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HOUSE FILE 518
BY COMMITTEE ON APPROPRIATIONS

APPROPRIATIONS CALENDAR (SUCCESSOR TO LSB 1053HA)

^(P.849)
Passed House, Date 3/25/93 Passed Senate, Date 4-8-93
Vote: Ayes 83 Nays 15 Vote: Ayes 44 Nays 6
Approved 4/26/93

A BILL FOR

1 An Act relating to appropriations for the department of human
2 services and the prevention of disabilities policy council and
3 including other provisions and appropriations involving health
4 care, providing for effective and applicability dates, and
5 providing for retroactive applicability.

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

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HF 518

1 Section 1. AID TO FAMILIES WITH DEPENDENT CHILDREN. There
2 is appropriated from the general fund of the state to the
3 department of human services for the fiscal year beginning
4 July 1, 1993, and ending June 30, 1994, the following amount,
5 or so much thereof as is necessary, to be used for the purpose
6 designated:

7 For aid to families with dependent children:
8 \$ 43,247,427

9 1. The department may fund the employee portion of the
10 cash bonus program from unspent funds under the appropriations
11 made in this section.

12 2. The department shall continue to contract for services
13 in developing and monitoring a demonstration waiver program to
14 facilitate providing assistance in self-employment investment
15 to aid to dependent children families. The demonstration
16 waiver program shall be provided for the fiscal period
17 beginning July 1, 1993, and ending June 30, 1994, or for as
18 long as federal approval of the program continues for the 12
19 covered counties. Of the funds appropriated in this section,
20 up to \$49,700 shall be used to provide technical assistance
21 for aid to dependent children families seeking self-
22 employment. The technical assistance may be provided through
23 the department or through a contract with the division of job
24 training of the Iowa department of economic development.

25 3. The department shall apply the self-employment
26 investment demonstration waiver project statewide during the
27 fiscal period delineated in the federal waiver submitted to
28 operate the Iowa Self-employed Household Incentive Program
29 (ISHIP) waiver project statewide, provided training is
30 available to a recipient through a recognized self-employment
31 training program. Of the funds appropriated in this section,
32 up to \$49,700 shall be used to provide technical assistance
33 for AFDC families seeking self-employment and to build the
34 capacity of service providers statewide.

35 4. The department shall continue the special needs program

1 under the aid to families with dependent children program.

2 5. Notwithstanding section 239.6, the department is not
3 required to reconsider eligibility of aid to dependent
4 children recipients every six months if a federal waiver is
5 granted.

6 6. The department may transfer funds appropriated in this
7 section if any waiver request involving welfare reform is
8 denied by the federal department of health and human services.

9 Sec. 2. EMERGENCY ASSISTANCE. There is appropriated from
10 the general fund of the state to the department of human
11 services for the fiscal year beginning July 1, 1993, and
12 ending June 30, 1994, the following amount, or so much thereof
13 as is necessary, to be used for the purpose designated:

14 For emergency assistance to families with dependent
15 children under Title IV-A of the federal Social Security Act
16 to match federal funding for homeless prevention programs:
17 \$ 883,750

18 The emergency assistance provided for in this section shall
19 be available beginning October 1 and shall be provided only if
20 all other publicly funded resources have been exhausted. The
21 emergency assistance includes, but is not limited to,
22 assisting people who face eviction, potential eviction, or
23 foreclosure, utility shutoff or fuel shortage, loss of heating
24 energy supply or equipment, homelessness, utility or rental
25 deposits, or other specified crisis which threatens family or
26 living arrangements. The emergency assistance shall be
27 available to migrant families who would otherwise meet
28 eligibility criteria.

29 Sec. 3. MEDICAL ASSISTANCE. There is appropriated from
30 the general fund of the state to the department of human
31 services for the fiscal year beginning July 1, 1993, and
32 ending June 30, 1994, the following amount, or so much thereof
33 as is necessary, to be used for the purpose designated:

34 For medical assistance, including reimbursement for
35 abortion services, which shall be available under the medical

1 assistance program only for those abortions which are
2 medically necessary:
3 \$342,927,612

4 1. Medically necessary abortions are those performed under
5 any of the following conditions:

6 a. The attending physician certifies that continuing the
7 pregnancy would endanger the life of the pregnant woman.

8 b. The attending physician certifies that the fetus is
9 physically deformed, mentally deficient, or afflicted with a
10 congenital illness.

11 c. The pregnancy is the result of a rape which is reported
12 within 45 days of the incident to a law enforcement agency or
13 public or private health agency which may include a family
14 physician.

15 d. The pregnancy is the result of incest which is reported
16 within 150 days of the incident to a law enforcement agency or
17 public or private health agency which may include a family
18 physician.

19 e. Any spontaneous abortion, commonly known as a
20 miscarriage, if not all of the products of conception are
21 expelled.

22 2. a. The county of legal settlement shall be billed for
23 50 percent of the nonfederal share of the cost of case
24 management provided to adults, day treatment, and partial
25 hospitalization in accordance with the provision of sections
26 249A.26 and 249A.27, and for 100 percent of the nonfederal
27 share of the cost of care which is reimbursed under a
28 federally approved home and community-based waiver that would
29 otherwise be approved for provision in an intermediate care
30 facility for the mentally retarded, provided under the medical
31 assistance program for persons with mental retardation, a
32 developmental disability, or chronic mental illness. The
33 state shall have responsibility for the remaining 50 percent
34 of the nonfederal share of the cost of case management
35 provided to adults, day treatment, and partial

1 hospitalization. For persons without a county of legal
2 settlement, the state shall have responsibility for 100
3 percent of the nonfederal share of the cost of case management
4 provided to adults, day treatment, partial hospitalization,
5 and the home and community-based waiver services.

