20 the following:

21 a. Expand analysis capabilities at the state
22 criminalistics laboratory.

23 b. The formation of multijurisdictional task
24 forces, created for the purpose of cooperating jointly
25 in enforcement efforts related primarily to controlled
26 substances, counterfeit substances, or simulated
27 controlled substances.

28 c. Expand prosecutorial capabilities at the county
29 and state level for drug-related offenses.

30 d. Establish or continue training programs for law
31 enforcement officers, prosecutors, judges, probation
32 officers, correctional officers, staff working with
33 juvenile offenders, substance abuse prevention and
34 treatment providers, and members of the community,
35 which emphasize multidisciplinary understanding of
36 drug abuse, including prevention and intervention
37 policies.

38 e. Establish or continue treatment programs for
39 prison-based populations and juvenile rehabilitation
40 programs.

41 f. Establish or continue project D.A.R.E. (drug
42 abuse resistance education).

43 g. Other programs authorized under the drug
44 control and system improvement grant program.

45 Sec. ____ . PROCEDURE FOR REDUCED FEDERAL FUNDS.

46 1. If the funds received from the federal
47 government for the block grants specified in sections
48 101 and 102 of this Act are less than the amounts
49 appropriated, the funds actually received shall be
50 prorated by the governor for the various programs, for

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1 which each block grant is available according to the
2 percentages that each program is to receive as
3 specified in this Act. However, if the governor
4 determines that the funds allocated by the percentages
5 will not be sufficient to effect the purposes of a
6 particular program, or if the appropriation is not
7 allocated by percentage, the governor may allocate the
8 funds in a manner which will effect to the greatest

9 extent possible the purposes of the various programs
10 for which the block grants are available.

11 2. Before the governor implements the actions
12 provided for in subsection 1, the following procedures
13 shall be taken:

14 a. The chairpersons and ranking members of the
15 senate and house standing committees on
16 appropriations, the appropriate chairpersons and
17 ranking members of subcommittees of those committees,
18 and the director of the legislative fiscal bureau
19 shall be notified of the proposed action.

20 b. The notice shall include the proposed
21 allocations, and information on the reasons why
22 particular percentages or amounts of funds are
23 allocated to the individual programs, the departments
24 and programs affected, and other information deemed
25 useful. Chairpersons notified shall be allowed at
26 least 2 weeks to review and comment on the proposed
27 action before the action is taken.

28 Sec. ____ . PROCEDURE FOR INCREASED FEDERAL FUNDS.

29 If funds received from the federal government in
30 the form of block grants exceed the amounts
31 appropriated in sections 101 and 102 of this Act, the
32 excess shall be prorated to the appropriate programs
33 according to the percentages specified in those
34 sections, except additional funds shall not be
35 prorated for administrative expenses.

36 Sec. ____ . PROCEDURE FOR CONSOLIDATED, CATEGORICAL,
37 OR EXPANDED FEDERAL BLOCK GRANTS.

38 Notwithstanding section 8.41, federal funds made
39 available to the state which are authorized for the
40 federal fiscal year beginning October 1, 1990,
41 resulting from the federal government consolidating
42 former categorical grants into block grants, or which
43 expand block grants included in Pub. L. No. 97-35, to
44 include additional programs formerly funded by
45 categorical grants, which are not otherwise
46 appropriated by the general assembly, are appropriated
47 for the programs formerly receiving the categorical
48 grants, subject to the conditions of this section.
49 The governor shall, whenever possible, allocate from
50 the block grant to each program in the same proportion

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1 as the amount of federal funds received by the program
2 during the 1990 federal fiscal year as modified by the
3 1990 Session of the Seventy-third Iowa General
4 Assembly for the state fiscal year beginning July 1,
5 1990, compared to the total federal funds received in

6 the federal fiscal year by all programs consolidated
7 into the block grant. However, if one agency did not
8 have categorical funds appropriated for the federal
9 fiscal year beginning October 1, 1989, but had
10 anticipated applying for funds during the federal
11 fiscal year beginning October 1, 1990, the governor
12 may allocate the funds in order to provide funding.
13 If the amount received in the form of a
14 consolidated or expanded block grant is less than the
15 total amount of federal funds received for the
16 programs in the form of categorical grants for the
17 1990 federal fiscal year, state funds appropriated to
18 the program by the general assembly to match the
19 federal funds shall be reduced by the same proportion
20 of the reduction in federal funds for the program.
21 State funds released by the reduction shall be
22 deposited in a special fund in the state treasury and
23 are available for appropriation by the general
24 assembly. The governor shall notify the chairpersons
25 and ranking members of the senate and house standing
26 committees on appropriations, the appropriate
27 chairpersons and ranking members of the subcommittees
28 of those committees, and the director of the
29 legislative fiscal bureau before making the allocation
30 of federal funds or any proportional reduction of
31 state funds under this section. The notice shall
32 state the amount of federal funds to be allocated to
33 each program, the amount of federal funds received by
34 the program during the 1990 federal fiscal year, the
35 amount by which state funds for the program will be
36 reduced according to this section, and the amount of
37 state funds received by the program during the 1990
38 fiscal year. Chairpersons notified shall be allowed
39 at least 2 weeks to review and comment on the proposed
40 action before the action is taken.
41 If the amount received in the form of a
42 consolidated or expanded block grant is more than the
43 total amount of federal funds received for the
44 programs in the form of categorical grants for the
45 1990 federal fiscal year, the excess funds shall be
46 deposited in the special fund created in section 8.41
47 and are subject to the provisions of that section.
48 Sec. —. IOWA DEPARTMENT OF PUBLIC HEALTH.
49 There is appropriated from the federal grants,
50 receipts, and funds and other nonstate grants,

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1 receipts, and funds, available in whole or in part for
2 the fiscal year beginning July 1, 1990, and ending

3 June 30, 1991, to the Iowa department of public
4 health, the following amounts, to be used as set forth
5 in the grants, receipts, or conditions accompanying
6 the receipt of the funds for the purposes designated:

7 1. For drug free schools and comprehensive
8 prevention services, to high-risk youth, grant number
9 S186A90067:

10 \$ 1,346,000

11 2. For the drug abuse treatment waiting list
12 reduction grant program, grant number ADH000020-01:

13 \$ 279,647

14 It is the intent of the general assembly that of
15 the funds appropriated in this subsection, priority
16 shall be given to the extent possible, for the youth
17 2000 coordinating council for awarding community
18 planning grants for collaborative efforts to establish
19 local drug prevention and youth development programs
20 as provided in section 256.42, subsection 5.

21 Sec. — . DEPARTMENT OF EDUCATION.

22 There is appropriated from federal grants,
23 receipts, and funds, available in whole or in part for
24 the fiscal year beginning July 1, 1990, and ending
25 June 30, 1991, to the department of education, the
26 following amount, to be used for the purposes
27 designated:

28 \$ 3,500,000

29 It is the intent of the general assembly that of
30 the funds appropriated in this section and provided to
31 school districts, the highest priority shall be given
32 to the extent possible, to providing funding for
33 implementation of human growth and development
34 curriculum.

35 It is also the intent of the general assembly that
36 of the funds appropriated in this section and provided
37 to school districts, priority shall be given to the
38 extent possible, to providing funding for curriculum
39 development and training, and other related programs.

40 It is also the intent of the general assembly that to
41 the extent possible, funds provided to the school
42 districts by this section be used for projects with
43 demonstrated success.

44 The department of education, in consultation with
45 the division of substance abuse of the Iowa department
46 of public health, shall survey all school districts in
47 the state for the purpose of evaluating and assessing
48 the extent to which substance abuse education is being
49 provided to students in grades kindergarten through
50 12. The department, in consultation with the

Page 21

1 division, shall issue a request for proposals for the
2 purpose of contracting with an entity to conduct a
3 longitudinal study to study, evaluate, and assess the
4 effectiveness of the substance abuse education
5 programs provided, and shall include in the study,
6 follow-up information concerning students
7 participating in such programs, including students who
8 subsequently drop out of school. The department shall
9 recognize successful programs and provide information
10 concerning such programs to other districts making
11 application for these funds. The department shall
12 report the findings of the joint survey and study to
13 the general assembly no later than January 15, 1991.
14 The department shall monitor school district programs
15 and report to the general assembly by December of each
16 year concerning the impact of the programs funded with
17 these funds."

18 31. Page 22, by striking lines 27 through 31, and
19 inserting the following: "waiting lists with priority
20 to be given to persons released or discharged from an
21 institution under the direction of the department of
22 corrections who were in treatment programs and who are
23 identified by the board of parole to be in need of
24 further treatment, women of childbearing age, and
25 juveniles. Effective July 1, 1990, existing services
26 shall be maintained, \$1,528,702 shall be used to
27 reduce substance abuse treatment waiting lists with
28 priority to be given to persons released or discharged
29 from an institution under the direction of the
30 department of corrections who were in treatment
31 programs and who are identified by the board of parole
32 to be in need of further treatment, women of
33 childbearing age, and juveniles."

34 32. Page 23, by inserting after line 34, the
35 following:

36 "Sec. ____ 1989 Iowa Acts, chapter 310, section 4,
37 is amended by adding the following new subsections:
38 NEW SUBSECTION. 4. Priority for the funding of
39 programs with funds appropriated in subsection 1 shall
40 be given, to the extent possible, to programs which
41 accomplish any of the following:
42 a. Expand analysis capabilities at the state
43 criminalistics laboratory.
44 b. The formation of multijurisdictional task
45 forces, created for the purpose of cooperating jointly
46 in enforcement efforts related primarily to controlled
47 substances, counterfeit substances, or simulated
48 controlled substances.

49 c. Expand prosecutorial capabilities at the county
50 and state level for drug-related offenses.

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- 1 d. Establish or continue training programs for law
2 enforcement officers, prosecutors, judges, probation
3 officers, correctional officers, staff working with
4 juvenile offenders, substance abuse prevention and
5 treatment providers, and members of the community,
6 which emphasize multidisciplinary understanding of
7 drug abuse, including prevention and intervention
8 policies.
- 9 e. Establish or continue treatment programs for
10 prison-based populations and juvenile rehabilitation
11 programs.
- 12 f. Establish or continue project D.A.R.E. (drug
13 abuse resistance education).
- 14 g. Other programs authorized under the drug
15 control and system improvement grant program.
- 16 NEW SUBSECTION. 5. The department shall collect
17 program evaluations and document the effectiveness of
18 the various programs funded under this grant program.
19 The department shall make this information available
20 to applicants and grantees and report to the general
21 assembly, no later than December 15, 1990, concerning
22 the effectiveness of programs funded."
- 23 33. Renumber as necessary.

RICHARD J. VARN
ELAINE SZYMONIAK

S-6934--

- 1 ~~Amend the House Amendment, S-5881 to Senate File~~
2 ~~2426, as amended, passed and reported by the Senate,~~
3 ~~as follows:~~
- 4 ~~1. Page 1, by striking lines 3 and 4~~
5 ~~2. Page 1, line 6, by striking the figure~~
6 ~~"250,000" and inserting the following: "300,000".~~
- 7 ~~3. Page 1, by inserting after line 19, the~~
8 ~~following:~~
- 9 ~~" Page 9, by striking lines 11 and 12, and~~
10 ~~inserting the following: "before collection of any~~
11 ~~system or systems. Funds appropriated in this~~
12 ~~subsection may be"."~~
- 13 ~~4. Page 1, by striking lines 22 through 29, and~~
14 ~~inserting the following:~~
- 15 ~~" Page 10, by striking lines 4 through 6, and~~

HOUSE FILE 2564

S-5948

1 Amend the amendment, S-5933, to House File 2564, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. By striking page 4, line 32, through page 5,
5 line 2.

6 2. Page 5, by striking lines 11 through 13 and
7 inserting the following:

8 "c. Two persons, one who is a certified substance
9 abuse counselor and one who is a director of a
10 substance abuse treatment provider. One shall be".

11 3. Page 5, line 46, by inserting after the word
12 "data" the following: "pursuant to section 125.15C,
13 or other information deemed relevant by the council".

14 4. By striking page 6, line 21, through page 7,
15 line 40, and inserting the following: "information
16 under section 125.15C, and shall provide information
17 required to be reported pursuant to section 125.15C,
18 and any other information collected as determined by
19 the department, to the council.

20 Sec. ____ . NEW SECTION. 125.15E DATA PROVIDED TO
21 HEALTH DATA COMMISSION.

22 The department shall also forward all data reported
23 pursuant to section 125.15C and any other information
24 collected as determined by the department to the state
25 health data commission.

26 Sec. ____ . NEW SECTION. 125.15F MEASUREMENT
27 STANDARDS.

28 The department, after consultation with the
29 advisory council shall adopt rules establishing
30 minimum standards of measurement relating to the
31 effectiveness of substance abuse treatment programs.

32 Sec. ____ . NEW SECTION. 125.15G PROGRAM
33 SANCTIONS.

34 1. A treatment provider which fails to meet the
35 minimum standards established pursuant to section
36 125.15F shall be reviewed by the advisory council.
37 Within thirty days after the advisory council has
38 concluded its review, the advisory council shall
39 provide recommendations for program changes, or may
40 recommend other appropriate action to be taken
41 pursuant to this section, if any, to the Iowa
42 department of public health. The department, upon
43 affirming the recommendations of the advisory council,
44 shall forward to the provider program recommendations
45 as recommended by the advisory council, or other
46 recommendations deemed appropriate by the department,
47 and stay further action against the provider, for a
48 period of up to one year during which time, the
49 advisory council shall continue to review the provider
50 and new patient data shall be collected for review.

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Page 2

1 2. If the advisory council finds that a substance
2 abuse treatment provider has continued to fail to meet
3 the minimum standards established pursuant to section
4 125.15F during any period granted pursuant to
5 subsection 1, the council shall report such findings
6 to the department and, upon affirming such finding,
7 the department may do any of the following:

8 a. Withhold funding for the substance abuse
9 treatment provider relating to the substance abuse
10 treatment program.

11 b. Recommend to the director of human services
12 that medical assistance funding relating to the
13 substance abuse treatment programs of the provider be
14 withheld.

15 c. Recommend to the appropriate licensing
16 authority that the license of the substance abuse
17 treatment provider be suspended or revoked relating to
18 the relevant substance abuse treatment programs of the
19 provider.

20 d. Stay further action against the substance abuse
21 treatment provider for up to one additional year,
22 during which time the department shall continue
23 intensified review of the provider's programs.

24 e. Add the provider to a list of providers failing
25 to meet the minimum standards and make the list
26 available to the public, third-party payors for health
27 services, local governmental bodies, and substance
28 abuse treatment provider accreditation entities.

29 3. Notwithstanding subsections 1 and 2, the
30 department may find that the provider serves a
31 particularly difficult patient population and that the
32 public health and welfare would be furthered by
33 continuing to fund the program or by continuing to
34 allow operation of the program. In such a case, the
35 department shall adopt by rule a new measurement
36 standard for the provider, after consultation with the
37 advisory council."

38 5. Page 7, line 41, by striking the figure
39 "125.15G" and inserting the following: "125.15H".

40 6. Page 8, line 6, by striking the figure
41 "125.15H" and inserting the following: "125.15I".

42 7. Page 8, line 21, by striking the figure
43 "125.15I" and inserting the following: "125.15J".

44 8. Page 8, line 27, by striking the figure
45 "125.15E" and inserting the following: "125.15F".

46 9. Page 8, line 30, by inserting after the word
47 "diagnosis" the following: "or per failure to make
48 such report".

49 10. Page 8, line 40, by striking the figure
50 "125.15J" and inserting the following: "125.15K".

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Page 3

- 1 11. Page 20, by striking lines 14 through 20.
- 2 12. Page 21, by striking lines 3 through 5, and
- 3 inserting the following: "longitudinal study for a
- 4 minimum of twenty-five years to study, evaluate, and
- 5 assess the effectiveness of the substance abuse
- 6 education programs provided, to the extent possible,
- 7 and to determine if peer groups exposed to certain
- 8 types of prevention programs, when normed for
- 9 socioeconomic and other pertinent factors, exhibit
- 10 different incidences of substance abuse and use than
- 11 the general population. The study shall also
- 12 include".
- 13 13. Page 22, by striking line 16, and inserting
- 14 the following:
- 15 "NEW SUBSECTION. 5. The governor's alliance on
- 16 substance abuse shall design a study to evaluate long-
- 17 term outcomes of projects funded by this grant program
- 18 and shall use this study as a factor when awarding
- 19 federal funds. The alliance shall collect".
- 20 14. Renumber as necessary.

By RICHARD VARN
ELAINE SZYMCNIAK

S-5948 FILED APRIL 6, 1990

ADOPTED (p. 1627)

HOUSE FILE 2564

S-5937

- 1 Amend the amendment, S-5933, to House File 2564, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, line 4, by striking the figure
- 5 "75,000" and inserting the following: "197,000".
- 6 2. Page 3, by striking lines 5 through 7.

By JIM LIND

S-5937 FILED APRIL 5, 1990

Lost +16 (p. 1626)

HOUSE FILE 2564

S-5958

1 Amend the amendment, S-5933, to House File 2564, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 15, by inserting after line 8, the
5 following:

6 "Sec. ____ . Section 911.2, Code 1989, is amended to
7 read as follows:

8 911.2 SURCHARGE.

9 When a court imposes a fine or forfeiture for a
10 violation of a state law, or of a city or county
11 ordinance except an ordinance regulating the parking
12 of motor vehicles, the court shall assess an
13 additional penalty in the form of a surcharge equal to
14 ~~fifteen~~ twenty percent of the fine or forfeiture
15 imposed. In the event of multiple offenses, the
16 surcharge shall be based upon the total amount of
17 fines or forfeitures imposed for all offenses. When a
18 fine or forfeiture is suspended in whole or in part,
19 the surcharge shall be reduced in proportion to the
20 amount suspended.

21 The surcharge is subject to the provisions of
22 chapter 909 governing the payment and collection of
23 fines, as provided in section 909.8.

24 Sec. ____ . Section 911.3, Code 1989, is amended to
25 read as follows:

26 911.3 DISPOSITION OF SURCHARGE.

27 When a court assesses a surcharge under section
28 911.2, the clerk of the district court shall transmit
29 ~~ninety~~ twenty-five percent of the surcharge collected
30 to the treasurer of state to be deposited pursuant to
31 section 321J.17. Ninety percent of the remainder of
32 the surcharge collected shall be transmitted to the
33 treasurer of state by the fifteenth day of the
34 following month. The treasurer of state shall deposit
35 one third of the that money in the law enforcement
36 training reimbursement fund established under section
37 384.15 and the remaining two thirds of the that money
38 in the general fund of the state. The clerk of the
39 district court shall transmit ten percent of the
40 remainder of the surcharge to the county treasurer or
41 shall remit ten percent of the remainder of the
42 surcharge to the city that was the plaintiff in any
43 action for deposit in the general fund of the city.

44 Sec. ____ . Section 912.2A, subsection 1, Code
45 Supplement 1989, is amended to read as follows:

46 1. A crime victim assistance board is established,
47 and shall consist of the following members to be
48 appointed pursuant to rules adopted by the department:
49 a. A county attorney or assistant county attorney.
50 b. ~~A-person~~ Two persons engaged full time in law

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- 1 enforcement.
- 2 c. A public defender or an attorney practicing
- 3 primarily in criminal defense.
- 4 d. A hospital medical staff person involved with
- 5 emergency services.
- 6 e. A public member who has received victim
- 7 services.
- 8 f. A victim service provider.
- 9 g. A person licensed pursuant to chapter 154B or
- 10 154C.
- 11 h. A person representing the elderly.
- 12 Board members shall be reimbursed for expenses
- 13 actually and necessarily incurred in the discharge of
- 14 their duties."
- 15 2. Renumber as necessary.