6 b. The state shall pay the entire nonfederal share of the
7 costs for case management services provided to persons who are
8 less than 18 years of age and are served under the medical
9 assistance home and community-based waiver program for persons
10 with mental retardation.

11 c. Medical assistance funding for case management services
12 for eligible persons who are less than 18 years of age shall
13 also be provided to persons residing in counties with
14 decategorization projects, provided these projects have
15 included these persons in their service plan and the
16 decategorization project provides the nonfederal share of
17 costs.

18 d. Notwithstanding section 8.39, the department may
19 transfer funds appropriated in this section to a separate
20 account established in the department's case management unit
21 for expenditures required to provide case management services
22 under medical assistance for persons with mental illness,
23 mental retardation, or developmental disabilities services
24 which are jointly funded by the state and county, pending
25 final settlement of the expenditures. Funds received by the
26 case management unit in settlement of the expenditures shall
27 be used to replace the transferred funds and are available for
28 the purposes which the funds were appropriated in this
29 section.

30 3. The department shall expand the list of prescription
31 drugs requiring prior authorization under the medical
32 assistance program. Drug selections shall be made by the
33 department with the assistance of the Iowa medicaid drug
34 utilization review commission. The department shall consult
35 with the Iowa pharmacists association in expanding the list.

1 The department may adopt emergency rules in order to implement
2 this change.

3 4. The department shall expand the list of over-the-
4 counter drugs covered under the medical assistance program
5 where it is anticipated that such expansion will result in
6 savings to the medical assistance program. The department may
7 adopt emergency rules in order to implement this change.

8 5. The department shall expand managed care programs
9 within the medical assistance program to increase the
10 enrollment of medical assistance recipients in managed care
11 programs to the extent possible above the current enrollment.
12 The department shall develop cost-effective reimbursement
13 methodologies for the managed care providers under the medical
14 assistance program. The department may adopt emergency rules
15 in order to implement this change.

16 6. The department in coordination with the Iowa foundation
17 for medical care shall develop criteria for medical assistance
18 eligible nursing facility residents to identify persons with
19 special care needs and persons with minimal care needs.
20 Effective July 1, 1994, nursing facilities shall receive, in
21 addition to their regular medical assistance rate, \$4 per day
22 for each day of care provided to medical assistance-eligible
23 residents meeting special criteria. Additionally,
24 notwithstanding their regular approved medical assistance
25 rate, each nursing facility shall receive a \$4 per day rate
26 reduction for medical assistance-eligible residents with
27 minimal care needs. The department may use up to \$50,000 of
28 the funds appropriated in this section in order to update the
29 facility payment system, which will be necessary to implement
30 this change. The department may adopt emergency rules to
31 implement the provisions of this subsection.

32 7. The department shall revise the medical assistance
33 payment policy for hospital emergency room services to provide
34 a lower rate of reimbursement for nonemergency services when
35 the referral has been made by a physician. The department may

1 adopt emergency rules in order to implement this change.

2 8. The department shall utilize not more than \$60,000 of
3 the funds appropriated in this section to continue the
4 AIDS/HIV health insurance premium payment program as
5 established in 1992 Iowa Acts, Second Extraordinary Session,
6 chapter 1001, section 409. Of the moneys allocated in this
7 subsection, not more than \$10,000 may be expended for
8 administrative purposes.

9 9. The department of human services in cooperation with
10 the judicial department shall review and make recommendations
11 to the general assembly by January 1, 1994, regarding the
12 feasibility of receiving additional federal funding under the
13 medical assistance program for adult mental health and
14 substance abuse treatment services.

15 10. The department shall not promote and shall not
16 discourage the utilization of mail order purchasing of
17 pharmaceuticals under the medical assistance program.

18 11. The department shall review all claims submitted under
19 court-ordered services provided to juveniles pursuant to
20 section 232.141 and the appropriation in this Act for that
21 purpose to determine the claims' medical assistance
22 eligibility. Any claims eligible for reimbursement under
23 medical assistance shall be submitted for payment under
24 medical assistance, and the nonfederal share of the payment
25 shall be transferred from the appropriation in this Act for
26 court-ordered services provided to juveniles.

27 Sec. 4. MEDICAL CONTRACTS. There is appropriated from the
28 general fund of the state to the department of human services
29 for the fiscal year beginning July 1, 1993, and ending June
30 30, 1994, the following amount, or so much thereof as is
31 necessary, to be used for the purpose designated:

32 For medical contracts:
33 \$ 5,542,950

34 1. The department shall expand the contract with the Iowa
35 foundation for medical care for drug utilization review under

1 the medical assistance program and shall implement a program
2 of prospective drug utilization review.

3 2. The department may use not more than \$50,000 of the
4 funds appropriated in this section to contract for services
5 necessary to develop and implement a new system for
6 reimbursing hospitals for outpatient services. The department
7 may adopt emergency rules in order to implement the new
8 system.

9 3. The department shall continue the point-of-service
10 claims transmission system through the medicaid management
11 information system for the prescription drug component of the
12 medical assistance program and shall seek to implement point-
13 of-service claims processing systems for other components of
14 the medical assistance program.

15 4. The department may use not more than \$62,500 of the
16 funds appropriated in this section to contract for
17 maximization of the health insurance premium payment (HIPP)
18 program.

19 Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is
20 appropriated from the general fund of the state to the
21 department of human services for the fiscal year beginning
22 July 1, 1993, and ending June 30, 1994, the following amount,
23 or so much thereof as is necessary, to be used for the purpose
24 designated:

25 For state supplementary assistance:
26 \$ 18,452,000

27 The department shall increase the personal needs allowance
28 for residents of residential care facilities by the same
29 percentage and at the same time as federal supplemental
30 security income and federal social security benefits are
31 increased due to a recognized increase in the cost of living.
32 The department may adopt emergency rules to implement the
33 provisions of this paragraph.

34 Sec. 6. AID TO NATIVE AMERICANS. There is appropriated
35 from the general fund of the state to the department of human

1 services for the fiscal year beginning July 1, 1993, and
2 ending June 30, 1994, the following amount, or so much thereof
3 as is necessary, to be used for the purpose designated:

4 For aid to Native Americans under section 252.43:
5 \$ 36,765

6 The tribal council shall not use in any fiscal year more
7 than 5 percent of the funds for administrative purposes. The
8 department shall report quarterly to the chairpersons and
9 ranking members of the joint appropriations subcommittee on
10 human services and the legislative fiscal bureau concerning
11 aid to Native Americans and in addition shall submit an annual
12 report.

13 Sec. 7. CHILD DAY CARE ASSISTANCE. There is appropriated
14 from the general fund of the state to the department of human
15 services for the fiscal year beginning July 1, 1993, and
16 ending June 30, 1994, the following amount, or so much thereof
17 as is necessary, to be used for the purposes designated:

18 For protective child day care assistance and state child
19 care assistance:
20 \$ 7,486,000

21 1. Of the funds appropriated in this section \$3,107,695
22 shall be used for protective child day care assistance.

23 2. Of the funds appropriated in this section \$1,437,942
24 shall be used for state child care assistance.

25 3. a. The funds appropriated in this section for
26 protective and state child care assistance shall be allocated
27 to the department of human services regions and each region
28 shall distribute the allocation to the counties within the
29 region. If a region determines that a specified portion of
30 the funds provided to a county in that region is sufficient to
31 meet the county's current demand and projected growth, the
32 region may transfer the excess amount of funds to another
33 county in that region. If the region determines that a
34 specified portion of the funds provided to the region is
35 sufficient to meet the region's current demand and projected

1 growth for the remainder of the fiscal year, the excess amount
2 may be transferred for use in another region.

3 b. For state child care assistance, eligibility shall be
4 limited to children whose family income is equal to or less
5 than 100 percent of the federal office of management and
6 budget poverty guidelines. However, on or after October 1,
7 1993, the department may increase the income eligibility limit
8 to be equal to or less than 75 percent of the Iowa median
9 family income. Persons receiving child care assistance on
10 June 30, 1993, shall not be cancelled in the succeeding fiscal
11 year due to the reduction in income guideline from the
12 guideline used in the fiscal year ending June 30, 1993.

13 c. The department may adopt emergency rules to comply with
14 the federal child care development block grant and federal at-
15 risk child care program; to streamline the existing day care
16 program including but not limited to adopting definitions for
17 units of service, payment rates, and eligibility for services;
18 and to deliver the services within state and federal funds
19 appropriated.

20 d. Nothing in this section shall be construed or is
21 intended as, or shall imply, a grant of entitlement for
22 services to persons who are eligible for assistance due to an
23 income level consistent with the requirements of this section.
24 Any state obligation to provide services pursuant to this
25 section is limited to the extent of the funds appropriated in
26 this section.

27 4. Of the funds appropriated in this section, \$633,931 is
28 allocated for the statewide program for child day care
29 resource and referral services under section 237A.26.

30 5. The department may use any of the funds appropriated in
31 this section as matching funds to obtain federal grants for
32 use in expanding child day care assistance and related
33 programs.

34 6. a. Of the funds appropriated in this section \$350,962
35 shall be used for transitional child care assistance.

1 b. Notwithstanding section 239.21, the department of human
2 services shall provide the transitional child care assistance
3 in accordance with the federal Family Support Act of 1988,
4 Pub. L. No. 100-485, § 302, and applicable federal
5 regulations. Reimbursement for services shall be limited to
6 registered or licensed child day care providers and programs
7 providing care, supervision, or guidance of a child which is
8 excluded under the definition of "child day care" pursuant to
9 section 237A.1, subsection 4.

10 7. Of the funds appropriated in this section, the
11 department shall use up to \$233,735 to increase the
12 department's staff as necessary to meet federal requirements.

13 Sec. 8. JOBS PROGRAM. There is appropriated from the
14 general fund of the state to the department of human services
15 for the fiscal year beginning July 1, 1993, and ending June
16 30, 1994, the following amount, or so much thereof as is
17 necessary, to be used for the purposes designated:

18 For the federal-state job opportunities and basic skills
19 (JOBS) program, food stamp employment and training program,
20 family development and self-sufficiency grants, and
21 implementing agreements between the department and recipients
22 of aid to dependent children, in accordance with this section:
23 \$ 7,718,000

24 1. Of the funds appropriated in this section, \$4,580,701
25 is allocated for the JOBS program.

26 2. Of the funds appropriated in this section, \$129,985 is
27 allocated for the food stamp employment and training program.

28 3. The department shall work with family development and
29 self-sufficiency grantees and the state's community action
30 agencies to develop an administrative process for initiatives
31 which generate local funds to match federal funds under the
32 JOBS program in order to expand or to develop additional
33 family development program initiatives.

34 4. Of the funds appropriated in this section, \$779,314 is
35 allocated to the family development and self-sufficiency grant

1 program as provided under section 217.12.

2 a. Not more than 5 percent of the funds allocated in this
3 subsection shall be used for the administration of the grant
4 program.

5 b. Federal funding matched by state, county, or other
6 funding which is not appropriated in this section shall be
7 deposited in the department's JOBS account. If the matching
8 funds are generated by a family development and self-
9 sufficiency grantee, the federal funding received shall be
10 used exclusively to expand the family development and self-
11 sufficiency grant program. If the match funding is generated
12 by another source, the federal funding received shall be used
13 to expand the grant program or the JOBS program. The
14 department may adopt emergency rules to implement the
15 provisions of this paragraph.