By JOE WELSH

S-5958 FILED APRIL 6, 1990

ADOPTED (p. 1627)

HOUSE FILE 2564

S-5961

- 1 Amend the amendment, S-5933, to House File 2564, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 3, line 35, through page 4,
- 5 line 7, and inserting the following:
- 6 "_____. Page 7, line 21, by striking the figure
- 7 "197,000" and inserting the following: "73,500".
- 8 _____ . Page 8, by inserting after line 22, the
- 9 following:
- 10 "4. For the prosecuting attorney training program:
- 11 \$ 73,500
- 12 5. For reimbursement payments to law enforcement".
- 13 2. Page 4, line 12, by striking the figure "5."
- 14 and inserting the following: "6.".
- 15 3. Renumber as necessary.

By CALVIN O. HULTMAN
RICHARD VARN

S-5961 FILED APRIL 6, 1990

ADOPTED (p. 1627)

HOUSE FILE 2564

S-5963

1 Amend House File 2564, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 19, by inserting after line 33 the
4 following:

5 "Sec. 100. NEW SECTION. 125.32A DISCRIMINATION
6 PROHIBITED.

7 Any substance abuse treatment program receiving
8 state funding under this chapter or any other chapter
9 of the Code shall not discriminate against a person
10 seeking treatment solely because the person is
11 pregnant, unless the program in each instance
12 identifies and refers the person to an alternative and
13 acceptable treatment program for the person."

14 2. Page 24, by inserting after line 8 the fol-
15 lowing:

16 "Sec. _____. Section 100 of this Act takes effect
17 January 1, 1992."

18 3. Title page, line 4, by inserting after the
19 word "penalties" the following: "and an effective
20 date".

21 4. By renumbering as necessary.

By CHARLES BRUNER

S-5963 FILED APRIL 6, 1990

ADOPTED (p. 1628)

HOUSE FILE 2564

S-5950

1 Amend House File 2564, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by inserting after line 21, the
4 following:

5 "_____. For the division of narcotics for funding
6 drug enforcement operations to be used for the
7 purchase of illegal substances in furtherance of these
8 enforcement operations:

9 \$ 150,000".

10 2. Renumber as necessary.

By JIM LIND

S-5950 FILED APRIL 6, 1990

LOST (p. 1627)

HOUSE FILE 2564

S-5952

- 1 Amend House File 2564, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 19, by inserting after line 33 the
- 4 following:
- 5 "Sec. 100. NEW SECTION. 125.32A DISCRIMINATION
- 6 PROHIBITED.
- 7 Any substance abuse treatment program receiving
- 8 state funding under this chapter or any other chapter
- 9 of the Code shall not discriminate against persons
- 10 seeking treatment because those persons are pregnant,
- 11 unless the program in each instance identifies and
- 12 refers the persons to an alternative and acceptable
- 13 treatment program for the person."
- 14 2. Page 24, by inserting after line 8 the fol-
- 15 lowing:
- 16 "Sec. ____ . Section 100 of this Act takes effect
- 17 January 1, 1992."
- 18 3. Title page, line 4, by inserting after the
- 19 word "penalties" the following: "and an effective
- 20 date".
- 21 4. By renumbering as necessary.

By CHARLES BRUNER

S-5952 FILED APRIL 6, 1990
WITHDRAWN (p. 1628)

HOUSE FILE 2564

S-5954

- 1 Amend the amendment, S-5933, to House File 2564, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. By striking page 3, line 35, through page 4,
- 5 line 13, and inserting the following:
- 6 " ____ . Page 7, line 21, by striking the figure
- 7 "197,000" and inserting the following: "147,000".
- 8 ____ . Page 8, by inserting after line 22 the
- 9 following:
- 10 "For the prosecuting attorney training program:
- 11 \$ 50,000."
- 12 2. Renumber as necessary.

By CALVIN HULTMAN

S-5954 FILED APRIL 6, 1990
RULED OUT OF ORDER (p. 1627)

SENATE AMENDMENT TO HOUSE FILE 2564

H-6162

1 Amend House File 2564, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 9.

4 2. Page 1, by inserting after line 25, the
5 following:

6 "Applicants for grants to be made pursuant to this
7 program shall include with the application a letter of
8 support from a comprehensive prevention program funded
9 through the division serving the district within which
10 a part of the school district is situated."

11 3. By striking page 1, line 26, through page 3,
12 line 11.

13 4. Page 3, line 19, by striking the figure
14 "1,633,000" and inserting the following: "1,212,208".

15 5. Page 3, by inserting after line 27, the
16 following:

17 "As a further condition, limitation, and
18 qualification of this appropriation, the division,
19 when allocating this amount in a manner which will
20 effectively reduce the waiting period, shall give
21 priority to persons released or discharged from a
22 facility under the direction of the department of
23 corrections who were in treatment programs and who are
24 identified by the parole board to be in need of
25 further treatment, women of childbearing age, and
26 juveniles.

27 As a further condition, limitation, and
28 qualification of this appropriation, the division of
29 substance abuse and the department of corrections
30 shall cooperate in developing a continuum of care
31 related to substance abuse treatment of inmates and
32 persons released or discharged from a facility.

33 2. For the division of substance abuse for
34 providing aftercare services for persons completing
35 substance abuse treatment:

36 \$ 250,000

37 3. For the division of substance abuse for
38 providing substance abuse prevention programs:

39 \$ 300,000

40 4. For the division of substance abuse to initiate
41 demonstration projects in the two urban areas
42 currently experiencing the highest incidence of
43 infants born with addiction problems, as determined by
44 the division, to provide outreach services, and
45 prenatal and postnatal services and treatment for
46 these infants, mothers with substance abuse problems,
47 and women of childbearing age:

48 \$ 200,000

49 5. For the council on chemically exposed infants
50 established pursuant to section 235C.1:

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1 \$ 50,000

2 6. For the division of substance abuse for
3 planning and establishing a program of identification,
4 treatment, and education of students whose mothers
5 were addicted to or used controlled substances while
6 pregnant, in grades kindergarten through 3 in a school
7 district, as determined by the division, experiencing
8 a high incidence of such students:

9 \$ 100,000

10 As a condition, limitation, and qualification of
11 this appropriation, a pilot project shall be
12 established for the identification and education of
13 elementary students whose mothers were addicted to or
14 used controlled substances during pregnancy resulting
15 in the children experiencing special learning and
16 behavioral problems. The drug enforcement and abuse
17 prevention coordinator shall monitor the program and
18 receive reports required to be made concerning the
19 program. Persons responsible for the program shall
20 report to the drug enforcement and abuse prevention
21 coordinator concerning progress in establishing the
22 program and the expenditures made. The coordinator
23 shall provide such reports to the general assembly.
24 The program, to the extent possible, shall include
25 medical and psychiatric research with the university
26 of Iowa, educational research with the university of
27 northern Iowa, an educational program for parents of
28 the children including programs for parents confined
29 in a county jail or committed to the custody of the
30 director of the department of corrections, a child
31 care educational program to address the problems of
32 parenting such children, a program for the care and
33 education of such children before and after school,
34 creation of a mentor program with jobs and local
35 businesses, a treatment program for parents, and team
36 teacher training.

37 Persons responsible for the program shall
38 coordinate and encourage the involvement of other
39 programs and service providers within the community in
40 developing this program."

41 6. Page 3, line 33, by striking the figure "1.50"
42 and inserting the following: "2.50".

43 7. Page 4, by inserting after line 5, the
44 following:

45 "Notwithstanding section 8.33, funds appropriated
46 by this subsection shall not revert."

47 8. Page 4, line 26, by striking the figure
48 "50,000" and inserting the following: "31,792".

49 9. By striking page 4, line 34, through page 5,
50 line 15, and inserting the following:

1 "2. For the division of narcotics for the salaries
 2 and support of additional full-time equivalent
 3 positions:
 4 \$ 75,000".

5 10. Page 5, line 20, by striking the words "up to
 6 an additional 10 full-time" and inserting the
 7 following: "additional".

8 11. Page 5, by inserting after line 21, the
 9 following:
 10 "Sec. _____.

11 There is appropriated from the road use tax fund to
 12 the department of public safety for the fiscal year
 13 beginning July 1, 1990, and ending June 30, 1991, the
 14 following amount, or so much thereof as is necessary,
 15 to be used for the following purpose:

16 For use by the department to provide additional law
 17 enforcement officials to initiate project D.A.R.E.
 18 (drug abuse resistance education) within local
 19 communities, and for not more than the following full-
 20 time equivalent positions:

21 \$ 52,500
 22 FTEs 4.00

23 As a condition, limitation, and qualification of
 24 this appropriation, the department shall use the
 25 amount appropriated in this subsection to match and
 26 obtain available federal funds, the total amount of
 27 these funds to be used to employ 4 additional members
 28 of the highway safety patrol to assist with the
 29 initiation of project D.A.R.E. within local
 30 communities."

31 12. Page 5, line 29, by striking the figure "1."

32 13. Page 5, line 31, by striking the figure
 33 "10,000" and inserting the following: "59,000".

34 14. Page 6, by striking lines 3 through 34.

35 15. Page 7, line 21, by striking the figure
 36 "197,000" and inserting the following: "73,500".

37 16. Page 8, by inserting after line 22, the
 38 following:

39 "4. For the prosecuting attorney training program:
 40 \$ 73,500

41 5. For reimbursement payments to law enforcement
 42 officers under the guaranteed loan payment program
 43 pursuant to section 261.51, if enacted by the Seventy-
 44 third General Assembly, 1990 Session:

45 \$ 50,000

46 6. Notwithstanding section 8.33, funds
 47 appropriated by this section shall not revert."

48 17. Page 8, line 30, by inserting after the word
 49 "delays" the following: "and for training of judges".

50 18. By striking page 9, line 34, through page 10,

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1 line 23, and inserting the following: "be given to
2 the extent possible, to reducing substance abuse
3 waiting lists, providing aftercare for persons
4 completing substance abuse treatment, providing
5 additional substance abuse prevention specialists,
6 dual diagnosis, for early identification and
7 intervention of children born afflicted with a
8 substance addiction, and for increasing provider
9 salaries. Of the funds used for reducing substance
10 abuse waiting lists, priority shall be given to
11 persons released or discharged from an institution
12 under the direction of the department of corrections
13 who were in treatment programs and who are identified
14 by the board of parole to be in need of further
15 treatment, women of childbearing age, and juveniles."

16 19. Page 11, by striking lines 26 through 29 and
17 inserting the following:

18 "a. One physician licensed in this state who has
19 substantial experience in substance abuse treatment
20 and who is certified by the association of specialists
21 in addiction medicine."

22 20. By striking page 11, line 32 through page 12,
23 line 8, and inserting the following:

24 "c. Two persons, one who is a certified substance
25 abuse counselor and one who is a director of a
26 substance abuse treatment provider. One shall be
27 appointed to represent such private persons and
28 entities and one shall be appointed to represent such
29 public persons and entities.

30 d. One person representing the master's degree
31 program in substance abuse counseling, division of
32 counselor education, college of education at the state
33 university of Iowa.

34 e. Two representatives of the business community.
35 One appointee under this paragraph shall represent the
36 business consumers of health insurance, and the other
37 appointee shall represent providers of such health
38 insurance.

39 f. Four citizens of the state."

40 21. By striking page 13, line 7 through page 19,
41 line 17, and inserting the following:

42 "Sec. ____ . NEW SECTION. 125.15B DUTIES OF
43 COUNCIL.

44 Except as otherwise provided by law, the council
45 shall:

46 1. Recommend policy and rule changes to the
47 director necessary to provide for the effective
48 regulation and assessment of treatment providers in
49 this state and the effective administration of this
50 chapter.

1 2. Receive and review the information contained in
2 the provider reports received by the department.
3 After review and evaluation of such reports, if the
4 council determines that additional information is
5 necessary, the council may recommend to the director a
6 contractor for the purpose of data collection related
7 to the evaluation of providers subject to the
8 provisions of this chapter and for the collection of
9 patient data pursuant to section 125.15C, or other
10 information deemed relevant by the council.

11 3. Recommend standards to the department to be
12 established pursuant to section 125.15E for all
13 programs and make any recommendations to the
14 department concerning appropriate changes.

15 Sec. ____ . NEW SECTION. 125.15C REQUIRED
16 REPORTING.

17 Unless otherwise provided, a substance abuse
18 treatment provider, regardless of whether the provider
19 is licensed by the commission on substance abuse,
20 shall report to the department on forms provided by
21 the department, information relating to all patients
22 applying for and admitted to treatment and discharged
23 from such treatment as required by department rule.
24 The provider shall provide all information requested
25 which is available to the treatment provider. The
26 department, after consultation with the advisory
27 council, shall adopt rules providing for the
28 information to be reported to the department and the
29 advisory council.

30 Sec. ____ . NEW SECTION. 125.15D DATA CONTRACTOR.

31 The department, after consultation with and upon
32 recommendation of the advisory council, may contract
33 with an independent data collector to survey substance
34 abuse treatment providers required to report
35 information under section 125.15C, and shall provide
36 information required to be reported pursuant to
37 section 125.15C, and any other information collected
38 as determined by the department, to the council.

39 Sec. ____ . NEW SECTION. 125.15E DATA PROVIDED TO
40 HEALTH DATA COMMISSION.

41 The department shall also forward all data reported
42 pursuant to section 125.15C and any other information
43 collected as determined by the department to the state
44 health data commission.

45 Sec. ____ . NEW SECTION. 125.15F MEASUREMENT
46 STANDARDS.

47 The department, after consultation with the
48 advisory council shall adopt rules establishing
49 minimum standards of measurement relating to the
50 effectiveness of substance abuse treatment programs.

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1 Sec. ____ . NEW SECTION. 125.15G PROGRAM

2 SANCTIONS.

3 1. A treatment provider which fails to meet the
4 minimum standards established pursuant to section
5 125.15F shall be reviewed by the advisory council.
6 Within thirty days after the advisory council has
7 concluded its review, the advisory council shall
8 provide recommendations for program changes, or may
9 recommend other appropriate action to be taken
10 pursuant to this section, if any, to the Iowa
11 department of public health. The department, upon
12 affirming the recommendations of the advisory council,
13 shall forward to the provider program recommendations
14 as recommended by the advisory council, or other
15 recommendations deemed appropriate by the department,
16 and stay further action against the provider, for a
17 period of up to one year during which time, the
18 advisory council shall continue to review the provider
19 and new patient data shall be collected for review.

20 2. If the advisory council finds that a substance
21 abuse treatment provider has continued to fail to meet
22 the minimum standards established pursuant to section
23 125.15F during any period granted pursuant to
24 subsection 1, the council shall report such findings
25 to the department and, upon affirming such finding,
26 the department may do any of the following:

27 a. Withhold funding for the substance abuse
28 treatment provider relating to the substance abuse
29 treatment program.

30 b. Recommend to the director of human services
31 that medical assistance funding relating to the
32 substance abuse treatment programs of the provider be
33 withheld.

34 c. Recommend to the appropriate licensing
35 authority that the license of the substance abuse
36 treatment provider be suspended or revoked relating to
37 the relevant substance abuse treatment programs of the
38 provider.

39 d. Stay further action against the substance abuse
40 treatment provider for up to one additional year,
41 during which time the department shall continue
42 intensified review of the provider's programs.

43 e. Add the provider to a list of providers failing
44 to meet the minimum standards and make the list
45 available to the public, third-party payors for health
46 services, local governmental bodies, and substance
47 abuse treatment provider accreditation entities.

48 3. Notwithstanding subsections 1 and 2, the
49 department may find that the provider serves a
50 particularly difficult patient population and that the

1 public health and welfare would be furthered by
2 continuing to fund the program or by continuing to
3 allow operation of the program. In such a case, the
4 department shall adopt by rule a new measurement
5 standard for the provider, after consultation with the
6 advisory council.

7 Sec. ____ . NEW SECTION. 125.15H CONFIDENTIALITY
8 OF INFORMATION.

9 1. Information received by the department
10 contained in the reports required pursuant to section
11 125.15C is subject to the confidentiality provisions
12 of sections 125.37 and 125.93.

13 However, a summary of data concerning a program
14 which has been sanctioned pursuant to section 125.15F,
15 subsection 2 or 3, shall be made available, as
16 appropriate, by the department.

17 2. Beginning July 1, 1993, to the extent permitted
18 by state and federal law, a summary of data concerning
19 the success of all substance abuse treatment programs
20 shall be made available by the department upon the
21 request of any interested person.

22 Sec. ____ . NEW SECTION. 125.15I EXEMPLARY
23 PROVIDERS -- PREFERENTIAL TREATMENT.

24 The department, in consultation with the advisory
25 council, shall adopt rules defining exemplary
26 substance abuse treatment programs and providing for
27 the recognition of exemplary substance abuse treatment
28 programs. In adopting such rules the department shall
29 consider patient populations and other appropriate
30 factors.

31 Additionally, to the extent permitted by applicable
32 state and federal requirements relating to substance
33 abuse treatment funding, the department shall
34 preferentially consider such exemplary substance abuse
35 treatment providers in subsequent funding grant
36 applications.

37 Sec. ____ . NEW SECTION. 125.15J FALSIFICATION OF
38 REPORT DATA.

39 A substance abuse treatment provider required to
40 provide information to the department pursuant to
41 section 125.15C, who intentionally falsifies any
42 diagnosis of a patient admitted to treatment to avoid
43 review pursuant to section 125.15F, or who fails to
44 report information to the department is subject to a
45 civil penalty of five thousand dollars per false
46 diagnosis or per failure to make such report, in
47 addition to any other appropriate action which may be
48 taken by the department or the council. Such
49 penalties shall be collected by the department and
50 deposited in the general fund of the state.

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1 In addition to the civil penalty provided in this
2 section, the department shall also make a list of
3 providers committing violations of this section
4 available to the public, third-party payors for health
5 services, local government bodies, and substance abuse
6 treatment provider accreditation entities.

7 Sec. ____ . NEW SECTION. 125.15K PROGRAMS EXCLUDED -
8 -PENALTY."

9 22. Page 19, line 22, by striking the figure
10 "125.15J" and inserting the following: "125.15I".

11 23. Page 19, line 27, by striking the figure
12 "125.15J" and inserting the following: "125.15I".

13 24. Page 19, by inserting after line 33, the
14 following:

15 "Sec. ____ .

16 Rules to be adopted by the department pursuant to
17 sections 125.15C, 125.15E, and 125.15H shall be
18 effective July 1, 1991. Until such time as rules
19 relating to information to be reported are adopted
20 pursuant to section 125.15C and forms for such
21 reporting are made available, the department shall use
22 the current substance abuse management information
23 system form for all providers subject to the reporting
24 requirements.

25 Sec. ____ . Section 232.73, Code 1989, is amended to
26 read as follows:

27 232.73 IMMUNITY FROM LIABILITY.

28 A person participating in good faith in the making
29 of a report, ~~or~~ photographs, or X rays, or in the
30 performance of a medically relevant test pursuant to
31 this chapter, or aiding and assisting in an
32 investigation of a child abuse report pursuant to
33 section 232.71, shall have immunity from any
34 liability, civil or criminal, which might otherwise be
35 incurred or imposed. The person shall have the same
36 immunity with respect to participation in good faith
37 in any judicial proceeding resulting from the report
38 or relating to the subject matter of the report.

39 As used in this section and section 232.77,
40 "medically relevant test" means a test that produces
41 reliable results of exposure to cocaine, heroin,
42 amphetamine, methamphetamine, or other illegal drugs,
43 or combinations or derivatives thereof, including a
44 drug urine screen test.