16 c. Based upon the annual evaluation report concerning each
17 grantee funded by this allocation, the family development and
18 self-sufficiency council may use funds allocated to renew
19 grants.

20 5. Of the funds appropriated in this section, \$2,228,000
21 shall be used to implement agreements between the department
22 and recipients of aid to dependent children as a component of
23 a welfare reform initiative.

24 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated
25 from the general fund of the state to the department of human
26 services for the fiscal year beginning July 1, 1993, and
27 ending June 30, 1994, the following amount, or so much thereof
28 as is necessary, to be used for the purpose designated:

29 For child support recovery, including salaries, support,
30 maintenance, and miscellaneous purposes:

31 \$ 4,307,709

32 1. The director of human services, within the limitations
33 of the funds appropriated in this section, or funds
34 transferred from the aid to families with dependent children
35 program for this purpose, shall establish new positions and

1 add additional employees to the child support recovery unit if
2 the director determines that the current and additional
3 employees, combined, can reasonably be expected to maintain or
4 increase net state revenue at or beyond the budgeted level.
5 If the director adds additional employees, the department
6 shall demonstrate the cost-effectiveness of the current and
7 additional employees by reporting to the joint appropriations
8 subcommittee on human services the ratio of the total amount
9 of administrative costs for child support recoveries to the
10 total amount of the child support recovered.

11 2. Nonpublic assistance application and user fees received
12 by the child support recovery program are appropriated and
13 shall be used for the purposes of the child support recovery
14 program. The director of human services may add additional
15 positions if fees collected relating to the new positions are
16 sufficient to pay the salaries and support for the positions.
17 The director shall report any new positions added pursuant to
18 this subsection to the chairpersons and ranking members of the
19 joint appropriations subcommittee on human services and the
20 legislative fiscal bureau.

21 3. The director of human services, in consultation with
22 the department of management and the legislative fiscal
23 committee, may receive and deposit state child support
24 incentive earnings in the manner specified under applicable
25 federal requirements.

26 4. The director of human services may establish new
27 positions and add additional state employees to the child
28 support recovery unit if the director determines the employees
29 are necessary to replace county-funded positions eliminated
30 due to termination, reduction, or nonrenewal of a chapter 28E
31 contract. However, the director must also determine that the
32 resulting increase in the state share of child support
33 recovery incentives exceeds the cost of the positions, the
34 positions are necessary to ensure continued federal funding of
35 the program, or the new positions can reasonably be expected

1 to recover more than twice the amount of money to pay the
2 salaries and support for the new positions.

3 5. The child support recovery unit shall, in cooperation
4 with the judicial department, determine the feasibility of a
5 pilot project utilizing a court-appointed referee for judicial
6 determinations on child support matters. The provisions of
7 this subsection shall apply only if the 75th General Assembly,
8 1993 Session, enacts legislation allowing for the court
9 appointment of a referee for child support matters, and if
10 funding can be identified through existing appropriations or
11 nonstate general fund sources. If these conditions are met, a
12 pilot project may be implemented during the 1993-1994 fiscal
13 year. The extent and location of any pilot project shall be
14 jointly developed by the judicial department and the child
15 support recovery unit.

16 6. Funding is provided within this appropriation for
17 expenses relating to a child support public awareness
18 campaign. The department shall transfer \$50,000 to the office
19 of the attorney general and the department and the attorney
20 general shall cooperate as necessary for continuation of the
21 campaign.

22 Sec. 10. JUVENILE INSTITUTIONS. There is appropriated
23 from the general fund of the state to the department of human
24 services for the fiscal year beginning July 1, 1993, and
25 ending June 30, 1994, the following amounts, or so much
26 thereof as is necessary, to be used for the purposes
27 designated:

28 For the operation of the state training school and the Iowa
29 juvenile home, including salaries, support, maintenance, and
30 miscellaneous purposes:

31 For the state juvenile institutions:

32 \$ 12,615,714

33 1. The following amount of the funds appropriated in this
34 section is allocated for the Iowa juvenile home at Toledo:

35 \$ 4,683,351

1 2. The following amount of the funds appropriated in this
2 section is allocated for the state training school at Eldora:
3 \$ 7,932,363

4 3. During the fiscal year beginning July 1, 1993, the
5 population levels at the state juvenile institutions shall not
6 exceed the population guidelines established under 1990 Iowa
7 Acts, chapter 1239, section 21.

8 4. Each state juvenile institution shall apply for
9 adolescent pregnancy prevention grants.

10 5. Within the funds appropriated in this section, the
11 department may reallocate funds as necessary to fulfill the
12 needs of the institutions provided for in this appropriation.

13 6. The department shall report to the legislative fiscal
14 bureau, on or before the twentieth day of each month, the
15 department's current expenditures for the institutions
16 receiving allocations under this appropriation. The report
17 shall include a comparison of actual to budgeted expenditures
18 for each institution.

19 Sec. 11. JUVENILE DETENTION HOMES -- FISCAL YEAR 1994.
20 Notwithstanding sections 8.33 and 8.39, of the funds
21 appropriated from the general fund of the state to the
22 department of human services for the fiscal year beginning
23 July 1, 1992, for reimbursement of counties for juvenile
24 detention homes, pursuant to 1992 Iowa Acts, Second
25 Extraordinary Session, chapter 1001, section 408, \$350,000
26 shall not revert to the general fund of the state on June 30,
27 1993, but shall remain available in the fiscal year beginning
28 July 1, 1993, and shall be used for state payment of financial
29 aid of ten percent of the total cost of county or multicounty
30 juvenile detention homes in accordance with the provisions of
31 section 232.142, subsection 3.

32 Sec. 12. CHILD AND FAMILY SERVICES. There is appropriated
33 from the general fund of the state to the department of human
34 services for the fiscal year beginning July 1, 1993, and
35 ending June 30, 1994, the following amount, or so much thereof

1 as is necessary, to be used for the purpose designated:

2 For child and family services:

3 \$ 67,438,435

4 1. Upon receipt of federal approval, the department shall
5 add family-centered services, family preservation, treatment
6 foster care, and group care services to the medicaid state
7 plan, utilizing the early and periodic screening, diagnosis,
8 and treatment (EPSDT) authority provided by the federal
9 government. The department may transfer moneys appropriated
10 in this section as necessary to pay the nonfederal costs of
11 services reimbursed under medical assistance which are
12 provided to children who would otherwise receive services paid
13 under this appropriation. The department may adopt emergency
14 rules to implement the provisions of this subsection. The
15 rules may include, but are not limited to, the development of
16 program descriptions, provider certification standards, cost
17 principles, rate-setting, contract requirements, clinical
18 assessment and consultation team standards, service necessity
19 criteria, claims submission requirements, and program
20 accountability standards for program components included in
21 the medical assistance state plan and for program components
22 not eligible for medical assistance funding.

23 2. The department may transfer funds appropriated in this
24 section to the appropriations in this Act for general
25 administration and to field operations for resources necessary
26 to develop, implement, and operate the initiative in
27 subsection 1.

28 3. The department may adopt emergency rules if the
29 department secures additional nonstate funding for child and
30 family services for which a state appropriation is provided.
31 If the funding is available, the department may transfer
32 moneys appropriated in this Act as necessary to pay the
33 nonfederal share of the costs of services reimbursed under a
34 federal program which are provided to children who would
35 otherwise receive services paid under this appropriation.

1 4. Of the funds appropriated in this section, up to
2 \$629,918 may be used to develop and maintain the state's
3 implementation of the national adoption and foster care
4 information system pursuant to the requirements of Pub. L. No.
5 99-509. In developing the system the department shall involve
6 representatives of the court, service providers, advocates,
7 and other persons interested in the adoption and foster care
8 process. The department may transfer funds as necessary to
9 implement this subsection to the appropriations in this Act
10 for field operations and general administration.

11 5. The department shall draw from the reasonable efforts
12 model court project in continuing training seminars for child
13 welfare practitioners throughout the state on the use of
14 reasonable efforts to prevent or eliminate the need for
15 removal of a child from the child's home. In addition, the
16 department shall draw upon the reasonable efforts model court
17 project in working with the supreme court to provide ongoing
18 instruction and technical assistance in selected counties in
19 the state concerning application of reasonable efforts.
20 Counties shall be selected by targeting those with a high rate
21 of placement of children outside the children's homes. The
22 recipients of technical assistance shall include court
23 officials, department of human services referral workers, and
24 child welfare service providers. Trainers shall include
25 respected peers and colleagues of the training recipients.
26 The department shall use up to \$49,922 of the funds
27 appropriated in this section for the contract. The department
28 shall seek assistance from the national conference of state
29 legislatures and private foundations in implementing the
30 provisions of this subsection.

31 6. The department shall incorporate family-centered
32 approaches to serving families into the department's general
33 child welfare training for all child welfare workers. The
34 training shall include an introduction to family preservation
35 and family-centered services and these services' usages as

1 alternatives to out-of-home care. In addition, the department
2 shall develop specific training concerning these services for
3 workers who are involved with referrals of children to foster
4 care. The department shall work with the judicial department
5 to make the training applicable and available to court
6 officers involved with referrals of children to foster care.
7 In developing the training, the department shall seek
8 assistance from the child welfare league of America and the
9 national association of family-based services and shall draw
10 from successful initiatives used in other states. In
11 implementing the provisions of this subsection, the department
12 may use up to \$87,364 of the funds appropriated in this
13 section.

14 7. Of the funds appropriated in this section, not more
15 than \$3,000,000 may be used for services to families of
16 children with mental retardation or other developmental
17 disabilities, who would otherwise enter or continue group
18 foster care.

19 8. a. Of the funds appropriated in this section, up to
20 \$21,115,173 is allocated for group foster care maintenance and
21 services. For the fiscal year beginning July 1, 1993, the
22 statewide target, as provided for in section 232.143, for the
23 average number of children placed in group foster care on any
24 day of the fiscal year which are a charge upon or are paid for
25 by the state, shall be 1,300. Notwithstanding the statewide
26 target established in this subsection and sections 232.52,
27 232.102, 232.117, 232.127, and 232.182, a target established
28 in a region's group foster care plan pursuant to section
29 232.143 may be exceeded, a group foster care placement may be
30 ordered, and state payment may be made if a clinical
31 assessment and consultation team finds that the placement is
32 necessary to meet the child's service needs. If the daily
33 average target established in a region's group foster care
34 plan is exceeded, the department and courts in that region
35 shall refer at least five percent of the region's group foster

1 care placements to a clinical assessment and consultation team
2 to determine if an alternative service would meet the child's
3 service needs and to assist the region in reducing the number
4 of children in group foster care to the regional target within
5 45 days from the date the target was exceeded. The department
6 and the courts shall work together to ensure that a region's
7 group foster care expenditures shall not exceed the funds
8 allocated to the region for group foster care in the 1993-1994
9 fiscal year. The department may adopt emergency rules in
10 order to implement the provisions of this paragraph.

11 b. Notwithstanding the formula specified in section
12 232.143, subsection 1, the department and the judicial
13 department shall develop a formula for allocating a portion of
14 the statewide target to each of the department's regions based
15 on factors determined by the department and the judicial
16 department which may include but are not limited to historical
17 usage of group foster care beds and indicators of need for
18 group foster care placements. The formula shall be
19 established by May 1, 1993. The department may adopt
20 emergency rules in order to implement the provisions of this
21 paragraph.