45 Sec. ____ . Section 232.77, Code 1989, is amended to
46 read as follows:

47 232.77 PHOTOGRAPHS AND, X RAYS, AND MEDICALLY
48 RELEVANT TESTS.

49 1. Any person who is required to report a case of
50 child abuse may take or cause to be taken, at public

1 expense, photographs or X rays of the areas of trauma
2 visible on a child. Any health practitioner may, if
3 medically indicated, cause to be performed
4 radiological examination of the child. Any person who
5 takes any photographs or X rays pursuant to this
6 section shall notify the department of human services
7 that such photographs or X rays have been taken, and
8 shall retain such photographs or X rays for a
9 reasonable time thereafter. Whenever such person is
10 required to report under section 232.69, in that
11 person's capacity as a member of the staff of a
12 medical or other private or public institution, agency
13 or facility, that person shall immediately notify the
14 person in charge of such institution, agency, or
15 facility or that person's designated delegate of the
16 need for photographs or X rays.

17 2. If a health practitioner discovers in a child
18 under one year of age physical or behavioral symptoms
19 of the effects of exposure to cocaine, heroin,
20 amphetamine, methamphetamine, or other illegal drugs,
21 or combinations or derivatives thereof, which were not
22 prescribed by a health practitioner, or if the health
23 practitioner has determined through examination of the
24 natural mother of the child that the child was exposed
25 in utero, the health practitioner may perform or cause
26 to be performed a medically relevant test, as defined
27 in section 232.73, on the child. The practitioner
28 shall report any positive results of such a test on
29 the child to the department, unless the natural mother
30 has shown good faith in seeking appropriate care and
31 treatment. The department shall begin an
32 investigation pursuant to section 232.71 upon receipt
33 of such a report. The positive result shall
34 constitute a showing of probable cause under section
35 232.71, subsection 3, but shall not be used in any
36 criminal prosecution of the natural mother of the
37 child, and shall not represent grounds for a
38 determination of child abuse.

39 Sec. ____ . NEW SECTION. 235C.1 COUNCIL CREATED --
40 PURPOSE.

41 A council on chemically exposed infants is
42 established as a subcommittee of the committee on
43 maternal and child health of the community health
44 division of the Iowa department of public health. The
45 purpose of the council is to help the state develop
46 and implement policies to reduce the likelihood that
47 infants will be born chemically exposed, and to assist
48 those who are born chemically exposed to grow and
49 develop in a safe environment.

50 As used in this chapter, a "chemically exposed

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1 infant" is an infant who shows evidence of exposure to
2 or the presence of alcohol, cocaine, heroin,
3 amphetamine, methamphetamine, or other illegal drugs
4 or combinations or derivatives thereof which were not
5 prescribed by a health practitioner.

6 Sec. ____ . NEW SECTION. 235C.2 MEMBERSHIP.

7 The council on chemically exposed infants shall be
8 composed of the following members:

9 1. Two members of the Iowa department of public
10 health selected by the director of the Iowa department
11 of public health, one from the division of substance
12 abuse, and one from the division of family and
13 community health.

14 2. The director of the department of human
15 services or the director's designee as a nonvoting ex
16 officio member.

17 3. The department coordinator of the department of
18 human rights or the coordinator's designee as a
19 nonvoting ex officio member.

20 4. The director of the department of education or
21 the director's designee as a nonvoting ex officio
22 member.

23 5. The chairperson of the state maternal and child
24 health advisory council or the chairperson's designee.

25 6. A physician selected by the board of the Iowa
26 medical society with expertise in the care of the
27 mother and a physician selected by the board of the
28 Iowa medical society with expertise in the care of the
29 infant.

30 7. A hospital administrator selected by the board
31 of the Iowa hospital association.

32 8. A representative from a community health center
33 located in Iowa selected by the Iowa/Nebraska primary
34 care association.

35 9. A representative from a maternal and child
36 health center selected by the governor.

37 10. A representative from a substance abuse
38 treatment program, selected by the governor.

39 11. Two citizen members, selected by the governor.

40 12. A representative from the governor's alliance
41 on substance abuse selected by the alliance.

42 13. A representative from the university of Iowa
43 medical school selected by the director of the medical
44 school.

45 14. A representative from a community-based
46 substance abuse prevention program, selected by the
47 governor.

48 15. A representative from the juvenile court,
49 selected by the chief justice of the Iowa supreme
50 court.

1 16. An attorney who practices in the area of
2 juvenile law, selected by the Iowa state bar
3 association.

4 The council shall be staffed by the Iowa department
5 of public health. The council shall elect its own
6 chairperson.

7 Sec. ____ . NEW SECTION. 235C.3 COUNCIL DUTIES.

8 The council shall be responsible for the following
9 activities:

10 1. DATA COLLECTION. The council shall assemble
11 relevant materials regarding the extent to which
12 infants born in Iowa are chemically exposed, the
13 services currently available to meet the needs of
14 infants born who are chemically exposed, and the costs
15 incurred in caring for infants born who are chemically
16 exposed, including both costs borne directly by the
17 state and costs borne by society.

18 2. PREVENTION AND EDUCATION. The council, after
19 reviewing the data collected pursuant to subsection 1,
20 and after reviewing education and prevention programs
21 employed in Iowa and in other states, shall make
22 recommendations to the appropriate division to develop
23 a state prevention and education campaign, including
24 the following components:

25 a. A broad-based public education campaign
26 outlining the dangers inherent in substance use during
27 pregnancy.

28 b. A health professional training campaign,
29 including recommendations concerning the curriculum
30 offered at the college of medicine at the state
31 university of Iowa, providing assistance in the
32 identification of women at risk of substance abuse
33 during pregnancy and strategies to be employed in
34 assisting those women to maintain healthy lifestyles
35 during pregnancy. Included in this education campaign
36 shall be guidelines to health professionals offering
37 information on assessment, laboratory testing,
38 medication use, and referrals.

39 c. A targeted public education campaign directed
40 toward high-risk populations.

41 d. A technical assistance program for developing
42 support programs to identified high-risk populations,
43 including pregnant women who previously have given
44 birth to chemically exposed infants or currently are
45 using substances dangerous to the health of the fetus.

46 e. An education program for use within the school
47 system, including training materials for school
48 personnel to assist those personnel in identification,
49 care, and referral.

50 3. IDENTIFICATION. The council shall develop

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1 recommendations regarding state programs or policies
2 to increase the identification of chemically exposed
3 infants.

4 4. TREATMENT SERVICES. The council shall seek to
5 improve effective treatment services within the state
6 for chemically exposed infants. As part of this
7 responsibility, the council shall make recommendations
8 to the addiction treatment effectiveness advisory
9 council established in section 125.15A. Such
10 recommendations shall include, but are not limited to,
11 the following:

12 a. Identification of programs available within the
13 state for serving chemically exposed infants and their
14 families.

15 b. Recommended ways to enhance funding for
16 effective treatment programs, including the use of
17 state health care programs and services under the
18 medical assistance program and the maternal and child
19 health programs.

20 c. Identification of means to serve children who
21 were chemically exposed infants when the children
22 enter the school system.

23 As an additional part of this responsibility, the
24 council shall determine whether a problem exists with
25 respect to substance abuse treatment providers and
26 physicians discriminating against pregnant women in
27 providing treatment or prenatal care.

28 5. CARE AND PLACEMENT. The council shall work
29 with the department of human services to expand
30 appropriate placement options for chemically exposed
31 infants who have been abandoned by their parents or
32 cannot safely be returned home. As part of this
33 responsibility, the council shall do all of the
34 following:

35 a. Assist the department of human services in
36 developing rules to establish specialized foster care
37 services that can attract foster parents to care for
38 chemically exposed infants.

39 b. Identify additional services, such as
40 therapeutic day care services, that may be needed to
41 effectively care for chemically exposed infants.

42 c. Review the need for residential programs
43 designed to meet the needs of chemically exposed
44 infants.

45 As an additional part of the responsibility, the
46 council shall determine whether a problem exists with
47 respect to substance abuse treatment providers and
48 physicians discriminating against pregnant women in
49 providing treatment or prenatal care.

50 6. AWARDS OF GRANTS AND DEVELOPMENT OF PILOT

1 PROGRAMS. From funds appropriated for this purpose,
2 the council shall award grants or develop pilot
3 programs to achieve the purposes of the council.

4 7. ANNUAL REPORT. The council shall annually
5 report to the governor and members of the general
6 assembly on the progress it has made toward meeting
7 its responsibilities.

8 The council shall meet at least twice annually, and
9 may establish such subcommittees and task forces as
10 are necessary to achieve its purpose.

11 8. CONFIDENTIALITY OF INFORMATION. Data collected
12 pursuant to this chapter shall be confidential to the
13 extent necessary to protect the identity of persons
14 who are the subjects of the data collection."

15 25. Page 19, by inserting after line 33 the
16 following:

17 "Sec. 100. NEW SECTION. 125.32A DISCRIMINATION
18 PROHIBITED.

19 Any substance abuse treatment program receiving
20 state funding under this chapter or any other chapter
21 of the Code shall not discriminate against a person
22 seeking treatment solely because the person is
23 pregnant, unless the program in each instance
24 identifies and refers the person to an alternative and
25 acceptable treatment program for the person."

26 26. Page 20, line 1, by striking the word "Shall"
27 and inserting the following: "May".

28 27. Page 20, line 3, by striking the word
29 "directed" and inserting the following:
30 "recommended".

31 28. Page 21, by striking lines 12 through 26, and
32 inserting the following:

33 "Sec. ____ . Section 602.1612, subsection 1, Code
34 1989, is amended to read as follows:

35 1. Justices of the supreme court, judges of the
36 court of appeals, district judges, and district
37 associate judges who are retired by reason of age or
38 who are drawing benefits under section 602.9106, and
39 senior judges who have retired under section 602.9207
40 or who have relinquished senior judgeship under
41 section 602.9208, subsection 1, may with their consent
42 be assigned by the supreme court ~~or-by-the-chief-judge~~
43 ~~in-the-case-of-district-associate-judges~~ to temporary
44 judicial duties on a court in this state if the
45 assignment is deemed necessary by the supreme court to
46 expedite the administration of justice. ~~A-retired~~
47 ~~justice-or-judge-shall-not-be-assigned-to-temporary~~
48 ~~judicial-duties-on-any-court-superior-to-the-highest~~
49 ~~court-to-which-that-justice-or-judge-had-been~~
50 ~~appointed-prior-to-retirement,-and-shall-not-be~~

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~~1 assigned-for-temporary-duties-with-the-supreme-court
2 or-the-court-of-appeals-except-in-the-case-of-a
3 temporary-absence-of-a-member-of-one-of-those-courts.~~

4 Sec. ____ . Section 602.9202, Code 1989, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 5. "Date of retirement" means the
7 date that the annuitant is eligible to receive a
8 retirement annuity under this part.

9 Sec. ____ . Section 602.9206, unnumbered paragraph
10 1, Code 1989, is amended to read as follows:

11 Section 602.1612 does not apply to a senior judge
12 but does apply to a retired senior judge. During the
13 tenure of a senior judge, if the judge is able to
14 serve, the judge may be assigned by the supreme court
15 to temporary judicial duties on courts of this state
16 without salary for an aggregate of thirteen weeks out
17 of each twelve-month period, and for additional weeks
18 with the judge's consent. ~~A-senior-judge-shall-not-be
19 assigned-to-judicial-duties-on-a-court-superior-to-the
20 highest-court-to-which-the-judge-was-appointed-prior
21 to-retirement,-and-shall-not-be-assigned-to-the-court
22 of-appeals-or-the-supreme-court-except-to-serve-in-the
23 temporary-absence-of-a-member-of-that-court.~~ While

24 serving on temporary assignment, a senior judge has
25 and may exercise all of the authority of the office to
26 which the judge is assigned, shall continue to be paid
27 the judge's annuity as senior judge, shall be
28 reimbursed for the judge's actual expenses to the
29 extent expenses of a district judge are reimbursable
30 under section 602.1509, may, if permitted by the
31 assignment order, appoint a temporary court reporter,
32 who shall be paid the remuneration and reimbursement
33 for actual expenses provided by law for a reporter in
34 the court to which the senior judge is assigned, and,
35 if assigned to the court of appeals or the supreme
36 court, shall be given the assistance of a law clerk
37 and a secretary designated by the court administrator
38 of the judicial department from the court
39 administrator's staff. Each order of temporary
40 assignment shall be filed with the clerks of court at
41 the places where the senior judge is to serve.

42 Sec. ____ . Section 911.2, Code 1989, is amended to
43 read as follows:

44 911.2 SURCHARGE.

45 When a court imposes a fine or forfeiture for a
46 violation of a state law, or of a city or county
47 ordinance except an ordinance regulating the parking
48 of motor vehicles, the court shall assess an
49 additional penalty in the form of a surcharge equal to
50 fifteen twenty percent of the fine or forfeiture

1 imposed. In the event of multiple offenses, the
2 surcharge shall be based upon the total amount of
3 fines or forfeitures imposed for all offenses. When a
4 fine or forfeiture is suspended in whole or in part,
5 the surcharge shall be reduced in proportion to the
6 amount suspended.

7 The surcharge is subject to the provisions of
8 chapter 909 governing the payment and collection of
9 fines, as provided in section 909.8.

10 Sec. ____ . Section 911.3, Code 1989, is amended to
11 read as follows:

12 911.3 DISPOSITION OF SURCHARGE.

13 When a court assesses a surcharge under section
14 911.2, the clerk of the district court shall transmit
15 ninety twenty-five percent of the surcharge collected
16 to the treasurer of state to be deposited pursuant to
17 section 321J.17. Ninety percent of the remainder of
18 the surcharge collected shall be transmitted to the
19 treasurer of state by the fifteenth day of the
20 following month. The treasurer of state shall deposit
21 one third of the that money in the law enforcement
22 training reimbursement fund established under section
23 384.15 and the remaining two thirds of the that money
24 in the general fund of the state. The clerk of the
25 district court shall transmit ten percent of the
26 remainder of the surcharge to the county treasurer or
27 shall remit ten percent of the remainder of the
28 surcharge to the city that was the plaintiff in any
29 action for deposit in the general fund of the city.

30 Sec. ____ . Section 912.2A, subsection 1, Code
31 Supplement 1989, is amended to read as follows:

32 1. A crime victim assistance board is established,
33 and shall consist of the following members to be
34 appointed pursuant to rules adopted by the department:

35 a. A county attorney or assistant county attorney.

36 b. ~~A person~~ Two persons engaged full time in law
37 enforcement.

38 c. A public defender or an attorney practicing
39 primarily in criminal defense.

40 d. A hospital medical staff person involved with
41 emergency services.

42 e. A public member who has received victim
43 services.

44 f. A victim service provider.

45 g. A person licensed pursuant to chapter 154B or
46 154C.

47 h. A person representing the elderly.

48 Board members shall be reimbursed for expenses
49 actually and necessarily incurred in the discharge of
50 their duties.

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1 Sec. 101. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH
2 SERVICES APPROPRIATION.

3 1. There is appropriated from the fund created by
4 section 8.41 to the Iowa department of public health
5 for the federal fiscal year beginning October 1, 1990,
6 the following amount:

7 \$ 7,804,000

8 Funds appropriated by this section are the
9 anticipated funds to be received from the federal
10 government for the designated federal fiscal year
11 under Pub. L. No. 97-35, Title IX, Subtitle A, and
12 Pub. L. No. 97-414 which provides for the alcohol and
13 drug abuse and mental health services block grant.
14 The department shall expend the funds appropriated by
15 this section as provided in the federal law making the
16 funds available and in conformance with chapter 17A.

17 Of the funds appropriated in this section, an
18 amount not exceeding \$33,133 shall be used for audits.
19 The auditor of state shall bill the Iowa department of
20 public health for the cost of the audits.

21 The Iowa department of public health shall pay to
22 the auditor of state an amount sufficient to pay the
23 cost of auditing the use and administration of the
24 state's portion of the funds appropriated in this
25 subsection from funds appropriated to the department
26 from the general fund of the state, in addition to the
27 amount to be used for audits as provided in this
28 subsection. The auditor of state shall bill the Iowa
29 department of public health for the costs of the
30 audit.

31 2. 10 percent of the remaining funds, as allowed
32 pursuant to Pub. L. No. 97-35, Title IX, Subtitle A,
33 and which are appropriated in subsection 1 shall be
34 transferred to the division of mental health, mental
35 retardation, and developmental disabilities within the
36 department of human services and allocated for
37 community mental health centers with priority being
38 given to dual diagnosis. Of this amount, 10 percent
39 shall be used to provide services and programs for
40 severely emotionally disturbed children and
41 adolescents, and 55 percent shall be used to develop
42 and provide community mental health services and
43 programs not available on October 1, 1988. New
44 services developed between October 1, 1984, and
45 October 1, 1988, with alcohol, drug abuse, and mental
46 health services block grant funds may be treated as
47 new services.

48 3. An amount not exceeding 5 percent of the funds
49 in excess of \$2,839,000 appropriated in subsection 1
50 shall be used by the Iowa department of public health

1 for administrative expenses.

2 4. 10 percent of the funds appropriated in
3 subsection 1 shall be used to provide alcohol and drug
4 abuse services to women.

5 5. After deducting the funds allocated in
6 subsections 1, 2, 3, and 4, the remaining funds
7 appropriated in subsection 1 shall be allocated
8 according to the following percentages to supplement
9 appropriations for the following programs within the
10 Iowa department of public health:

11 a. Drug abuse treatment programs 38.89 percent

12 Of the amount appropriated under this paragraph, at
13 least \$1,358,000 must be used for intravenous drug
14 abusers unless a waiver is granted from the federal
15 government.

16 b. Alcohol abuse treatment programs 38.89 percent

17 c. Alcohol and drug abuse prevention
18 programs 22.22 percent

19 As a condition, limitation, and qualification of
20 the appropriation in this section, and the allocations
21 in subsection 5, paragraphs "a" and "b", priority
22 shall be given to maintaining existing services,
23 reducing the treatment waiting lists, including
24 increasing provider salaries, providing aftercare
25 services, and providing early intervention in the
26 treatment of infants affected by cocaine.

27 As a condition, limitation, and qualification of
28 the appropriation in this section, and the allocations
29 in subsection 5, paragraph "c", priority shall be
30 given to maintaining existing services, funding
31 additional prevention specialists, and increasing
32 provider salaries.

33 Sec. 102. DRUG CONTROL AND SYSTEM IMPROVEMENT
34 GRANT PROGRAM APPROPRIATION.

35 1. There is appropriated from the fund created in
36 section 8.41 to the governor's substance abuse
37 coordinator for the federal fiscal year beginning
38 October 1, 1990, the following amount:

39 \$ 4,860,000

40 Funds appropriated by this subsection are the
41 anticipated funds to be received from the federal
42 government for the designated fiscal year under Pub.
43 L. No. 100-690 which provides for the drug control and
44 system improvement grant program. The coordinator
45 shall expend the funds appropriated by this subsection
46 as provided in the federal law making the funds
47 available and in conformance with chapter 17A.

48 2. An amount not exceeding 5 percent of the funds
49 appropriated in subsection 1 shall be used by the
50 governor's substance abuse coordinator for

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1 administrative expenses. From the funds set aside by
2 this subsection for administrative expenses, the
3 coordinator shall pay to the auditor of state an
4 amount sufficient to pay the cost of auditing the use
5 and administration of the state's portion of the funds
6 appropriated in subsection 1. The auditor of state
7 shall bill the governor's substance abuse coordinator
8 for the cost of the audit.

9 3. Priority for the funding of programs with funds
10 appropriated in subsection 1 shall be given, to the
11 extent possible, to programs which accomplish any of
12 the following:

13 a. Expand analysis capabilities at the state
14 criminalistics laboratory.

15 b. The formation of multijurisdictional task
16 forces, created for the purpose of cooperating jointly
17 in enforcement efforts related primarily to controlled
18 substances, counterfeit substances, or simulated
19 controlled substances.

20 c. Expand prosecutorial capabilities at the county
21 and state level for drug-related offenses.

22 d. Establish or continue training programs for law
23 enforcement officers, prosecutors, judges, probation
24 officers, correctional officers, staff working with
25 juvenile offenders, substance abuse prevention and
26 treatment providers, and members of the community,
27 which emphasize multidisciplinary understanding of
28 drug abuse, including prevention and intervention
29 policies.

30 e. Establish or continue treatment programs for
31 prison-based populations and juvenile rehabilitation
32 programs.

33 f. Establish or continue project D.A.R.E. (drug
34 abuse resistance education).

35 g. Other programs authorized under the drug
36 control and system improvement grant program.

37 Sec. ____ . PROCEDURE FOR REDUCED FEDERAL FUNDS.

38 1. If the funds received from the federal
39 government for the block grants specified in sections
40 101 and 102 of this Act are less than the amounts
41 appropriated, the funds actually received shall be
42 prorated by the governor for the various programs, for
43 which each block grant is available according to the
44 percentages that each program is to receive as
45 specified in this Act. However, if the governor
46 determines that the funds allocated by the percentages
47 will not be sufficient to effect the purposes of a
48 particular program, or if the appropriation is not
49 allocated by percentage, the governor may allocate the
50 funds in a manner which will effect to the greatest

1 extent possible the purposes of the various programs
2 for which the block grants are available.

3 2. Before the governor implements the actions
4 provided for in subsection 1, the following procedures
5 shall be taken:

6 a. The chairpersons and ranking members of the
7 senate and house standing committees on
8 appropriations, the appropriate chairpersons and
9 ranking members of subcommittees of those committees,
10 and the director of the legislative fiscal bureau
11 shall be notified of the proposed action.

12 b. The notice shall include the proposed
13 allocations, and information on the reasons why
14 particular percentages or amounts of funds are
15 allocated to the individual programs, the departments
16 and programs affected, and other information deemed
17 useful. Chairpersons notified shall be allowed at
18 least 2 weeks to review and comment on the proposed
19 action before the action is taken.

20 Sec. ____ . PROCEDURE FOR INCREASED FEDERAL FUNDS.

21 If funds received from the federal government in
22 the form of block grants exceed the amounts
23 appropriated in sections 101 and 102 of this Act, the
24 excess shall be prorated to the appropriate programs
25 according to the percentages specified in those
26 sections, except additional funds shall not be
27 prorated for administrative expenses.

28 Sec. ____ . PROCEDURE FOR CONSOLIDATED, CATEGORICAL,
29 OR EXPANDED FEDERAL BLOCK GRANTS.

30 Notwithstanding section 8.41, federal funds made
31 available to the state which are authorized for the
32 federal fiscal year beginning October 1, 1990,
33 resulting from the federal government consolidating
34 former categorical grants into block grants, or which
35 expand block grants included in Pub. L. No. 97-35, to
36 include additional programs formerly funded by
37 categorical grants, which are not otherwise
38 appropriated by the general assembly, are appropriated
39 for the programs formerly receiving the categorical
40 grants, subject to the conditions of this section.
41 The governor shall, whenever possible, allocate from
42 the block grant to each program in the same proportion
43 as the amount of federal funds received by the program
44 during the 1990 federal fiscal year as modified by the
45 1990 Session of the Seventy-third Iowa General
46 Assembly for the state fiscal year beginning July 1,
47 1990, compared to the total federal funds received in
48 the federal fiscal year by all programs consolidated
49 into the block grant. However, if one agency did not
50 have categorical funds appropriated for the federal

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1 fiscal year beginning October 1, 1989, but had
2 anticipated applying for funds during the federal
3 fiscal year beginning October 1, 1990, the governor
4 may allocate the funds in order to provide funding.
5 If the amount received in the form of a
6 consolidated or expanded block grant is less than the
7 total amount of federal funds received for the
8 programs in the form of categorical grants for the
9 1990 federal fiscal year, state funds appropriated to
10 the program by the general assembly to match the
11 federal funds shall be reduced by the same proportion
12 of the reduction in federal funds for the program.
13 State funds released by the reduction shall be
14 deposited in a special fund in the state treasury and
15 are available for appropriation by the general
16 assembly. The governor shall notify the chairpersons
17 and ranking members of the senate and house standing
18 committees on appropriations, the appropriate
19 chairpersons and ranking members of the subcommittees
20 of those committees, and the director of the
21 legislative fiscal bureau before making the allocation
22 of federal funds or any proportional reduction of
23 state funds under this section. The notice shall
24 state the amount of federal funds to be allocated to
25 each program, the amount of federal funds received by
26 the program during the 1990 federal fiscal year, the
27 amount by which state funds for the program will be
28 reduced according to this section, and the amount of
29 state funds received by the program during the 1990
30 fiscal year. Chairpersons notified shall be allowed
31 at least 2 weeks to review and comment on the proposed
32 action before the action is taken.

33 If the amount received in the form of a
34 consolidated or expanded block grant is more than the
35 total amount of federal funds received for the
36 programs in the form of categorical grants for the
37 1990 federal fiscal year, the excess funds shall be
38 deposited in the special fund created in section 8.41
39 and are subject to the provisions of that section.

40 Sec. ____ . IOWA DEPARTMENT OF PUBLIC HEALTH.

41 There is appropriated from the federal grants,
42 receipts, and funds and other nonstate grants,
43 receipts, and funds, available in whole or in part for
44 the fiscal year beginning July 1, 1990, and ending
45 June 30, 1991, to the Iowa department of public
46 health, the following amounts, to be used as set forth
47 in the grants, receipts, or conditions accompanying
48 the receipt of the funds for the purposes designated:

49 1. For drug free schools and comprehensive
50 prevention services, to high-risk youth, grant number

1 S186A90067:
 2 \$ 1,346,000
 3 2. For the drug abuse treatment waiting list
 4 reduction grant program, grant number ADH000020-01:
 5 \$ 279,647
 6 Sec. ____ DEPARTMENT OF EDUCATION.
 7 There is appropriated from federal grants,
 8 receipts, and funds, available in whole or in part for
 9 the fiscal year beginning July 1, 1990, and ending
 10 June 30, 1991, to the department of education, the
 11 following amount, to be used for the purposes
 12 designated:
 13 \$ 3,500,000

14 It is the intent of the general assembly that of
 15 the funds appropriated in this section and provided to
 16 school districts, the highest priority shall be given
 17 to the extent possible, to providing funding for
 18 implementation of human growth and development
 19 curriculum.

20 It is also the intent of the general assembly that
 21 of the funds appropriated in this section and provided
 22 to school districts, priority shall be given to the
 23 extent possible, to providing funding for curriculum
 24 development and training, and other related programs.
 25 It is also the intent of the general assembly that to
 26 the extent possible, funds provided to the school
 27 districts by this section be used for projects with
 28 demonstrated success.

29 The department of education, in consultation with
 30 the division of substance abuse of the Iowa department
 31 of public health, shall survey all school districts in
 32 the state for the purpose of evaluating and assessing
 33 the extent to which substance abuse education is being
 34 provided to students in grades kindergarten through
 35 12. The department, in consultation with the
 36 division, shall issue a request for proposals for the
 37 purpose of contracting with an entity to conduct a
 38 longitudinal study for a minimum of twenty-five years
 39 to study, evaluate, and assess the effectiveness of
 40 the substance abuse education programs provided, to
 41 the extent possible, and to determine if peer groups
 42 exposed to certain types of prevention programs, when
 43 normed for socioeconomic and other pertinent factors,
 44 exhibit different incidences of substance abuse and
 45 use than the general population. The study shall also
 46 include follow-up information concerning students
 47 participating in such programs, including students who
 48 subsequently drop out of school. The department shall
 49 recognize successful programs and provide information
 50 concerning such programs to other districts making

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1 application for these funds. The department shall
2 report the findings of the joint survey and study to
3 the general assembly no later than January 15, 1991.
4 The department shall monitor school district programs
5 and report to the general assembly by December of each
6 year concerning the impact of the programs funded with
7 these funds."

8 29. Page 22, by striking lines 27 through 31, and
9 inserting the following: "waiting lists with priority
10 to be given to persons released or discharged from an
11 institution under the direction of the department of
12 corrections who were in treatment programs and who are
13 identified by the board of parole to be in need of
14 further treatment, women of childbearing age, and
15 juveniles. Effective July 1, 1990, existing services
16 shall be maintained, \$1,528,702 shall be used to
17 reduce substance abuse treatment waiting lists with
18 priority to be given to persons released or discharged
19 from an institution under the direction of the
20 department of corrections who were in treatment
21 programs and who are identified by the board of parole
22 to be in need of further treatment, women of
23 childbearing age, and juveniles."

24 30. Page 23, by inserting after line 34, the
25 following:

26 "Sec. ____ . 1989 Iowa Acts, chapter 310, section 4,
27 is amended by adding the following new subsections:

28 NEW SUBSECTION. 4. Priority for the funding of
29 programs with funds appropriated in subsection 1 shall
30 be given, to the extent possible, to programs which
31 accomplish any of the following:

32 a. Expand analysis capabilities at the state
33 criminalistics laboratory.

34 b. The formation of multijurisdictional task
35 forces, created for the purpose of cooperating jointly
36 in enforcement efforts related primarily to controlled
37 substances, counterfeit substances, or simulated
38 controlled substances.

39 c. Expand prosecutorial capabilities at the county
40 and state level for drug-related offenses.

41 d. Establish or continue training programs for law
42 enforcement officers, prosecutors, judges, probation
43 officers, correctional officers, staff working with
44 juvenile offenders, substance abuse prevention and
45 treatment providers, and members of the community,
46 which emphasize multidisciplinary understanding of
47 drug abuse, including prevention and intervention
48 policies.

49 e. Establish or continue treatment programs for
50 prison-based populations and juvenile rehabilitation

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1 programs.

2 f. Establish or continue project D.A.R.E. (drug
3 abuse resistance education).4 g. Other programs authorized under the drug
5 control and system improvement grant program.6 NEW SUBSECTION. 5. The governor's alliance on
7 substance abuse shall design a study to evaluate long-
8 term outcomes of projects funded by this grant program
9 and shall use this study as a factor when awarding
10 federal funds. The alliance shall collect program
11 evaluations and document the effectiveness of the
12 various programs funded under this grant program. The
13 department shall make this information available to
14 applicants and grantees and report to the general
15 assembly, no later than December 15, 1990, concerning
16 the effectiveness of programs funded."17 31. Page 24, by inserting after line 8 the fol-
18 lowing:19 "Sec. ____ . Section 100 of this Act takes effect
20 January 1, 1992."21 32. Title page, line 4, by inserting after the
22 word "penalties" the following: "and an effective
23 date".24 33. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6162 FILED APRIL 6, 1990

House amended 6/95, Concurred 4/8 (f. 2366)

HOUSE FILE 2564

H-6195

1 Amend the Senate amendment, H-6162, to House File
2 2564, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 4 through 6, and
5 inserting the following:

6 "____. Page 1, lines 12 and 13, by striking the
7 words "to be deposited in the youth 2000 community
8 fund established in section 256.44".

9 _____. Page 1, by striking lines 23 through 25, and
10 inserting the following: "appropriation, grants shall
11 be awarded for collaborative efforts within the
12 community receiving the grant, and such grants shall
13 not exceed \$2,500. As a further condition,
14 limitation, and qualification of this appropriation,
15 funding shall be provided for contracting on a
16 competitive basis with a nonprofit organization to
17 provide technical assistance to communities pursuant
18 to section 256.43.

19 Applicants for grants to be made pursuant to
20 this".

21 2. Page 1, line 10, by striking the words "a part
22 of the school district" and inserting the following:
23 the community".

24 3. Page 1, by striking lines 11 and 12, and
25 inserting the following:

26 "____. By striking page 2, line 23, through page
27 3, line 11."

28 4. Page 1, line 14, by striking the figure
29 "1,212,208" and inserting the following: "1,162,208".

30 5. Page 1, line 39, by striking the figure
31 "300,000" and inserting the following: "200,000".

32 6. Page 1, line 41, by striking the words "two
33 urban areas" and inserting the following: "urban
34 area".

35 7. Page 1, by striking line 48, and inserting the
36 following:

37 "..... \$ 125,000

38 The drug enforcement and abuse prevention
39 coordinator shall monitor the program and receive
40 reports required to be made concerning the program.
41 Persons responsible for the program shall report to
42 the drug enforcement and abuse prevention coordinator
43 concerning progress in establishing the program and
44 the expenditures made."

45 8. Page 2, by striking lines 1 through 40 and
46 inserting the following:

47 "..... \$ 50,000".

48 9. Page 2, line 48, by striking the figure
49 "31,792" and inserting the following: "56,292".

50 10. By striking page 2, line 49, through page 3,

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Page 2

1 line 31, and inserting the following:

2 "____". Page 5, line 2, by striking the figure

3 "52,500" and inserting the following: "28,000".

4 _____. Page 5, by inserting after line 21, the

5 following:

6 "4. For the division of narcotics for funding drug

7 enforcement operations to be used for the purchase of

8 illegal substances in furtherance of these enforcement

9 operations:

10 \$ 125,000

11 As a condition, limitation, and qualification of

12 this appropriation, the department shall use the

13 amount appropriated in this subsection to match and

14 obtain available federal funds, the total amount of

15 these funds to be used for the purchase of illegal

16 substances in furtherance of these enforcement

17 operations."

18 11. Page 3, by striking line 34, and inserting

19 the following:

20 "____". Page 6, line 8, by striking the figure

21 "150,000" and inserting the following: "125,000".

22 12. Page 3, by striking lines 45 and 46, and

23 inserting the following:

24 "..... \$ 25,000

25 6. For salaries, support, maintenance, and

26 technical assistance for the purpose of reducing court

27 delays and for the training of judges:

28 \$ 25,000

29 As a condition, limitation, and qualification of

30 this appropriation, the drug enforcement and abuse

31 prevention coordinator, in cooperation with the

32 judicial department, shall use this amount to match

33 and obtain available federal funds, the total amount

34 of these funds to be used for the purpose of reducing

35 court delays.

36 7. Notwithstanding section 8.33, funds".

37 13. Page 3, by striking lines 48 and 49, and

38 inserting the following:

39 "____". By striking page 8, line 29, through page

40 9, line 3, and inserting the following:

41 "Notwithstanding section 602.6201, for an

42 additional".

43 14. Page 4, by striking line 18, and inserting

44 the following:

45 "a. Two physicians licensed in this state who

46 have".

47 15. Page 4, by striking lines 30 through 39 and

48 inserting the following:

49 "d. One person representing a master's degree

50 program in substance abuse counseling, with research

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1 expertise in the field of substance abuse treatment.
2 e. Two representatives of the business community
3 who shall represent the business consumers of health
4 insurance.

5 f. Two representatives of providers of health
6 insurance. At least one representative shall
7 represent health maintenance organizations or
8 preferred provider organizations.

9 g. Three citizens of the state who do not provide
10 health services or health insurance or other fiscal
11 intermediary services.

12 Members appointed to the advisory council pursuant
13 to paragraphs "a" through "d" shall be appointed so
14 that an equal number shall be appointed to represent
15 public substance abuse treatment providers as are
16 appointed to represent private substance abuse
17 treatment providers."

18 16. By striking page 4, line 40, through page 8,
19 line 8, and inserting the following:

20 "____. By striking page 13, line 7, through page
21 19, line 17, and inserting the following:

22 "Sec. ____ . NEW SECTION. 125.15B DUTIES OF
23 COUNCIL.

24 1. Except as otherwise provided by law, the
25 council shall:

26 a. Recommend policy and rule changes to the
27 director necessary to provide for the effective
28 regulation and assessment of treatment providers in
29 this state and the effective administration of this
30 chapter.

31 b. Receive, review, and make recommendations to
32 the department based upon the information contained in
33 the provider reports received by the department.

34 c. Shall study whether or not a problem currently
35 exists with inappropriate transfers of patients by
36 either providers or third-party payors, and, if so,
37 make appropriate recommendations to the department.

38 2. The council may recommend to the director a
39 contractor for the purpose of data collection related
40 to the evaluation of providers subject to the
41 provisions of this chapter and for the collection of
42 patient data.

43 Sec. ____ . NEW SECTION. 125.15C REQUIRED
44 REPORTING.

45 Unless otherwise provided, a substance abuse
46 treatment provider, regardless of whether the provider
47 is licensed by the commission on substance abuse,
48 shall report to the department on forms provided by
49 the department, information relating to all patients
50 admitted to treatment, receiving treatment, or

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1 discharged from treatment, and again at a specified
2 time after completing or ending such treatment as
3 required by departmental rule. The provider shall
4 provide all information requested which is available
5 to the provider. The department, after consultation
6 with the advisory council, shall adopt rules providing
7 for the information to be reported to the department
8 and the advisory council.

9 In addition to receiving the reports required under
10 this section, the division of substance abuse, for
11 good cause, shall have access to the records of a
12 substance abuse treatment provider for the purpose of
13 auditing and inspecting the programs to assure
14 compliance with the requirements of sections 125.15B
15 through 125.15M.

16 For the period beginning July 1, 1990, and ending
17 June 30, 1991, the form to be used for the reporting
18 required under section 125.15C for all providers shall
19 be the substance abuse management information system
20 form used by the division of substance abuse. No
21 later than July 1, 1991, the department, in
22 consultation with the advisory council, shall require
23 the reporting of additional information relating to
24 the following addiction related symptoms of a patient:

25 1. Physical diseases associated with the use of
26 substances.

27 2. Organic brain dysfunction.

28 3. Symptomatic major psychosis.

29 4. Suicide attempts.

30 5. Other symptoms as deemed appropriate by the
31 advisory council and adopted by the department for the
32 purpose of determining patient severity at the time of
33 admission to treatment.

34 Sec. _____. NEW SECTION. 125.15D DATA CONTRACTOR.

35 The department, after consultation with and upon
36 recommendation of the advisory council, may contract
37 with an independent data collector to survey substance
38 abuse treatment providers required to report
39 information under section 125.15C, and shall provide
40 such information required to be reported pursuant to
41 section 125.15C, and any other information collected
42 as determined by the department, to the council.

43 Sec. _____. NEW SECTION. 125.15E DATA PROVIDED TO
44 HEALTH DATA COMMISSION.

45 The department shall also forward all data reported
46 pursuant to section 125.15C and any other information
47 collected as determined by the department to the state
48 health data commission.

49 Sec. _____. NEW SECTION. 125.15F MEASUREMENT
50 STANDARDS.

1 The department, after consultation with the
2 advisory council, shall adopt rules establishing
3 minimum standards of outcome measurement of patients
4 ending or completing treatment relating to the
5 effectiveness of substance abuse treatment programs,
6 which shall primarily include, but not be limited to,
7 the following:

- 8 1. Abstinence.
- 9 2. Arrest rate.
- 10 3. Improved socioeconomic status.

11 Sec. ____ . NEW SECTION. 125.15G TYPES OF
12 PROGRAMS.

13 For purposes of review of substance abuse treatment
14 programs, all programs providing substance abuse
15 treatment and subject to the requirements of section
16 125.15A through 125.15M, shall be divided into class 1
17 and class 2 programs based upon a patient severity
18 index as determined by the advisory council. The
19 patient severity index must include factors relating
20 to medical severity, psychological dysfunction, age,
21 recidivism, arrest rate, and other pertinent factors.
22 The department, after consultation with the advisory
23 council, shall adopt rules relating to the definition
24 of class 1 and class 2 programs.