22 c. The department shall report quarterly to the
23 legislative fiscal bureau concerning the status of each
24 region's efforts to limit the number of group foster care
25 placements in accordance with the regional plan established
26 pursuant to section 232.143.

27 d. The reimbursement rates paid for placement of children
28 out-of-state shall not exceed the maximum reimbursement rate
29 established by the general assembly for group foster care
30 placements in this state unless the director determines that
31 appropriate care cannot be provided within the state. The
32 department shall adopt emergency rules defining the criteria
33 and process for making the determination of need for out-of-
34 state care.

35 e. The plans developed by the department and the juvenile

1 court pursuant to section 232.143 for containing the number of
2 children placed in group foster care shall ensure that,
3 effective November 1, 1993, all potential group foster care
4 referrals are reviewed by a clinical assessment and
5 consultation team prior to submission of a recommendation for
6 group foster care placement to the court. Prior to November
7 1, 1993, all group foster care referrals shall be reviewed
8 jointly by a team that includes representatives appointed by
9 the department and the juvenile court.

10 9. Not more than 25 percent of the children placed in
11 foster care funded under the federal Social Security Act,
12 Title IV-E, shall be placed in foster care for a period of
13 more than 24 months.

14 10. The department shall continue to contract for a
15 statewide system for recruiting, retaining, and supporting
16 foster care families consistent with the recommendation of the
17 department's family foster care advisory committee. The
18 department may continue the contract initiated in the fiscal
19 year beginning July 1, 1992, if defined goals have been
20 achieved. The department shall involve the family foster care
21 advisory committee in overseeing the work of the contractor,
22 and further defining needs in the system. The department
23 shall also involve the committee in seeking new financial
24 support for enhancing the family foster care system, including
25 government and foundation grants.

26 11. In accordance with the provisions of section 232.188,
27 the department shall continue the demonstration program to
28 decategorize child welfare services in the five counties in
29 which the program has commenced. The department may approve
30 additional applications from a county or cluster of counties
31 to initiate a demonstration program provided the department,
32 the boards of supervisors in the counties, and the affected
33 judicial districts agree to implement the program. The
34 schedule for implementing the demonstration program in
35 additional counties shall provide that the program be

1 implemented on or after January 1, 1994. The department shall
2 establish for the demonstration program counties a child
3 welfare fund composed of all or part of the amount that would
4 otherwise be expected to be used for residents of the counties
5 for foster care, child and family services, family-centered
6 services, subsidized adoption, child day care, local purchase
7 portion of the mental health, mental retardation,
8 developmental disabilities, and brain injury community
9 services appropriated in this Act, state juvenile institution
10 care, mental health institute care, state hospital-school
11 care, juvenile detention, department-direct services, and
12 court-ordered evaluation and treatment of juvenile services.
13 Notwithstanding any other provision of law, the fund shall be
14 considered encumbered for purposes of section 8.33.
15 Notwithstanding other service funding provisions in law, the
16 department shall establish the fund by transferring funds from
17 the budgets affected, except for the funds appropriated for
18 the state mental health institutes, the state hospital-
19 schools, the state training school, and the Iowa juvenile home
20 which shall remain on account for the county at these
21 institutions. By June 15 preceding the fiscal year, the
22 department shall inform each demonstration program county of
23 the estimated amount that will be available in the county's
24 child welfare fund and on account at the institutions for that
25 county during the ensuing fiscal year. The department shall
26 confirm each county's budgeted amount by October 1 of the
27 fiscal year. A limited amount of the fund may be used to
28 support services and reimbursement rates not allowable within
29 historical program or service categories and administrative
30 rules. In addition, a limited amount of the child welfare
31 fund may be used for emergency family assistance to provide
32 resources for a family to remain together or to be unified.
33 The demonstration program shall be designed to operate in a
34 county for a three-year period. The three-year time period
35 for a decategorization project shall be considered to begin on

1 January 1 in the first year following the year in which the
2 county's decategorization project was approved by the
3 department.

4 12. Of the funds appropriated in this section, up to
5 \$511,782 is allocated for continued foster care services to a
6 child who is 18 years of age or older in accordance with the
7 provisions of section 234.35, subsection 4, paragraph "c".
8 The department shall distribute the moneys allocated in this
9 subsection to the departmental regions based on each region's
10 proportion of the total number of children placed in foster
11 care on March 31 preceding the beginning of the fiscal year,
12 who, during the fiscal year would no longer be eligible for
13 foster care due to age. The department may adopt
14 administrative rules to implement the provisions of this
15 subsection.

16 13. The provisions of this section continue a significant
17 change in state policy involving child welfare. In order to
18 determine whether the change in policy has the intended effect
19 and to provide information for future decision making,
20 adequate information is required. During the fiscal period of
21 this appropriation, the department, in coordination with the
22 legislative fiscal bureau and the judicial department, shall
23 continue to track those out-of-home placements of children in
24 which the state or a county is financially involved. The
25 tracking information shall be submitted quarterly to the
26 governor, the chairpersons and ranking members of the joint
27 appropriations subcommittee on human services, and the
28 legislative fiscal bureau and shall include all of the
29 following information:

30 a. The number of placements of children within each of the
31 following age ranges: 0 through 5; 6 through 10; 11 through
32 15; and 16 through 21.

33 b. The number of children placed in each of the following:
34 family foster care, group foster care, state training school,
35 Iowa juvenile home, psychiatric medical institutions for

1 children (PMICs), residential substance abuse treatment
2 programs, hospitals for acute psychiatric care, state mental
3 health institutes, shelter care, juvenile detention, adult
4 correctional facilities, state hospital-schools, intermediate
5 care facilities for the mentally retarded (ICF/MR), and
6 residential care facilities for the mentally retarded
7 (RCF/MR).