25 Sec. ____ . NEW SECTION. 125.15H PROVIDER REVIEW -
26 - MINIMUM STANDARDS.

27 No later than July 1, 1992, the department, after
28 consultation with the advisory council, shall adopt
29 rules providing for the minimum standards to be met by
30 all providers.

31 Sec. ____ . INTERIM RULES.

32 For the period beginning July 1, 1990, and ending
33 June 30, 1992, all treatment providers shall meet the
34 following minimum standards:

35 A success rate equal to seventy-five percent of the
36 average success rate of the top fifty percent of
37 treatment providers within the same class in each of
38 the following categories:

- 39 1. Abstinence.
- 40 2. Arrest rate.
- 41 3. Improved socioeconomic status.

42 A treatment provider who fails to attain the
43 required minimum success rate in any of the three
44 categories shall be subject to intensified review by
45 the department.

46 Sec. ____ . NEW SECTION. 125.15I PROVIDER
47 SANCTIONS.

48 1. A treatment provider which fails to meet the
49 minimum standards established pursuant to section
50 125.15F shall be reviewed by the advisory council.

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1 Within thirty days after the advisory council has
2 concluded its review, the advisory council shall
3 provide recommendations for program changes, or may
4 recommend other appropriate action to be taken
5 pursuant to this section, if any, to the Iowa
6 department of public health. The department, upon
7 affirming the recommendations of the advisory council,
8 shall forward to the provider program recommendations
9 as recommended by the advisory council, or other
10 recommendations deemed appropriate by the department,
11 and may stay further action against the provider, for
12 a period of up to one year during which time, the
13 advisory council shall continue to review the provider
14 and new patient data shall be collected for review.

15 2. The advisory council may appoint one or more
16 quality improvement task forces for the purpose of
17 providing expert review and advice for improving the
18 success rate of providers failing to meet the minimum
19 standards required pursuant to section 125.15H. A
20 task force shall consist of three substance abuse
21 professionals from programs in the top fifty percent
22 of all providers in the same class as the provider
23 that fails to meet the standards. A task force shall
24 review a provider that fails to meet the minimum
25 standards and make recommendations for change to the
26 provider being reviewed and notify the advisory
27 council as to those recommendations. Both public and
28 private providers shall be represented on a quality
29 improvement task force. Persons serving on a quality
30 improvement task force may be reimbursed for expenses
31 incurred in performance of the duties of the task
32 force. A task force shall cooperate with the division
33 of substance abuse and the technical assistance
34 program.

35 3. If the advisory council finds that a substance
36 abuse treatment provider has failed to meet the
37 minimum standards established pursuant to section
38 125.15F and action by the advisory council is not
39 recommended pursuant to subsection 1, the advisory
40 council may do any of the following:

41 a. Recommend to the director of public health that
42 funding for the substance abuse treatment provider
43 relating to the substance abuse treatment programs of
44 the provider be withheld.

45 b. Recommend to the director of human services
46 that medical assistance funding relating to the
47 substance abuse treatment programs of the provider be
48 withheld.

49 c. Recommend to the appropriate licensing
50 authority that the license of the substance abuse

1 treatment provider be suspended or revoked relating to
2 the substance abuse treatment programs of the
3 provider.

4 4. Notwithstanding subsections 1 through 3, the
5 advisory council may find that the program serves a
6 particularly difficult patient population and that the
7 public health and welfare would be furthered by
8 continuing to fund the program. In such a case, the
9 advisory council, upon an affirmative vote of two-
10 thirds of the members of the council shall recommend
11 that a new measurement standard be established by the
12 department, by rule, for the program.

13 5. If the advisory council has acted pursuant to
14 subsection 1 and the director accepts such
15 recommendation and stays action against the provider,
16 at the end of that year the advisory council may
17 recommend to the department an additional extension of
18 the period of intensified review for up to one
19 additional year.

20 6. If the advisory council has acted pursuant to
21 subsection 1, 2, or 3 and no action has been taken
22 pursuant to subsection 4 or 5, the department shall
23 include the substance abuse treatment provider on a
24 list of providers failing to meet the minimum
25 standards which shall be provided to the public,
26 third-party payors for health services, local govern-
27 ment bodies, and substance abuse treatment provider
28 accreditation entities.

29 Sec. ____ . NEW SECTION. 125.15J CONFIDENTIALITY
30 OF INFORMATION.

31 1. Information received by the department
32 contained in the reports required pursuant to section
33 125.15I is subject to the confidentiality provisions
34 of sections 125.37 and 125.93.

35 However, a summary of data concerning a program
36 which has been sanctioned pursuant to section 125.15I,
37 subsection 2 or 3, shall be made available, as
38 appropriate, by the department.

39 2. Beginning July 1, 1993, to the extent permitted
40 by state and federal law, a summary of data concerning
41 the success of all substance abuse treatment programs
42 shall be made available by the department upon the
43 request of any interested person.

44 Sec. ____ . NEW SECTION. 125.15K EXEMPLARY
45 PROVIDERS -- PREFERENTIAL TREATMENT.

46 The department, in consultation with the advisory
47 council, shall adopt rules defining exemplary
48 substance abuse treatment programs and providing for
49 the recognition of exemplary substance abuse treatment
50 programs. In adopting such rules the department shall

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1 consider patient populations and other appropriate
2 factors.

3 Additionally, to the extent permitted by applicable
4 state and federal requirements relating to substance
5 abuse treatment funding, the department shall
6 preferentially consider such exemplary substance abuse
7 treatment providers in subsequent funding grant
8 applications.

9 Sec. _____. NEW SECTION. 125.15L FALSIFICATION OF
10 REPORT DATA.

11 A substance abuse treatment provider required to
12 provide information to the department pursuant to
13 section 125.15C, who intentionally falsifies any
14 diagnosis of a patient admitted to treatment to avoid
15 review pursuant to section 125.15H, who intentionally
16 fails to report information to the department, or who
17 falsifies such report, is subject to a civil penalty
18 of five thousand dollars per false diagnosis, per
19 failure to make such report, or per falsification of
20 such report, in addition to any other appropriate
21 action which may be taken by the department or the
22 council. Such penalties shall be collected by the
23 department and deposited in the general fund of the
24 state.

25 In addition to the civil penalty provided in this
26 section, the department shall also make a list of
27 providers committing violations of this section
28 available to the public, third-party payors for health
29 services, local government bodies, and substance abuse
30 treatment provider accreditation entities.

31 Sec. _____. NEW SECTION. 125.15M PROGRAMS EXCLUDED
32 -- PENALTY."

33 17. Page 8, line 10, by striking the figure
34 "125.15I" and inserting the following: "125.15L".

35 18. Page 8, line 12, by striking the figure
36 "125.15I" and inserting the following: "125.15L".

37 19. Page 8, by striking lines 15 through 24.

38 20. By striking page 13, line 33, through page
39 14, line 42, and inserting the following:

40 ""Sec. _____. Section 911.2, Code 1989, is amended
41 to".

42 21. Page 21, line 19, by inserting after the word
43 "curriculum" the following: "related to substance
44 abuse".

45 22. Page 21, by striking lines 23 and 24, and
46 inserting the following: "extent possible, to provide
47 funding for substance abuse curriculum development and
48 training, development of student assistance teams, and
49 other related programs."

50 23. Page 22, by striking lines 3 through 7, and

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1 inserting the following: "the general assembly no
2 later than January 15, 1991.""

3 24. Page 23, line 13, by striking the word
4 "department" and inserting the following: "alliance".

5 25. Page 23, by striking lines 17 through 23.

6 26. Renumber as necessary.

By MCKINNEY of Dallas

H-6195 FILED APRIL 8, 1990

ADOPTED (p. 2346)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2564

S-6035

1 Amend the Senate amendment, H-6162, to House File-
2 2564, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 4 through 6, and
5 inserting the following:

6 "____. Page 1, lines 12 and 13, by striking the
7 words "to be deposited in the youth 2000 community
8 fund established in section 256.44".

9 _____. Page 1, by striking lines 23 through 25, and
10 inserting the following: "appropriation, grants shall
11 be awarded for collaborative efforts within the
12 community receiving the grant, and such grants shall
13 not exceed \$2,500. As a further condition,
14 limitation, and qualification of this appropriation,
15 funding shall be provided for contracting on a
16 competitive basis with a nonprofit organization to
17 provide technical assistance to communities pursuant
18 to section 256.43.

19 Applicants for grants to be made pursuant to
20 this".

21 2. Page 1, line 10, by striking the words "a part
22 of the school district" and inserting the following:
23 the community".

24 3. Page 1, by striking lines 11 and 12, and
25 inserting the following:

26 "____. By striking page 2, line 23, through page
27 3, line 11."

28 4. Page 1, line 14, by striking the figure
29 "1,212,208" and inserting the following: "1,162,208".

30 5. Page 1, line 39, by striking the figure
31 "300,000" and inserting the following: "200,000".

32 6. Page 1, line 41, by striking the words "two
33 urban areas" and inserting the following: "urban
34 area".

35 7. Page 1, by striking line 48, and inserting the
36 following:

37 "..... \$ 125,000

38 The drug enforcement and abuse prevention
39 coordinator shall monitor the program and receive
40 reports required to be made concerning the program.
41 Persons responsible for the program shall report to
42 the drug enforcement and abuse prevention coordinator
43 concerning progress in establishing the program and
44 the expenditures made."

45 8. Page 2, by striking lines 1 through 40 and
46 inserting the following:

47 "..... \$ 50,000".

48 9. Page 2, line 48, by striking the figure
49 "31,792" and inserting the following: "56,292".

50 10. By striking page 2, line 49, through page 3,

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Page 2

1 line 31, and inserting the following:
 2 " ". Page 5, line 2, by striking the figure
 3 "52,500" and inserting the following: "28,000".
 4 " ". Page 5, by inserting after line 21, the
 5 following:
 6 "4. For the division of narcotics for funding drug
 7 enforcement operations to be used for the purchase of
 8 illegal substances in furtherance of these enforcement
 9 operations:

10 \$ 125,000

11 As a condition, limitation, and qualification of
 12 this appropriation, the department shall use the
 13 amount appropriated in this subsection to match and
 14 obtain available federal funds, the total amount of
 15 these funds to be used for the purchase of illegal
 16 substances in furtherance of these enforcement
 17 operations."

18 11. Page 3, by striking line 34, and inserting
 19 the following:

20 " ". Page 6, line 8, by striking the figure
 21 "150,000" and inserting the following: "125,000".

22 12. Page 3, by striking lines 45 and 46, and
 23 inserting the following:

24 "..... \$ 25,000

25 6. For salaries, support, maintenance, and
 26 technical assistance for the purpose of reducing court
 27 delays and for the training of judges:

28 \$ 25,000

29 As a condition, limitation, and qualification of
 30 this appropriation, the drug enforcement and abuse
 31 prevention coordinator, in cooperation with the
 32 judicial department, shall use this amount to match
 33 and obtain available federal funds, the total amount
 34 of these funds to be used for the purpose of reducing
 35 court delays.

36 7. Notwithstanding section 8.33, funds".

37 13. Page 3, by striking lines 48 and 49, and
 38 inserting the following:

39 " ". By striking page 8, line 29, through page
 40 9, line 3, and inserting the following:

41 "Notwithstanding section 602.6201, for an
 42 additional".

43 14. Page 4, by striking line 18, and inserting
 44 the following:

45 "a. Two physicians licensed in this state who
 46 have".

47 15. Page 4, by striking lines 30 through 39 and
 48 inserting the following:

49 "d. One person representing a master's degree
 50 program in substance abuse counseling, with research

~~1 expertise in the field of substance abuse treatment.~~

2 e. Two representatives of the business community
3 who shall represent the business consumers of health
4 insurance.

5 f. Two representatives of providers of health
6 insurance. At least one representative shall
7 represent health maintenance organizations or
8 preferred provider organizations.

9 g. Three citizens of the state who do not provide
10 health services or health insurance or other fiscal
11 intermediary services.

12 Members appointed to the advisory council pursuant
13 to paragraphs "a" through "d" shall be appointed so
14 that an equal number shall be appointed to represent
15 public substance abuse treatment providers as are
16 appointed to represent private substance abuse
17 treatment providers."

18 16. By striking page 4, line 40, through page 8,
19 line 8, and inserting the following:

20 " _____. By striking page 13, line 7, through page
21 19, line 17, and inserting the following:

22 "Sec. _____. NEW SECTION. 125.15B DUTIES OF
23 COUNCIL.

24 1. Except as otherwise provided by law, the
25 council shall:

26 a. Recommend policy and rule changes to the
27 director necessary to provide for the effective
28 regulation and assessment of treatment providers in
29 this state and the effective administration of this
30 chapter.

31 b. Receive, review, and make recommendations to
32 the department based upon the information contained in
33 the provider reports received by the department.

34 c. Shall study whether or not a problem currently
35 exists with inappropriate transfers of patients by
36 either providers or third-party payors, and, if so,
37 make appropriate recommendations to the department.

38 2. The council may recommend to the director a
39 contractor for the purpose of data collection related
40 to the evaluation of providers subject to the
41 provisions of this chapter and for the collection of
42 patient data.

43 Sec. _____. NEW SECTION. 125.15C REQUIRED
44 REPORTING.

45 Unless otherwise provided, a substance abuse
46 treatment provider, regardless of whether the provider
47 is licensed by the commission on substance abuse,
48 shall report to the department on forms provided by
49 the department, information relating to all patients
50 admitted to treatment, receiving treatment, or

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1 discharged from treatment, and again at a specified
2 time after completing or ending such treatment as
3 required by departmental rule. The provider shall
4 provide all information requested which is available
5 to the provider. The department, after consultation
6 with the advisory council, shall adopt rules providing
7 for the information to be reported to the department
8 and the advisory council.

9 In addition to receiving the reports required under
10 this section, the division of substance abuse, for
11 good cause, shall have access to the records of a
12 substance abuse treatment provider for the purpose of
13 auditing and inspecting the programs to assure
14 compliance with the requirements of sections 125.15B
15 through 125.15M.

16 For the period beginning July 1, 1990, and ending
17 June 30, 1991, the form to be used for the reporting
18 required under section 125.15C for all providers shall
19 be the substance abuse management information system
20 form used by the division of substance abuse. No
21 later than July 1, 1991, the department, in
22 consultation with the advisory council, shall require
23 the reporting of additional information relating to
24 the following addiction related symptoms of a patient:

- 25 1. Physical diseases associated with the use of
- 26 substances.
- 27 2. Organic brain dysfunction.
- 28 3. Symptomatic major psychosis.
- 29 4. Suicide attempts.
- 30 5. Other symptoms as deemed appropriate by the
- 31 advisory council and adopted by the department for the
- 32 purpose of determining patient severity at the time of
- 33 admission to treatment.

34 Sec. ____ . NEW SECTION. 125.15D DATA CONTRACTOR.

35 The department, after consultation with and upon
36 recommendation of the advisory council, may contract
37 with an independent data collector to survey substance
38 abuse treatment providers required to report
39 information under section 125.15C, and shall provide
40 such information required to be reported pursuant to
41 section 125.15C, and any other information collected
42 as determined by the department, to the council.

43 Sec. ____ . NEW SECTION. 125.15E DATA PROVIDED TO
44 HEALTH DATA COMMISSION.

45 The department shall also forward all data reported
46 pursuant to section 125.15C and any other information
47 collected as determined by the department to the state
48 health data commission.

49 Sec. ____ . NEW SECTION. 125.15F MEASUREMENT
50 STANDARDS.

1 The department, after consultation with the
2 advisory council, shall adopt rules establishing
3 minimum standards of outcome measurement of patients
4 ending or completing treatment relating to the
5 effectiveness of substance abuse treatment programs,
6 which shall primarily include, but not be limited to,
7 the following:

- 8 1. Abstinence.
- 9 2. Arrest rate.
- 10 3. Improved socioeconomic status.

11 Sec. ____ . NEW SECTION. 125.15G TYPES OF
12 PROGRAMS.

13 For purposes of review of substance abuse treatment
14 programs, all programs providing substance abuse
15 treatment and subject to the requirements of section
16 125.15A through 125.15M, shall be divided into class 1
17 and class 2 programs based upon a patient severity
18 index as determined by the advisory council. The
19 patient severity index must include factors relating
20 to medical severity, psychological dysfunction, age,
21 recidivism, arrest rate, and other pertinent factors.
22 The department, after consultation with the advisory
23 council, shall adopt rules relating to the definition
24 of class 1 and class 2 programs.

25 Sec. ____ . NEW SECTION. 125.15H PROVIDER REVIEW -
26 -MINIMUM STANDARDS.

27 No later than July 1, 1992, the department, after
28 consultation with the advisory council, shall adopt
29 rules providing for the minimum standards to be met by
30 all providers.

31 Sec. ____ . INTERIM RULES.

32 For the period beginning July 1, 1990, and ending
33 June 30, 1992, all treatment providers shall meet the
34 following minimum standards:

35 A success rate equal to seventy-five percent of the
36 average success rate of the top fifty percent of
37 treatment providers within the same class in each of
38 the following categories:

- 39 1. Abstinence.
- 40 2. Arrest rate.
- 41 3. Improved socioeconomic status.

42 A treatment provider who fails to attain the
43 required minimum success rate in any of the three
44 categories shall be subject to intensified review by
45 the department.

46 Sec. ____ . NEW SECTION. 125.15I PROVIDER
47 SANCTIONS.

48 1. A treatment provider which fails to meet the
49 minimum standards established pursuant to section
50 125.15F shall be reviewed by the advisory council.

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1 Within thirty days after the advisory council has
2 concluded its review, the advisory council shall
3 provide recommendations for program changes, or may
4 recommend other appropriate action to be taken
5 pursuant to this section, if any, to the Iowa
6 department of public health. The department, upon
7 affirming the recommendations of the advisory council,
8 shall forward to the provider program recommendations
9 as recommended by the advisory council, or other
10 recommendations deemed appropriate by the department,
11 and may stay further action against the provider, for
12 a period of up to one year during which time, the
13 advisory council shall continue to review the provider
14 and new patient data shall be collected for review.

15 2. The advisory council may appoint one or more
16 quality improvement task forces for the purpose of
17 providing expert review and advice for improving the
18 success rate of providers failing to meet the minimum
19 standards required pursuant to section 125.15H. A
20 task force shall consist of three substance abuse
21 professionals from programs in the top fifty percent
22 of all providers in the same class as the provider
23 that fails to meet the standards. A task force shall
24 review a provider that fails to meet the minimum
25 standards and make recommendations for change to the
26 provider being reviewed and notify the advisory
27 council as to those recommendations. Both public and
28 private providers shall be represented on a quality
29 improvement task force. Persons serving on a quality
30 improvement task force may be reimbursed for expenses
31 incurred in performance of the duties of the task
32 force. A task force shall cooperate with the division
33 of substance abuse and the technical assistance
34 program.

35 3. If the advisory council finds that a substance
36 abuse treatment provider has failed to meet the
37 minimum standards established pursuant to section
38 125.15F and action by the advisory council is not
39 recommended pursuant to subsection 1, the advisory
40 council may do any of the following:

41 a. Recommend to the director of public health that
42 funding for the substance abuse treatment provider
43 relating to the substance abuse treatment programs of
44 the provider be withheld.

45 b. Recommend to the director of human services
46 that medical assistance funding relating to the
47 substance abuse treatment programs of the provider be
48 withheld.

49 c. Recommend to the appropriate licensing
50 authority that the license of the substance abuse

1 treatment provider be suspended or revoked relating to
2 the substance abuse treatment programs of the
3 provider.