8 14. The amount of the appropriation made in this section
9 available for foster care is based upon expansion of the
10 number of children in foster care who are eligible for federal
11 supplemental security income (SSI). The department may use up
12 to \$300,000 of this appropriation to enter into a performance-
13 based contract to secure SSI benefits for children placed in
14 foster care. The contract shall include provisions for
15 training of department of human services and juvenile court
16 staff, completion of applications, tracking of application
17 results, and representation during the appeals process
18 whenever an appeal is necessary to secure SSI benefits.
19 Notwithstanding section 217.30 and section 232.2, subsection
20 11, and any other provision of law to the contrary, the
21 custodian of a child in foster care may release medical,
22 mental health, substance abuse, or any other information
23 necessary only to determine the child's eligibility for SSI
24 benefits, and may sign releases for the information. In any
25 release of information made pursuant to this subsection,
26 confidentiality shall be maintained to the maximum extent
27 possible.

28 15. A limited amount of the funds appropriated in this
29 section may be used for emergency family assistance to provide
30 other resources required for a family participating in a
31 family preservation or reunification project to stay together
32 or to be reunified.

33 16. Notwithstanding section 234.35, subsection 1, state
34 funding for shelter care paid pursuant to section 234.35,
35 subsection 1, shall be limited to \$6,734,341. The department

1 may adopt emergency rules to implement the provisions of this
2 subsection.

3 17. Of the funds appropriated in this section, up to
4 \$720,213 may be used as determined by the department for any
5 of the following purposes:

6 a. For general administration of the department to improve
7 staff training efforts.

8 b. For oversight of termination of parental rights and
9 permanency planning efforts on a statewide basis on the
10 condition that regular reports regarding the statewide program
11 efforts shall be provided to the legislative fiscal bureau.

12 c. For use by the department in general administration to
13 promote innovative treatment programs, write grants to obtain
14 federal and private funding, and promote public and private
15 efforts to treat and prevent child abuse.

16 d. For personnel, assigned by the attorney general, to
17 provide additional services relating to termination of
18 parental rights and child in need of assistance cases.

19 e. For funding of the state multidisciplinary team to
20 assist with difficult cases within the child abuse and foster
21 care system and with respect to child protective investigation
22 and initial case planning and to develop and coordinate local
23 multidisciplinary teams.

24 f. For use by the department in conducting outcome-
25 oriented evaluations of child protection, prevention, and
26 treatment programs.

27 g. For specialized foster care permanency planning field
28 operations staff.

29 18. The department shall allocate up to \$820,000 of the
30 funds appropriated in this section to the department's regions
31 to continue the pilot project using "wrap-around" services or
32 support funds. The moneys shall be used by each region to
33 reduce the number or length of group foster care placements
34 from that region. For the purposes of this subsection, "wrap-
35 around services or support funds" means individualized and

1 community-based services or support funds for children and
2 families which enable group foster care placement to be
3 prevented or the length of stay reduced. The department shall
4 establish flexible approval and payment mechanisms for this
5 pilot project. Notwithstanding section 232.187, each
6 department region shall establish procedures for developing
7 and approving the use of wrap-around services or support
8 funds. The department may adopt emergency rules to implement
9 the provisions of this subsection.

10 Sec. 13. COMMUNITY-BASED PROGRAMS. There is appropriated
11 from the general fund of the state to the department of human
12 services for the fiscal year beginning July 1, 1993, and
13 ending June 30, 1994, the following amount, or so much thereof
14 as is necessary, to be used for the purpose designated:

15 For community-based programs, on the condition that family
16 planning services are funded, including salaries, support,
17 maintenance, and miscellaneous purposes:

18 \$ 1,624,226

19 1. Of the funds appropriated in this section, \$652,451
20 shall be used for adolescent pregnancy prevention grants. The
21 department may use a limited amount of the funds appropriated
22 in this subsection for administrative costs.

23 2. Of the funds appropriated in this section, \$532,789
24 shall be used by the department for child abuse prevention
25 grants.

26 Sec. 14. COURT-ORDERED SERVICES PROVIDED TO JUVENILES.
27 There is appropriated from the general fund of the state to
28 the department of human services for the fiscal year beginning
29 July 1, 1993, and ending June 30, 1994, the following amounts,
30 or so much thereof as is necessary, to be used for the purpose
31 designated:

32 Payment of the expenses of court-ordered services provided
33 to juveniles which are a charge upon the state pursuant to
34 section 232.141, subsection 4:

35 \$ 3,740,000

1 1. Notwithstanding section 232.141 or any other provision
2 of law, the funds appropriated in this section shall be
3 allocated to the judicial districts as determined by the state
4 court administrator. The state court administrator shall make
5 the determination on the allocations on or before June 15 of
6 each fiscal year.

7 2. a. Each judicial district shall continue the planning
8 group for the court-ordered services for juveniles provided in
9 that district which was established pursuant to 1991 Iowa
10 Acts, chapter 267, section 119. A planning group shall
11 continue to perform its duties as specified in that law.
12 Reimbursement rates for providers of court-ordered evaluation
13 and treatment services paid under section 232.141, subsection
14 4, shall be negotiated with providers by each judicial
15 district's planning group.

16 b. Each district planning group shall submit an annual
17 report in January to the state court administrator and the
18 department of human services. The report shall cover the
19 preceding fiscal year and shall include a preliminary report
20 on the current fiscal year. The administrator and the
21 department shall compile these reports and submit the reports
22 to the chairpersons and ranking members of the joint
23 appropriations subcommittee on human services and the
24 legislative fiscal bureau.

25 3. The department of human services shall develop policies
26 and procedures to ensure that the funds appropriated in this
27 section are spent only after all other reasonable actions have
28 been taken to utilize other funding sources and community-
29 based services. The policies and procedures shall be designed
30 to achieve the following objectives relating to services
31 provided under chapter 232:

32 a. Maximize the utilization of funds which may be
33 available from the medical assistance program including usage
34 of the early and periodic screening, diagnosis, and treatment
35 (EPSDT) program.

1 b. Recover payments from any third-party insurance carrier
2 which is liable for coverage of the services, including health
3 insurance coverage.

4 c. Pursue development of agreements with regularly
5 utilized out-of-state service providers which are intended to
6 reduce per diem costs paid to those providers.

7 4. The department of human services, in consultation with
8 the state court administrator and the judicial district
9 planning groups, shall compile a monthly report describing
10 spending in the districts for court-ordered services for
11 juveniles, including the utilization of the medical assistance
12 program. The reports shall be submitted on or before the
13 twentieth day of each month to the chairpersons and ranking
14 members of the joint appropriations subcommittee on human
15 services and the legislative fiscal bureau.

16 5. Notwithstanding chapter 232 or any other provision of
17 law, a district or juvenile court in a department of human
18 services region shall not order any service which is a charge
19 upon the state pursuant to section 232.141 if there are
20 insufficient court-ordered services funds available in the
21 regional allocation to pay for the service. The chief
22 juvenile court officer in cooperation with the judicial
23 district planning group shall encourage use of the funds
24 appropriated in this section such that there are sufficient
25 funds to pay for all court-related services during the entire
26 year. The eight chief juvenile court officers shall attempt
27 to anticipate potential surpluses and shortfalls in the
28 allocations and shall cooperatively request the state court
29 administrator to transfer funds between the districts'
30 allocations, as prudent.

31 6. Notwithstanding any provision of law to the contrary, a
32 district or juvenile court shall not order a county to pay for
33 any service provided to a juvenile pursuant to an order
34 entered under chapter 232 which is a charge upon the state
35 under section 232.141, subsection 4.

1 7. Of the funds appropriated in this section, up to
2 \$200,000 may be used by the judicial department for
3 administration of the requirements under this section and for
4 travel associated with court-ordered placements which are a
5 charge upon the state pursuant to section 232.141, subsection
6 4.

7 8. The department of human services shall identify
8 services funded under the appropriation which are eligible for
9 funding under medical assistance pursuant to the early and
10 periodic screening, diagnosis, and treatment initiative
11 implemented in the appropriation in this Act for child and
12 family services. Identified services shall be included in the
13 initiative and moneys appropriated in this section may be
14 transferred as necessary to pay the nonfederal share of the
15 costs of the services.

16 Sec. 15. MENTAL HEALTH INSTITUTES. There is appropriated
17 from the general fund of the state to the department of human
18 services for the fiscal year beginning July 1, 1993, and
19 ending June 30, 1994, the following amounts, or so much
20 thereof as is necessary, to be used for the purposes
21 designated:

22 For the state mental health institutes for salaries,
23 support, maintenance, and miscellaneous purposes:
24 \$ 42,043,149

25 1. The funds appropriated in this section are allocated as
26 follows:

27 a. State mental health institute at Cherokee:
28 \$ 14,251,852

29 b. State mental health institute at Clarinda:
30 \$ 5,987,667

31 c. State mental health institute at Independence:
32 \$ 16,976,476

33 d. State mental health institute at Mount Pleasant:
34 \$ 4,827,154

35 2. The department may reallocate funds appropriated in

1 this section as necessary to fulfill the needs of the
2 institutions provided for in this appropriation.

3 3. The department shall report to the legislative fiscal
4 bureau, on or before the twentieth day of each month, the
5 department's current expenditures for the institutions
6 receiving allocations in this appropriation. The report shall
7 include a comparison of actual to budgeted expenditures for
8 each institution.

9 4. As part of the discharge planning process at the state
10 mental health institutes, the department shall provide
11 assistance in obtaining eligibility for federal supplemental
12 security income (SSI) to those individuals whose care at a
13 state mental health institute is the financial responsibility
14 of the state.

15 Sec. 16. HOSPITAL-SCHOOLS. There is appropriated from the
16 general fund of the state to the department of human services
17 for the fiscal year beginning July 1, 1993, and ending June
18 30, 1994, the following amounts, or so much thereof as is
19 necessary, to be used for the purposes designated:

20 For the state hospital-schools, for salaries, support,
21 maintenance, and miscellaneous purposes:
22 \$ 66,254,348

23 1. The funds appropriated in this section are allocated as
24 follows:

- 25 a. State hospital-school at Glenwood:
- 26 \$ 35,798,473
- 27 b. State hospital-school at Woodward:
- 28 \$ 30,455,875

29 2. The department may reallocate funds appropriated in
30 this section as necessary to fulfill the needs of the
31 institutions provided for in this appropriation.

32 3. The department shall report to the legislative fiscal
33 bureau, on or before the twentieth day of each month, the
34 department's current expenditures for the institutions
35 receiving allocations under this appropriation. The report

1 shall include a comparison of actual to budgeted expenditures
2 for each institution.

3 Sec. 17. MENTAL HEALTH -- MENTAL RETARDATION --
4 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is
5 appropriated from the general fund of the state to the
6 department of human services for the fiscal year beginning
7 July 1, 1993, and ending June 30, 1994, the following amount,
8 or so much thereof as is necessary, to be used for the purpose
9 designated:

10 For mental health, mental retardation, and developmental
11 disabilities special services:

12 \$ 370,069

13 1. The department and the Iowa finance authority shall
14 develop methods to implement the financing for existing
15 community-based facilities and to implement financing for
16 small community-based facilities, including those facilities
17 which may be developed under a federally approved home and
18 community-based waiver for services provided under the medical
19 assistance program. The department shall develop criteria for
20 these facilities which may include provisions to restrict
21 placements to current state hospital-school clients or to
22 avert the placement of persons in a state hospital-school.
23 The department shall assure that clients are referred to these
24 facilities upon development of the facilities.

25 