4 4. Notwithstanding subsections 1 through 3, the
5 advisory council may find that the program serves a
6 particularly difficult patient population and that the
7 public health and welfare would be furthered by
8 continuing to fund the program. In such a case, the
9 advisory council, upon an affirmative vote of two-
10 thirds of the members of the council shall recommend
11 that a new measurement standard be established by the
12 department, by rule, for the program.

13 5. If the advisory council has acted pursuant to
14 subsection 1 and the director accepts such
15 recommendation and stays action against the provider,
16 at the end of that year the advisory council may
17 recommend to the department an additional extension of
18 the period of intensified review for up to one
19 additional year.

20 6. If the advisory council has acted pursuant to
21 subsection 1, 2, or 3 and no action has been taken
22 pursuant to subsection 4 or 5, the department shall
23 include the substance abuse treatment provider on a
24 list of providers failing to meet the minimum
25 standards which shall be provided to the public,
26 third-party payors for health services, local govern-
27 ment bodies, and substance abuse treatment provider
28 accreditation entities.

29 Sec. ____ . NEW SECTION. 125.15J CONFIDENTIALITY
30 OF INFORMATION.

31 1. Information received by the department
32 contained in the reports required pursuant to section
33 125.15I is subject to the confidentiality provisions
34 of sections 125.37 and 125.93.

35 However, a summary of data concerning a program
36 which has been sanctioned pursuant to section 125.15I,
37 subsection 2 or 3, shall be made available, as
38 appropriate, by the department.

39 2. Beginning July 1, 1993, to the extent permitted
40 by state and federal law, a summary of data concerning
41 the success of all substance abuse treatment programs
42 shall be made available by the department upon the
43 request of any interested person.

44 Sec. ____ . NEW SECTION. 125.15K EXEMPLARY
45 PROVIDERS -- PREFERENTIAL TREATMENT.

46 The department, in consultation with the advisory
47 council, shall adopt rules defining exemplary
48 substance abuse treatment programs and providing for
49 the recognition of exemplary substance abuse treatment
50 programs. In adopting such rules the department shall

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1 consider patient populations and other appropriate
2 factors.

3 Additionally, to the extent permitted by applicable
4 state and federal requirements relating to substance
5 abuse treatment funding, the department shall
6 preferentially consider such exemplary substance abuse
7 treatment providers in subsequent funding grant
8 applications.

9 Sec. ____ . NEW SECTION. 125.15L FALSIFICATION OF
10 REPORT DATA.

11 A substance abuse treatment provider required to
12 provide information to the department pursuant to
13 section 125.15C, who intentionally falsifies any
14 diagnosis of a patient admitted to treatment to avoid
15 review pursuant to section 125.15H, who intentionally
16 fails to report information to the department, or who
17 falsifies such report, is subject to a civil penalty
18 of five thousand dollars per false diagnosis, per
19 failure to make such report, or per falsification of
20 such report, in addition to any other appropriate
21 action which may be taken by the department or the
22 council. Such penalties shall be collected by the
23 department and deposited in the general fund of the
24 state.

25 In addition to the civil penalty provided in this
26 section, the department shall also make a list of
27 providers committing violations of this section
28 available to the public, third-party payors for health
29 services, local government bodies, and substance abuse
30 treatment provider accreditation entities.

31 Sec. ____ . NEW SECTION. 125.15M PROGRAMS EXCLUDED
32 - -PENALTY.""

33 17. Page 8, line 10, by striking the figure
34 "125.15I" and inserting the following: "125.15L".

35 18. Page 8, line 12, by striking the figure
36 "125.15I" and inserting the following: "125.15L".

37 19. Page 8, by striking lines 15 through 24.

38 20. By striking page 13, line 33, through page
39 14, line 42, and inserting the following:

40 ""Sec. ____ . Section 911.2, Code 1989, is amended
41 to".

42 21. Page 21, line 19, by inserting after the word
43 "curriculum" the following: "related to substance
44 abuse".

45 22. Page 21, by striking lines 23 and 24, and
46 inserting the following: "extent possible, to provide
47 funding for substance abuse curriculum development and
48 training, development of student assistance teams, and
49 other related programs."

50 23. Page 22, by striking lines 3 through 7, and

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- 1 inserting the following: "the general assembly no
- 2 later than January 15, 1991.""
- 3 24. Page 23, line 13, by striking the word
- 4 "department" and inserting the following: "alliance".
- 5 25. Page 23, by striking lines 17 through 23.
- 6 26. Renumber as necessary.

RECEIVED FROM THE HOUSE

S-6035 FILED APRIL 8, 1990
CONCURRED (p. 1736)



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

May 7, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 2564, an act relating to making appropriations for substance abuse treatment, prevention, education, and enforcement programs, establishing an evaluation mechanism for substance abuse treatment programs, and providing civil penalties.

House File 2564 provides the funding for the state's substance abuse program in the areas of prevention and education, treatment and rehabilitation, and law enforcement and prosecution. I have approved in this bill nearly \$2.313 million of new state funding for these initiatives. Much of this funding can be used to draw down federal funding thereby multiplying the total amount available to fight drugs in Iowa.

I have approved in the Department of Public Health \$1.2 million for treatment programs, \$200,000 for prevention programs, and \$250,000 for the aftercare services. Eighty thousand dollars is provided to the Department of Education for Youth 2000 drug prevention grants. Funding is made available for eight additional narcotic agents, four lab technicians, and more drug-buy money. I have also approved appropriations to establish a Council on Chemically Exposed Infants, to extend the D.A.R.E. program into additional areas of the state, to support a statewide drug information clearing house and to implement a drug abuse data collection system. Many of these initiatives I proposed and fully support and I am pleased to sign them into law.

House File 2564 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 2, in its entirety. This provision would make an appropriation for grants to community colleges to provide staff training on domestic abuse. I have already approved in House File 2371 funding to provide training through the Department of Human Rights to deal with domestic abuse. This additional spending would be duplicative.

I am unable to approve the item designated as Section 4, subsection 4, in its entirety. Over \$1 million is provided elsewhere in this bill for substance abuse treatment programs. That funding is made available in the form of grants which are conditioned on priority treatment being provided to certain persons, including pregnant women and drug-affected babies. This provision would make an additional \$125,000 appropriation to establish a pilot project to provide treatment services to pregnant women and infants. This project can be financed with the funding I have approved, therefore, this additional spending is unnecessary.

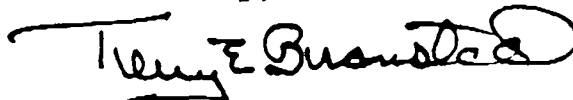
I am unable to approve the items designated as Section 4, subsection 6, and Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, in their entirety. These provisions would establish a fifteen member advisory council which would be charged with assessing and making recommendations relating to the effectiveness of substance abuse treatment programs and appropriate \$250,000 to this council. These provisions also establish an unrealistically high minimum success rate that treatment providers would be required to meet and provides sanctions for those who fail to do so. Much concern has been expressed about the method of evaluating substance abuse treatment programs established in this bill. Further discussion and study of this matter is needed.

I am unable to approve the item designated as Section 6, subsection 2, in its entirety. This provision appropriates \$125,000 to the Drug Abuse and Prevention Coordinator to establish a pilot educational and treatment program for children whose mothers used drugs during their pregnancy. The program is required to include a wide variety of services including an education program for incarcerated parents, training on parenting skills, mentoring within our welfare reform program and treatment for substance abuse. These services are currently available through programs provided by a number of state agencies. Coordination of these services should and does occur at the local level.

The Honorable Elaine Baxter
May 7, 1990
Page 3

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 2564 are hereby approved as of this date.

Sincerely,

A handwritten signature in black ink, reading "Terry E. Branstad". The signature is written in a cursive style with a prominent horizontal stroke at the beginning.

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

Item Vetoed

HOUSE FILE 2564

AN ACT

RELATING TO MAKING APPROPRIATIONS FOR SUBSTANCE ABUSE TREATMENT, PREVENTION, EDUCATION, AND ENFORCEMENT PROGRAMS, ESTABLISHING AN EVALUATION MECHANISM FOR SUBSTANCE ABUSE TREATMENT PROGRAMS, AND PROVIDING CIVIL PENALTIES.

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 department of education for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the youth 2000 coordinating council for awarding community planning grants for collaborative efforts to establish local drug prevention and youth development programs as provided in section 256.42, subsection 5:

..... \$ 80,000

As a condition, limitation, and qualification of this appropriation, grants shall be awarded for collaborative efforts within the community receiving the grant, and such grants shall not exceed \$2,500. As a further condition, limitation, and qualification of this appropriation, funding shall be provided for contracting on a competitive basis with a nonprofit organization to provide technical assistance to communities pursuant to section 256.43.

Applicants for grants to be made pursuant to this program shall include with the application a letter of support from a comprehensive prevention program funded through the division serving the district within which one community is situated.

Sec. 2.

There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For providing grants to community colleges for training staff to provide courses designed for first time domestic abuse offenders:
..... \$ 22,000

As a condition, limitation, and qualification of this appropriation, grants shall not exceed \$2,000 and shall be awarded on a competitive basis pursuant to criteria established by the department. Awards need not be made to all community colleges. The department shall submit a report to the justice system appropriations subcommittee and the legislative fiscal bureau by December 1, 1990, which shall identify each community college receiving a grant, the amount

of each grant, and a program description of each proposal for which a grant is awarded.

Sec. 3.

There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For continuation of the study at the university of Iowa approved by the legislative council on October 18, 1989, relating to the possible expanded use of Ritalin, a legal drug, in Iowa to high activity level (attention-deficit hyperactivity disorder) classroom children:
..... \$ 5,000

Sec. 4.

There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For the division of substance abuse for program grants:
..... \$ 1,162,208

As a condition, limitation, and qualification of this appropriation, the division shall allocate this amount in a manner which will effectively reduce, if not eliminate, the waiting period which now exists at publicly funded substance abuse treatment centers for individuals, including adults and juveniles, awaiting assessment, outpatient treatment, entry into a halfway house, and residential treatment, and which will provide for increases in provider salaries.

As a further condition, limitation, and qualification of this appropriation, the division, when allocating this amount in a manner which will effectively reduce the waiting period, shall give priority to persons released or discharged from a facility under the direction of the department of corrections

who were in treatment programs and who are identified by the parole board to be in need of further treatment, women of childbearing age, and juveniles.

As a further condition, limitation, and qualification of this appropriation, the division of substance abuse and the department of corrections shall cooperate in developing a continuum of care related to substance abuse treatment of inmates and persons released or discharged from a facility.

2. For the division of substance abuse for providing aftercare services for persons completing substance abuse treatment:

..... \$ 250,000

3. For the division of substance abuse for providing substance abuse prevention programs:

..... \$ 200,000

4. For the division of substance abuse to initiate demonstration projects in the urban area currently experiencing the highest incidence of infants born with addiction problems, as determined by the division, to provide outreach services, and prenatal and postnatal services and treatment for these infants, mothers with substance abuse problems, and women of childbearing age:

..... \$ 125,000

The drug enforcement and abuse prevention coordinator shall monitor the program and receive reports required to be made concerning the program. Persons responsible for the program shall report to the drug enforcement and abuse prevention coordinator concerning progress in establishing the program and the expenditures made.

5. For the council on chemically exposed infants established pursuant to section 235C.1:

..... \$ 50,000

6. For the division of substance abuse for the addiction treatment effectiveness advisory council established pursuant to section 125.15A, and for not more than the following full-

time equivalent positions:

.....	\$	250,000
.....	FTEs	2.50

As a condition, limitation, and qualification of this appropriation, the department shall implement sections 125.15A through 125.15M. The department shall employ one additional program investigator to be used for substance abuse program review. As a further condition, limitation, and qualification of this appropriation, the division shall provide staff support to the advisory council as necessary.

Notwithstanding section 8.33, funds appropriated by this subsection shall not revert.

7. For the state board of pharmacy examiners for establishing a drug abuse warning network and an Iowa drug abuse monitoring system:

.....	\$	12,500
-------	----	--------

As a condition, limitation, and qualification of this appropriation, the board of pharmacy examiners, in cooperation with the drug enforcement and abuse prevention coordinator, shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for establishing a drug abuse warning network and an Iowa drug abuse monitoring system.

Sec. 5.

There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the division of criminal investigation and bureau of identification for equipment and salaries and support for the following additional full-time equivalent positions:

.....	\$	56,292
.....	FTEs	4.00

As a condition, limitation, and qualification of this appropriation, the division shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used to employ an additional 4 full-time lab technicians for the criminalistic laboratory.

2. For use by the department to provide additional law enforcement officials to initiate project D.A.R.E. (drug abuse resistance education) within local communities:

.....	\$	28,000
.....	FTEs	4.00

As a condition, limitation, and qualification of this appropriation, the department shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used to employ 4 additional members of the highway safety patrol to assist with the initiation of project D.A.R.E. within local communities.

3. For the division of narcotics for the salaries and support of up to the following additional full-time equivalent positions:

.....	\$	150,000
.....	FTEs	10.00

As a condition, limitation, and qualification of this appropriation, the department shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used to employ up to an additional 10 full-time special agents and additional support personnel.

4. For the division of narcotics for funding drug enforcement operations to be used for the purchase of illegal substances in furtherance of these enforcement operations:

.....	\$	125,000
-------	----	---------

As a condition, limitation, and qualification of this appropriation, the department shall use the amount

appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for the purchase of illegal substances in furtherance of these enforcement operations.

Sec. 6.

There is appropriated from the general fund of the state to the office of the governor for the drug enforcement and abuse prevention coordinator for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For the Iowa substance abuse information center located in Cedar Rapids:
 - \$ 59,000

As a condition, limitation, and qualification of this appropriation, the drug enforcement and abuse prevention coordinator shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for the costs of the information center.

- 2. For planning and establishing a program of identification, treatment, and education of students in grades kindergarten through 3 in the Waterloo community school district whose mothers were addicted to or using controlled substances while pregnant:
 - \$ 125,000

As a condition, limitation, and qualification of this appropriation, a pilot project shall be established for the identification and education of elementary students whose mothers were using controlled substances during pregnancy resulting in the children experiencing special learning and behavioral problems. The drug enforcement and abuse prevention coordinator shall monitor the program and receive reports required to be made concerning the program. Persons responsible for the program shall report to the drug

enforcement and abuse prevention coordinator concerning progress in establishing the program and the expenditures made. The coordinator shall provide such reports to the general assembly. The program shall include medical and psychiatric research with the university of Iowa, educational research with the university of northern Iowa, an educational program for parents of the children including programs for parents confined in a county jail or committed to the custody of the director of the department of corrections, a child care educational program to address the problems of parenting such children, a program for the care and education of such children before and after school, creation of a mentor program with jobs and local businesses, a treatment program for parents, and team teacher training.

Persons responsible for the program shall coordinate and encourage the involvement of other programs and service providers within the community in developing this program.

Sec. 7. 1989 Iowa Acts, chapter 225, section 6, is amended to read as follows:

SEC. 6. Notwithstanding any other provisions of law, the treasurer of state before making allotments of the moneys within the Iowa plan fund pursuant to section 99E.32, subsection 1, for the fiscal year beginning July 1, 1989, shall transfer to the Iowa-narcotics-enforcement-advisory council: drug enforcement and abuse prevention coordinator, the following amount, to be used for the purposes designated:

- 1. For the Iowa narcotics enforcement advisory council for the administration of a drug enforcement training program for local law enforcement officers, as defined in section 80B.3, subsection 3, including, but not limited to, training for the detection of gang and juvenile activity and the apprehension of gang members and juvenile delinquents, subject to the limitation that the council shall not pay for more than fifty percent of the cost of training of any officer, including salary and other benefits, with the remaining fifty percent to

~~be paid by the law enforcement officer's local jurisdiction relating to all aspects of drug control:~~

~~..... \$ 300,000
73,500~~

~~As a condition, limitation, and qualification of this appropriation, the law enforcement officers to be trained under this program shall be selected by the Iowa narcotics enforcement advisory council in closed session;--The record of the closed session is exempt from chapter 22;--When the council has reached a decision, it shall convene in open meeting and announce such decision;--No more than four law enforcement officers participating in this training shall be employed by law enforcement agencies located in the same county;--The training program shall be for a period of one year and an officer participating in this program shall perform, after receiving initial instruction and training at the law enforcement academy, duties as directed by the department of public safety within the narcotics enforcement division relating to the department's responsibility for the enforcement of all laws and rules relating to any controlled substance or counterfeit substance as provided in sections 80:27 through 80:34.~~

~~2. For administration of the governor's alliance on substance abuse:~~

~~..... \$ 81,000~~

~~As a condition, limitation, and qualification of this appropriation, the drug enforcement and abuse prevention coordinator shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for the costs of administration.~~

~~3. For the Iowa substance abuse information center located in Cedar Rapids:~~

~~..... \$ 22,000~~

As a condition, limitation, and qualification of this appropriation, the drug enforcement and abuse prevention coordinator shall use the amount appropriated in this subsection to match and obtain available federal funds, the total amount of these funds to be used for the costs of the information center.

4. For the prosecuting attorney training program:

..... \$ 73,500

5. For reimbursement payments to law enforcement officers under the guaranteed loan payment program pursuant to section 261.51, if enacted by the Seventy-third General Assembly, 1990 Session:

..... \$ 25,000

6. For salaries, support, maintenance, and technical assistance for the purpose of reducing court delays and for the training of judges:

..... \$ 25,000

As a condition, limitation, and qualification of this appropriation, the drug enforcement and abuse prevention coordinator, in cooperation with the judicial department, shall use this amount to match and obtain available federal funds, the total amount of these funds to be used for the purpose of reducing court delays.

7. Notwithstanding section 8.33, funds appropriated by this section shall not revert.

Sec. 8.

There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1990, and ending June 30, 1991, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

Notwithstanding section 602.6201, for an additional judgeship to be established in judicial election district 8B pursuant to House File 2045, as enacted by the Seventy-third General Assembly, 1990 Session:

..... \$ 135,000

Sec. 9.

It is the intent of the general assembly that of the funds anticipated to be received from the federal government by the drug enforcement and abuse prevention coordinator for the governor's alliance on substance abuse, the coordinator shall give the highest priority for distribution of such funds to applications made by public agencies which have contracted with other public agencies pursuant to chapter 28E, and public agencies which have created multijurisdictional task forces, for the purpose of cooperating jointly in enforcement efforts related primarily to controlled substances, counterfeit substances, or simulated controlled substances.

The coordinator shall also give priority to providing funding to the office of the attorney general for providing grants for additional local prosecutors, funding for state and local drug enforcement operations to be used for the purchase of illegal substances in furtherance of these enforcement operations, funding to initiate or continue project D.A.R.E. (drug abuse resistance education) within local communities, including training for local law enforcement officials, and funding for the clearinghouse in Cedar Rapids.

Sec. 10.

It is the intent of the general assembly that of funds made available through the alcohol and drug abuse and mental health services block grant for the federal fiscal year beginning October 1, 1990, and ending September 30, 1991, priority shall be given to the extent possible, to reducing substance abuse waiting lists, providing aftercare for persons completing substance abuse treatment, providing additional substance abuse prevention specialists, dual diagnosis, for early identification and intervention of children born afflicted with a substance addiction, and for increasing provider salaries. Of the funds used for reducing substance abuse waiting lists, priority shall be given to persons released or

discharged from an institution under the direction of the department of corrections who were in treatment programs and who are identified by the board of parole to be in need of further treatment, women of childbearing age, and juveniles.

Sec. 11. DEPARTMENT OF EDUCATION -- SURVEY.

The department of education shall survey all school districts in the state for the purpose of evaluating and assessing the extent to which substance abuse education is being provided to students in grades kindergarten through 12. The department shall recognize successful programs and provide information concerning such programs to other districts. The department shall report the findings of its survey to the general assembly no later than January 15, 1991.

Sec. 12.

The department shall also encourage the use of phase III moneys for teachers who have completed drug awareness training. Information shall be provided to school districts regarding available training courses and the importance of this training.

The department shall encourage schools to establish student assistance teams and other drug abuse prevention groups to provide support and help to students with substance abuse problems and to provide support to other students who are not yet substance abusers. Positive role models should be established in an effort to deter increased substance abuse by younger students and other students within the role models' peer groups.

Sec. 13. RESEARCH DEVELOPMENT.

The general assembly encourages the development and maintenance of research and information by the federal government, research centers, and universities concerning substance abuse and treatment of substance abusers in an effort to determine the most effective method of treatment.

Sec. 14. NEW SECTION. 125.15A ADDICTION TREATMENT EFFECTIVENESS ADVISORY COUNCIL -- MEMBERS.

1. An addiction treatment effectiveness advisory council is established within the department, which consists of fifteen members appointed by the governor to staggered terms of six years beginning and ending as provided in section 69.19. The appointments are subject to senate confirmation. The members of the council shall include the following:

a. Two physicians licensed in this state who have substantial experience in substance abuse treatment and who is certified by the association of specialists in addiction medicine.

b. One registered nurse who has substantial experience in substance abuse treatment.

c. Two persons, one who is a certified substance abuse counselor and one who is a director of a substance abuse treatment provider. One shall be appointed to represent such private persons and entities and one shall be appointed to represent such public persons and entities.

d. One person representing a master's degree program in substance abuse counseling, with research expertise in the field of substance abuse treatment.

e. Two representatives of the business community who shall represent the business consumers of health insurance.

f. Two representatives of providers of health insurance. At least one representative shall represent health maintenance organizations or preferred provider organizations.

g. Three citizens of the state who do not provide health services or health insurance or other fiscal intermediary services.

Members appointed to the advisory council pursuant to paragraphs "a" through "d" shall be appointed so that an equal number shall be appointed to represent public substance abuse treatment providers as are appointed to represent private substance abuse treatment providers.

The appointments shall be based upon the training, experience, and capacity of the appointees, and not based upon

political considerations, other than as provided in section 69.16. A member of the council shall not hold any other state or federal office.

2. The director of public health or the director's designee and the director of human services or the director's designee shall be ex officio, nonvoting members of the council.

3. The majority leader of the senate shall appoint two members, one member from each political party, from the membership of the senate and the speaker of the house of representatives shall appoint two members, one member from each political party, from the membership of the house who shall be ex officio, nonvoting members of the council.

4. A vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment.

5. The voting members of the council shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each voting member of the council may also be eligible to receive compensation as provided in section 7E.6.

6. The council shall hold an organizational meeting within thirty days of the beginning of a new regular term for one or more of its members. The council shall organize by electing a chairperson, vice chairperson, secretary, and any other officers deemed necessary or desirable. The council shall meet at least quarterly throughout the year.

7. A majority of the voting members of the council constitutes a quorum, and a majority of the voting members of the council is necessary to act in any matter within the jurisdiction of the council, unless a more restrictive rule is adopted by the council.

Sec. 15. NEW SECTION. 125.15B DUTIES OF COUNCIL.

1. Except as otherwise provided by law, the council shall:

a. Recommend policy and rule changes to the director necessary to provide for the effective regulation and

assessment of treatment providers in this state and the effective administration of this chapter.

b. Receive, review, and make recommendations to the department based upon the information contained in the provider reports received by the department.

c. Shall study whether or not a problem currently exists with inappropriate transfers of patients by either providers or third-party payors, and, if so, make appropriate recommendations to the department.

2. The council may recommend to the director a contractor for the purpose of data collection related to the evaluation of providers subject to the provisions of this chapter and for the collection of patient data.

Sec. 16. NEW SECTION. 125.15C REQUIRED REPORTING.

Unless otherwise provided, a substance abuse treatment provider, regardless of whether the provider is licensed by the commission on substance abuse, shall report to the department on forms provided by the department, information relating to all patients admitted to treatment, receiving treatment, or discharged from treatment, and again at a specified time after completing or ending such treatment as required by departmental rule. The provider shall provide all information requested which is available to the provider. The department, after consultation with the advisory council, shall adopt rules providing for the information to be reported to the department and the advisory council.

In addition to receiving the reports required under this section, the division of substance abuse, for good cause, shall have access to the records of a substance abuse treatment provider for the purpose of auditing and inspecting the programs to assure compliance with the requirements of sections 125.15B through 125.15M.

For the period beginning July 1, 1990, and ending June 30, 1991, the form to be used for the reporting required under section 125.15C for all providers shall be the substance abuse

management information system form used by the division of substance abuse. No later than July 1, 1991, the department, in consultation with the advisory council, shall require the reporting of additional information relating to the following addiction related symptoms of a patient:

1. Physical diseases associated with the use of substances.
2. Organic brain dysfunction.
3. Symptomatic major psychosis.
4. Suicide attempts.
5. Other symptoms as deemed appropriate by the advisory council and adopted by the department for the purpose of determining patient severity at the time of admission to treatment.

Sec. 17. NEW SECTION. 125.15D DATA CONTRACTOR.

The department, after consultation with and upon recommendation of the advisory council, may contract with an independent data collector to survey substance abuse treatment providers required to report information under section 125.15C, and shall provide such information required to be reported pursuant to section 125.15C, and any other information collected as determined by the department, to the council.

Sec. 18. NEW SECTION. 125.15E DATA PROVIDED TO HEALTH DATA COMMISSION.

The department shall also forward all data reported pursuant to section 125.15C and any other information collected as determined by the department to the state health data commission.

Sec. 19. NEW SECTION. 125.15F MEASUREMENT STANDARDS.

The department, after consultation with the advisory council, shall adopt rules establishing minimum standards of outcome measurement of patients ending or completing treatment relating to the effectiveness of substance abuse treatment programs, which shall primarily include, but not be limited to, the following:

1. Abstinence.
2. Arrest rate.
3. Improved socioeconomic status.

Sec. 20. NEW SECTION. 125.15G TYPES OF PROGRAMS.

For purposes of review of substance abuse treatment programs, all programs providing substance abuse treatment and subject to the requirements of section 125.15A through 125.15M, shall be divided into class 1 and class 2 programs based upon a patient severity index as determined by the advisory council. The patient severity index must include factors relating to medical severity, psychological dysfunction, age, recidivism, arrest rate, and other pertinent factors. The department, after consultation with the advisory council, shall adopt rules relating to the definition of class 1 and class 2 programs.

Sec. 21. NEW SECTION. 125.15H PROVIDER REVIEW -- MINIMUM STANDARDS.

No later than July 1, 1992, the department, after consultation with the advisory council, shall adopt rules providing for the minimum standards to be met by all providers.

Sec. 22. INTERIM RULES.

For the period beginning July 1, 1990, and ending June 30, 1992, all treatment providers shall meet the following minimum standards:

A success rate equal to seventy-five percent of the average success rate of the top fifty percent of treatment providers within the same class in each of the following categories:

1. Abstinence.
2. Arrest rate.
3. Improved socioeconomic status.

A treatment provider who fails to attain the required minimum success rate in any of the three categories shall be subject to intensified review by the department.

Sec. 23. NEW SECTION. 125.15I PROVIDER SANCTIONS.

1. A treatment provider which fails to meet the minimum standards established pursuant to section 125.15F shall be reviewed by the advisory council. Within thirty days after the advisory council has concluded its review, the advisory council shall provide recommendations for program changes, or may recommend other appropriate action to be taken pursuant to this section, if any, to the Iowa department of public health. The department, upon affirming the recommendations of the advisory council, shall forward to the provider program recommendations as recommended by the advisory council, or other recommendations deemed appropriate by the department, and may stay further action against the provider, for a period of up to one year during which time, the advisory council shall continue to review the provider and new patient data shall be collected for review.

2. The advisory council may appoint one or more quality improvement task forces for the purpose of providing expert review and advice for improving the success rate of providers failing to meet the minimum standards required pursuant to section 125.15H. A task force shall consist of three substance abuse professionals from programs in the top fifty percent of all providers in the same class as the provider that fails to meet the standards. A task force shall review a provider that fails to meet the minimum standards and make recommendations for change to the provider being reviewed and notify the advisory council as to those recommendations. Both public and private providers shall be represented on a quality improvement task force. Persons serving on a quality improvement task force may be reimbursed for expenses incurred in performance of the duties of the task force. A task force shall cooperate with the division of substance abuse and the technical assistance program.

3. If the advisory council finds that a substance abuse treatment provider has failed to meet the minimum standards established pursuant to section 125.15F and action by the

advisory council is not recommended pursuant to subsection 1, the advisory council may do any of the following:

a. Recommend to the director of public health that funding for the substance abuse treatment provider relating to the substance abuse treatment programs of the provider be withheld.

b. Recommend to the director of human services that medical assistance funding relating to the substance abuse treatment programs of the provider be withheld.

c. Recommend to the appropriate licensing authority that the license of the substance abuse treatment provider be suspended or revoked relating to the substance abuse treatment programs of the provider.

4. Notwithstanding subsections 1 through 3, the advisory council may find that the program serves a particularly difficult patient population and that the public health and welfare would be furthered by continuing to fund the program. In such a case, the advisory council, upon an affirmative vote of two-thirds of the members of the council shall recommend that a new measurement standard be established by the department, by rule, for the program.

5. If the advisory council has acted pursuant to subsection 1 and the director accepts such recommendation and stays action against the provider, at the end of that year the advisory council may recommend to the department an additional extension of the period of intensified review for up to one additional year.

6. If the advisory council has acted pursuant to subsection 1, 2, or 3 and no action has been taken pursuant to subsection 4 or 5, the department shall include the substance abuse treatment provider on a list of providers failing to meet the minimum standards which shall be provided to the public, third-party payors for health services, local government bodies, and substance abuse treatment provider accreditation entities.

Sec. 24. NEW SECTION. 125.15J CONFIDENTIALITY OF INFORMATION.

1. Information received by the department contained in the reports required pursuant to section 125.15I is subject to the confidentiality provisions of sections 125.37 and 125.93.

However, a summary of data concerning a program which has been sanctioned pursuant to section 125.15I, subsection 2 or 3, shall be made available, as appropriate, by the department.

2. Beginning July 1, 1993, to the extent permitted by state and federal law, a summary of data concerning the success of all substance abuse treatment programs shall be made available by the department upon the request of any interested person.

Sec. 25. NEW SECTION. 125.15K EXEMPLARY PROVIDERS -- PREFERENTIAL TREATMENT.

The department, in consultation with the advisory council, shall adopt rules defining exemplary substance abuse treatment programs and providing for the recognition of exemplary substance abuse treatment programs. In adopting such rules the department shall consider patient populations and other appropriate factors.

Additionally, to the extent permitted by applicable state and federal requirements relating to substance abuse treatment funding, the department shall preferentially consider such exemplary substance abuse treatment providers in subsequent funding grant applications.

Sec. 26. NEW SECTION. 125.15L FALSIFICATION OF REPORT DATA.

A substance abuse treatment provider required to provide information to the department pursuant to section 125.15C, who intentionally falsifies any diagnosis of a patient admitted to treatment to avoid review pursuant to section 125.15H, who intentionally fails to report information to the department, or who falsifies such report, is subject to a civil penalty of five thousand dollars per false diagnosis, per failure to make

such report, or per falsification of such report, in addition to any other appropriate action which may be taken by the department or the council. Such penalties shall be collected by the department and deposited in the general fund of the state.

In addition to the civil penalty provided in this section, the department shall also make a list of providers committing violations of this section available to the public, third-party payors for health services, local government bodies, and substance abuse treatment provider accreditation entities.

Sec. 27. NEW SECTION. 125.15M PROGRAMS EXCLUDED -- PENALTY.

In addition to any other provider excluded by law, any provider or facility which provides only detoxification, screening, or assessment of persons is excluded from the review and reporting requirements of sections 125.15A through 125.15L with respect to that patient as long as the patient is subsequently referred to counseling or other substance abuse treatment providers following detoxification.

Unless otherwise excluded, any person providing substance abuse treatment is subject to the requirements of sections 125.15A through 125.15L. A provider who fails to comply with these sections shall cease providing such services. Such provider who continues to provide such services in violation of this section is subject to a civil penalty of one thousand dollars for each day the provider continues to provide such services after notification by the department to cease such treatment.

Sec. 28. Section 232.73, Code 1989, is amended to read as follows:

232.73 IMMUNITY FROM LIABILITY.

A person participating in good faith in the making of a report, or photographs, or X rays, or in the performance of a medically relevant test pursuant to this chapter, or aiding and assisting in an investigation of a child abuse report

pursuant to section 232.71, shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed. The person shall have the same immunity with respect to participation in good faith in any judicial proceeding resulting from the report or relating to the subject matter of the report.

As used in this section and section 232.77, "medically relevant test" means a test that produces reliable results of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof, including a drug urine screen test.

Sec. 29. Section 232.77, Code 1989, is amended to read as follows:

232.77 PHOTOGRAPHS AND, X RAYS, AND MEDICALLY RELEVANT TESTS.

1. Any person who is required to report a case of child abuse may take or cause to be taken, at public expense, photographs or X rays of the areas of trauma visible on a child. Any health practitioner may, if medically indicated, cause to be performed radiological examination of the child. Any person who takes any photographs or X rays pursuant to this section shall notify the department of human services that such photographs or X rays have been taken, and shall retain such photographs or X rays for a reasonable time thereafter. Whenever such person is required to report under section 232.69, in that person's capacity as a member of the staff of a medical or other private or public institution, agency or facility, that person shall immediately notify the person in charge of such institution, agency, or facility or that person's designated delegate of the need for photographs or X rays.

2. If a health practitioner discovers in a child under one year of age physical or behavioral symptoms of the effects of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof,

which were not prescribed by a health practitioner, or if the health practitioner has determined through examination of the natural mother of the child that the child was exposed in utero, the health practitioner may perform or cause to be performed a medically relevant test, as defined in section 232.73, on the child. The practitioner shall report any positive results of such a test on the child to the department, unless the natural mother has shown good faith in seeking appropriate care and treatment. The department shall begin an investigation pursuant to section 232.71 upon receipt of such a report. The positive result shall constitute a showing of probable cause under section 232.71, subsection 3, but shall not be used in any criminal prosecution of the natural mother of the child, and shall not represent grounds for a determination of child abuse.

Sec. 30. NEW SECTION. 235C.1 COUNCIL CREATED -- PURPOSE.

A council on chemically exposed infants is established as a subcommittee of the committee on maternal and child health of the community health division of the Iowa department of public health. The purpose of the council is to help the state develop and implement policies to reduce the likelihood that infants will be born chemically exposed, and to assist those who are born chemically exposed to grow and develop in a safe environment.

As used in this chapter, a "chemically exposed infant" is an infant who shows evidence of exposure to or the presence of alcohol, cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs or combinations or derivatives thereof which were not prescribed by a health practitioner.

Sec. 31. NEW SECTION. 235C.2 MEMBERSHIP.

The council on chemically exposed infants shall be composed of the following members:

1. Two members of the Iowa department of public health selected by the director of the Iowa department of public health, one from the division of substance abuse, and one from the division of family and community health.

2. The director of the department of human services or the director's designee as a nonvoting ex officio member.

3. The department coordinator of the department of human rights or the coordinator's designee as a nonvoting ex officio member.

4. The director of the department of education or the director's designee as a nonvoting ex officio member.

5. The chairperson of the state maternal and child health advisory council or the chairperson's designee.

6. A physician selected by the board of the Iowa medical society with expertise in the care of the mother and a physician selected by the board of the Iowa medical society with expertise in the care of the infant.

7. A hospital administrator selected by the board of the Iowa hospital association.

8. A representative from a community health center located in Iowa selected by the Iowa/Nebraska primary care association.

9. A representative from a maternal and child health center selected by the governor.

10. A representative from a substance abuse treatment program, selected by the governor.

11. Two citizen members, selected by the governor.

12. A representative from the governor's alliance on substance abuse selected by the alliance.

13. A representative from the university of Iowa medical school selected by the director of the medical school.

14. A representative from a community-based substance abuse prevention program, selected by the governor.

15. A representative from the juvenile court, selected by the chief justice of the Iowa supreme court.

16. An attorney who practices in the area of juvenile law, selected by the Iowa state bar association.

The council shall be staffed by the Iowa department of public health. The council shall elect its own chairperson.

Sec. 32. NEW SECTION. 235C.3 COUNCIL DUTIES.

The council shall be responsible for the following activities:

1. **DATA COLLECTION.** The council shall assemble relevant materials regarding the extent to which infants born in Iowa are chemically exposed, the services currently available to meet the needs of infants born who are chemically exposed, and the costs incurred in caring for infants born who are chemically exposed, including both costs borne directly by the state and costs borne by society.
2. **PREVENTION AND EDUCATION.** The council, after reviewing the data collected pursuant to subsection 1, and after reviewing education and prevention programs employed in Iowa and in other states, shall make recommendations to the appropriate division to develop a state prevention and education campaign, including the following components:
 - a. A broad-based public education campaign outlining the dangers inherent in substance use during pregnancy.
 - b. A health professional training campaign, including recommendations concerning the curriculum offered at the college of medicine at the state university of Iowa, providing assistance in the identification of women at risk of substance abuse during pregnancy and strategies to be employed in assisting those women to maintain healthy lifestyles during pregnancy. Included in this education campaign shall be guidelines to health professionals offering information on assessment, laboratory testing, medication use, and referrals.
 - c. A targeted public education campaign directed toward high-risk populations.
 - d. A technical assistance program for developing support programs to identified high-risk populations, including pregnant women who previously have given birth to chemically exposed infants or currently are using substances dangerous to the health of the fetus.
 - e. An education program for use within the school system, including training materials for school personnel to assist those personnel in identification, care, and referral.

3. **IDENTIFICATION.** The council shall develop recommendations regarding state programs or policies to increase the identification of chemically exposed infants.

4. **TREATMENT SERVICES.** The council shall seek to improve effective treatment services within the state for chemically exposed infants. As part of this responsibility, the council shall make recommendations to the addiction treatment effectiveness advisory council established in section 125.15A. Such recommendations shall include, but are not limited to, the following:

- a. Identification of programs available within the state for serving chemically exposed infants and their families.
- b. Recommended ways to enhance funding for effective treatment programs, including the use of state health care programs and services under the medical assistance program and the maternal and child health programs.
- c. Identification of means to serve children who were chemically exposed infants when the children enter the school system.

As an additional part of this responsibility, the council shall determine whether a problem exists with respect to substance abuse treatment providers and physicians discriminating against pregnant women in providing treatment or prenatal care.

5. **CARE AND PLACEMENT.** The council shall work with the department of human services to expand appropriate placement options for chemically exposed infants who have been abandoned by their parents or cannot safely be returned home. As part of this responsibility, the council shall do all of the following:

- a. Assist the department of human services in developing rules to establish specialized foster care services that can attract foster parents to care for chemically exposed infants.
- b. Identify additional services, such as therapeutic day care services, that may be needed to effectively care for chemically exposed infants.

c. Review the need for residential programs designed to meet the needs of chemically exposed infants.

As an additional part of the responsibility, the council shall determine whether a problem exists with respect to substance abuse treatment providers and physicians discriminating against pregnant women in providing treatment or prenatal care.

6. AWARDS OF GRANTS AND DEVELOPMENT OF PILOT PROGRAMS. From funds appropriated for this purpose, the council shall award grants or develop pilot programs to achieve the purposes of the council.

7. ANNUAL REPORT. The council shall annually report to the governor and members of the general assembly on the progress it has made toward meeting its responsibilities.

The council shall meet at least twice annually, and may establish such subcommittees and task forces as are necessary to achieve its purpose.

8. CONFIDENTIALITY OF INFORMATION. Data collected pursuant to this chapter shall be confidential to the extent necessary to protect the identity of persons who are the subjects of the data collection.

Sec. 33. NEW SECTION. 125.32A DISCRIMINATION PROHIBITED.

Any substance abuse treatment program receiving state funding under this chapter or any other chapter of the Code shall not discriminate against a person seeking treatment solely because the person is pregnant, unless the program in each instance identifies and refers the person to an alternative and acceptable treatment program for the person.

Sec. 34. Section 249A.4, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 13. May stop payments and withhold further medical assistance payments for substance abuse treatment as recommended by the addiction treatment effectiveness advisory council pursuant to section 125.15G.

Sec. 35. NEW SECTION. 256.43 STAFFING AND TECHNICAL ASSISTANCE TO COUNCIL.

1. Staff support for the youth 2000 coordinating council shall be provided by the department of education. Staff duties shall include, but are not limited to, collecting, collating, analyzing, and presenting necessary information, data, and materials to the council; advising and assisting the council in policy analysis and the development of council recommendations; preparation of reports and other materials necessary to accomplish the goals of the council; preparation and dissemination of interagency, intergovernmental, and public communications associated with the work of the council; coordination of council activities with other policy analysis and development activities carried on within the state; and coordination in delivery of state-level council services with department of education staff providing technical assistance to the council under subsection 2.

2. The department of education shall contract with a nonprofit organization to provide technical assistance to communities. Technical assistance shall be structured to provide direct services to Iowa communities which are establishing community planning teams and to assist in the development of collaborative drug use prevention, dropout prevention, and youth development efforts.

Technical assistance to community planning teams shall include, but is not limited to, providing professional advice on youth development, drug use prevention, and other issues; providing access to current research and information; assisting community planning teams in identifying appropriate team members; facilitating team building; assisting in the development of strategic plans relating to community youth issues; providing community development activities; providing conflict resolution; and developing educational and technical materials. Technical assistance shall also include, but is not limited to, the identification of funding and other

resources to aid in the implementation of drug use prevention, dropout prevention, and youth development programs; the identification of appropriate drug use prevention, dropout prevention, and youth development program models; and coordination in the delivery of state-level council services with department of education staff providing staff support for the council.

Sec. 36. Section 911.2, Code 1989, is amended to read as follows:

911.2 SURCHARGE.

When a court imposes a fine or forfeiture for a violation of a state law, or of a city or county ordinance except an ordinance regulating the parking of motor vehicles, the court shall assess an additional penalty in the form of a surcharge equal to fifteen twenty percent of the fine or forfeiture imposed. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses. When a fine or forfeiture is suspended in whole or in part, the surcharge shall be reduced in proportion to the amount suspended.

The surcharge is subject to the provisions of chapter 909 governing the payment and collection of fines, as provided in section 909.8.

Sec. 37. Section 911.3, Code 1989, is amended to read as follows:

911.3 DISPOSITION OF SURCHARGE.

When a court assesses a surcharge under section 911.2, the clerk of the district court shall transmit ninety twenty-five percent of the surcharge collected to the treasurer of state to be deposited pursuant to section 321J.17. Ninety percent of the remainder of the surcharge collected shall be transmitted to the treasurer of state by the fifteenth day of the following month. The treasurer of state shall deposit one third of the that money in the law enforcement training reimbursement fund established under section 384.15 and the

remaining two thirds of the that money in the general fund of the state. The clerk of the district court shall transmit ten percent of the remainder of the surcharge to the county treasurer or shall remit ten percent of the remainder of the surcharge to the city that was the plaintiff in any action for deposit in the general fund of the city.

Sec. 38. Section 912.2A, subsection 1, Code Supplement 1989, is amended to read as follows:

1. A crime victim assistance board is established, and shall consist of the following members to be appointed pursuant to rules adopted by the department:

- a. A county attorney or assistant county attorney.
- b. A person Two persons engaged full time in law enforcement.
- c. A public defender or an attorney practicing primarily in criminal defense.
- d. A hospital medical staff person involved with emergency services.
- e. A public member who has received victim services.
- f. A victim service provider.
- g. A person licensed pursuant to chapter 154B or 154C.
- h. A person representing the elderly.

Board members shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties.

Sec. 39. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES APPROPRIATION.

1. There is appropriated from the fund created by section 8.41 to the Iowa department of public health for the federal fiscal year beginning October 1, 1990, the following amount:
..... \$ 7,804,000

Funds appropriated by this section are the anticipated funds to be received from the federal government for the designated federal fiscal year under Pub. L. No. 97-35, Title IX, Subtitle A, and Pub. L. No. 97-414 which provides for the alcohol and drug abuse and mental health services block grant.

The department shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

Of the funds appropriated in this section, an amount not exceeding \$33,133 shall be used for audits. The auditor of state shall bill the Iowa department of public health for the cost of the audits.

The Iowa department of public health shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in this subsection from funds appropriated to the department from the general fund of the state, in addition to the amount to be used for audits as provided in this subsection. The auditor of state shall bill the Iowa department of public health for the costs of the audit.

2. 10 percent of the remaining funds, as allowed pursuant to Pub. L. No. 97-35, Title IX, Subtitle A, and which are appropriated in subsection 1 shall be transferred to the division of mental health, mental retardation, and developmental disabilities within the department of human services and allocated for community mental health centers with priority being given to dual diagnosis. Of this amount, 10 percent shall be used to provide services and programs for severely emotionally disturbed children and adolescents, and 55 percent shall be used to develop and provide community mental health services and programs not available on October 1, 1988. New services developed between October 1, 1984, and October 1, 1988, with alcohol, drug abuse, and mental health services block grant funds may be treated as new services.

3. An amount not exceeding 5 percent of the funds in excess of \$2,839,000 appropriated in subsection 1 shall be used by the Iowa department of public health for administrative expenses.

4. 10 percent of the funds appropriated in subsection 1 shall be used to provide alcohol and drug abuse services to women.

5. After deducting the funds allocated in subsections 1, 2, 3, and 4, the remaining funds appropriated in subsection 1 shall be allocated according to the following percentages to supplement appropriations for the following programs within the Iowa department of public health:

- a. Drug abuse treatment programs 38.89 percent
- Of the amount appropriated under this paragraph, at least \$1,358,000 must be used for intravenous drug abusers unless a waiver is granted from the federal government.
- b. Alcohol abuse treatment programs 38.89 percent
- c. Alcohol and drug abuse prevention programs 22.22 percent

As a condition, limitation, and qualification of the appropriation in this section, and the allocations in subsection 5, paragraphs "a" and "b", priority shall be given to maintaining existing services, reducing the treatment waiting lists, including increasing provider salaries, providing aftercare services, and providing early intervention in the treatment of infants affected by cocaine.

As a condition, limitation, and qualification of the appropriation in this section, and the allocations in subsection 5, paragraph "c", priority shall be given to maintaining existing services, funding additional prevention specialists, and increasing provider salaries.

Sec. 40. DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM APPROPRIATION.

1. There is appropriated from the fund created in section 8.41 to the governor's substance abuse coordinator for the federal fiscal year beginning October 1, 1990, the following amount:

..... \$ 4,860,000

Funds appropriated by this subsection are the anticipated funds to be received from the federal government for the designated fiscal year under Pub. L. No. 100-690 which provides for the drug control and system improvement grant program. The coordinator shall expend the funds appropriated by this subsection as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding 5 percent of the funds appropriated in subsection 1 shall be used by the governor's substance abuse coordinator for administrative expenses. From the funds set aside by this subsection for administrative expenses, the coordinator shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the governor's substance abuse coordinator for the cost of the audit.

3. Priority for the funding of programs with funds appropriated in subsection 1 shall be given, to the extent possible, to programs which accomplish any of the following:

- a. Expand analysis capabilities at the state criminalistics laboratory.
- b. The formation of multijurisdictional task forces, created for the purpose of cooperating jointly in enforcement efforts related primarily to controlled substances, counterfeit substances, or simulated controlled substances.
- c. Expand prosecutorial capabilities at the county and state level for drug-related offenses.
- d. Establish or continue training programs for law enforcement officers, prosecutors, judges, probation officers, correctional officers, staff working with juvenile offenders, substance abuse prevention and treatment providers, and members of the community, which emphasize multidisciplinary understanding of drug abuse, including prevention and intervention policies.

e. Establish or continue treatment programs for prison-based populations and juvenile rehabilitation programs.

f. Establish or continue project D.A.R.E. (drug abuse resistance education).

g. Other programs authorized under the drug control and system improvement grant program.

Sec. 41. PROCEDURE FOR REDUCED FEDERAL FUNDS.

1. If the funds received from the federal government for the block grants specified in sections 39 and 40 of this Act are less than the amounts appropriated, the funds actually received shall be prorated by the governor for the various programs, for which each block grant is available according to the percentages that each program is to receive as specified in this Act. However, if the governor determines that the funds allocated by the percentages will not be sufficient to effect the purposes of a particular program, or if the appropriation is not allocated by percentage, the governor may allocate the funds in a manner which will effect to the greatest extent possible the purposes of the various programs for which the block grants are available.

2. Before the governor implements the actions provided for in subsection 1, the following procedures shall be taken:

a. The chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of subcommittees of those committees, and the director of the legislative fiscal bureau shall be notified of the proposed action.

b. The notice shall include the proposed allocations, and information on the reasons why particular percentages or amounts of funds are allocated to the individual programs, the departments and programs affected, and other information deemed useful. Chairpersons notified shall be allowed at least 2 weeks to review and comment on the proposed action before the action is taken.

Sec. 42. PROCEDURE FOR INCREASED FEDERAL FUNDS.

If funds received from the federal government in the form of block grants exceed the amounts appropriated in sections 39 and 40 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

Sec. 43. PROCEDURE FOR CONSOLIDATED, CATEGORICAL, OR EXPANDED FEDERAL BLOCK GRANTS.

Notwithstanding section 8.41, federal funds made available to the state which are authorized for the federal fiscal year beginning October 1, 1990, resulting from the federal government consolidating former categorical grants into block grants, or which expand block grants included in Pub. L. No. 97-35, to include additional programs formerly funded by categorical grants, which are not otherwise appropriated by the general assembly, are appropriated for the programs formerly receiving the categorical grants, subject to the conditions of this section. The governor shall, whenever possible, allocate from the block grant to each program in the same proportion as the amount of federal funds received by the program during the 1990 federal fiscal year as modified by the 1990 Session of the Seventy-third Iowa General Assembly for the state fiscal year beginning July 1, 1990, compared to the total federal funds received in the federal fiscal year by all programs consolidated into the block grant. However, if one agency did not have categorical funds appropriated for the federal fiscal year beginning October 1, 1989, but had anticipated applying for funds during the federal fiscal year beginning October 1, 1990, the governor may allocate the funds in order to provide funding.

If the amount received in the form of a consolidated or expanded block grant is less than the total amount of federal funds received for the programs in the form of categorical grants for the 1990 federal fiscal year, state funds appropriated to the program by the general assembly to match

the federal funds shall be reduced by the same proportion of the reduction in federal funds for the program. State funds released by the reduction shall be deposited in a special fund in the state treasury and are available for appropriation by the general assembly. The governor shall notify the chairpersons and ranking members of the senate and house standing committees on appropriations, the appropriate chairpersons and ranking members of the subcommittees of those committees, and the director of the legislative fiscal bureau before making the allocation of federal funds or any proportional reduction of state funds under this section. The notice shall state the amount of federal funds to be allocated to each program, the amount of federal funds received by the program during the 1990 federal fiscal year, the amount by which state funds for the program will be reduced according to this section, and the amount of state funds received by the program during the 1990 fiscal year. Chairpersons notified shall be allowed at least 2 weeks to review and comment on the proposed action before the action is taken.

If the amount received in the form of a consolidated or expanded block grant is more than the total amount of federal funds received for the programs in the form of categorical grants for the 1990 federal fiscal year, the excess funds shall be deposited in the special fund created in section 8.41 and are subject to the provisions of that section.

Sec. 44. IOWA DEPARTMENT OF PUBLIC HEALTH.

There is appropriated from the federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the Iowa department of public health, the following amounts, to be used as set forth in the grants, receipts, or conditions accompanying the receipt of the funds for the purposes designated:

1. For drug free schools and comprehensive prevention services, to high-risk youth, grant number S186A90067:

..... \$ 1,346,000

2. For the drug abuse treatment waiting list reduction grant program, grant number ADH000020-01:

..... \$ 279,647

Sec. 45. DEPARTMENT OF EDUCATION.

There is appropriated from federal grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the department of education, the following amount, to be used for the purposes designated:

..... \$ 3,500,000

It is the intent of the general assembly that of the funds appropriated in this section and provided to school districts, the highest priority shall be given to the extent possible, to providing funding for implementation of human growth and development curriculum related to substance abuse.

It is also the intent of the general assembly that of the funds appropriated in this section and provided to school districts, priority shall be given to the extent possible, to provide funding for substance abuse curriculum development and training, development of student assistance teams, and other related programs. It is also the intent of the general assembly that to the extent possible, funds provided to the school districts by this section be used for projects with demonstrated success.

The department of education, in consultation with the division of substance abuse of the Iowa department of public health, shall survey all school districts in the state for the purpose of evaluating and assessing the extent to which substance abuse education is being provided to students in grades kindergarten through 12. The department, in consultation with the division, shall issue a request for proposals for the purpose of contracting with an entity to conduct a longitudinal study for a minimum of twenty-five years to study, evaluate, and assess the effectiveness of the

substance abuse education programs provided, to the extent possible, and to determine if peer groups exposed to certain types of prevention programs, when normed for socioeconomic and other pertinent factors, exhibit different incidences of substance abuse and use than the general population. The study shall also include follow-up information concerning students participating in such programs, including students who subsequently drop out of school. The department shall recognize successful programs and provide information concerning such programs to other districts making application for these funds. The department shall report the findings of the joint survey and study to the general assembly no later than January 15, 1991.

Sec. 46. 1989 Iowa Acts, chapter 310, section 1, subsections 4, 5, 6, and 7, are amended to read as follows:

4. There is appropriated from the fund created by section 8.41 to the Iowa department of public health, under Pub. L. No. 100-690 for the federal fiscal year beginning October 1, 1989, the following amount:

..... \$ 1,790,000
4,965,000

Funds appropriated by this section provide for the alcohol and drug abuse treatment and mental health services block grant. The department shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

5. An amount not exceeding five four percent of the funds appropriated in subsection 4 shall be used by the Iowa department of public health for administrative expenses.

6. Ten percent of the funds appropriated in subsections 1 and 4 shall be used to provide alcohol and drug abuse services to women and priority shall be given to pregnant women with substance abuse problems.

7. After deducting the funds allocated in subsections 1, 2, 5, and 6, the remaining funds appropriated in subsections 1

and 4 shall be allocated according to the following percentages to supplement appropriations for the following programs within the Iowa department of public health:

- a. Drug abuse treatment programs 38.89 percent
Of the amount appropriated under this paragraph, at least \$373,095 \$1,358,000 must be used for intravenous drug abusers unless a waiver is granted from the federal government.
- b. Alcohol abuse treatment programs 38.89 percent
- c. Alcohol and drug abuse prevention programs 22.22 percent

As a condition, limitation, and qualification of the funds appropriated in paragraphs "a" and "b", \$490,000 shall be made available May 1, 1990, to reduce substance abuse treatment waiting lists with priority to be given to persons released or discharged from an institution under the direction of the department of corrections who were in treatment programs and who are identified by the board of parole to be in need of further treatment, women of childbearing age, and juveniles. Effective July 1, 1990, existing services shall be maintained, \$1,528,702 shall be used to reduce substance abuse treatment waiting lists with priority to be given to persons released or discharged from an institution under the direction of the department of corrections who were in treatment programs and who are identified by the board of parole to be in need of further treatment, women of childbearing age, and juveniles.

As a condition, limitation, and qualification of the funds appropriated in paragraph "c", \$126,000 shall be made available May 1, 1990, to fund no more than six additional prevention specialists. Effective July 1, 1990, existing services shall be maintained, \$200,000 shall be used to fund no more than ten additional prevention specialists, and \$250,698 shall be used to fund increases in provider salaries and add additional prevention specialists.

Sec. 47. 1989 Iowa Acts, chapter 310, section 4, subsections 1 and 2, are amended to read as follows:

1. There is appropriated from the fund created in section 8.41 to the Iowa department of public health office of the governor for the drug enforcement and abuse prevention coordinator for the federal fiscal year beginning October 1, 1989, the following amount:

..... \$ 1,755,700
4,860,000

Funds appropriated by this subsection are the anticipated funds to be received from the federal government for the designated fiscal year under Pub. L. No. 100-690 which provides for the drug control and system improvement grant program. The department drug enforcement and abuse prevention coordinator shall expend the funds appropriated by this section as provided in the federal law making the funds available and in conformance with chapter 17A.

2. An amount not exceeding ten five percent of the funds appropriated in subsection 1 shall be used by the Iowa department of public health drug enforcement and abuse prevention coordinator for administrative expenses. From the funds set aside by this subsection for administrative expenses, the Iowa department of public health drug enforcement and abuse prevention coordinator shall pay to the auditor of state an amount sufficient to pay the cost of auditing the use and administration of the state's portion of the funds appropriated in subsection 1. The auditor of state shall bill the Iowa department of public health drug enforcement and abuse prevention coordinator for the cost of the audit.

Sec. 48. 1989 Iowa Acts, chapter 310, section 4, is amended by adding the following new subsections:

NEW SUBSECTION. 4. Priority for the funding of programs with funds appropriated in subsection 1 shall be given, to the extent possible, to programs which accomplish any of the following:

- a. Expand analysis capabilities at the state criminalistics laboratory.
- b. The formation of multijurisdictional task forces, created for the purpose of cooperating jointly in enforcement efforts related primarily to controlled substances, counterfeit substances, or simulated controlled substances.
- c. Expand prosecutorial capabilities at the county and state level for drug-related offenses.
- d. Establish or continue training programs for law enforcement officers, prosecutors, judges, probation officers, correctional officers, staff working with juvenile offenders, substance abuse prevention and treatment providers, and members of the community, which emphasize multidisciplinary understanding of drug abuse, including prevention and intervention policies.
- e. Establish or continue treatment programs for prison-based populations and juvenile rehabilitation programs.
- f. Establish or continue project D.A.R.E. (drug abuse resistance education).
- g. Other programs authorized under the drug control and system improvement grant program.

NEW SUBSECTION. 5. The governor's alliance on substance abuse shall design a study to evaluate longterm outcomes of projects funded by this grant program and shall use this study as a factor when awarding federal funds. The alliance shall collect program evaluations and document the effectiveness of the various programs funded under this grant program. The alliance shall make this information available to applicants and grantees and report to the general assembly, no later than December 15, 1990, concerning the effectiveness of programs funded.

Sec. 49. 1989 Iowa Acts, chapter 310, section 14, subsection 1, is amended to read as follows:

1. If funds received from the federal government in the form of block grants exceed the amounts appropriated in

sections 27-37, ~~and 4~~ and 3, and section 7, subsection 1 of this Act, the excess shall be prorated to the appropriate programs according to the percentages specified in those sections, except additional funds shall not be prorated for administrative expenses.

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 2564, Seventy-third General Assembly.

Jim Vetoed
Approved May 7, 1990

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor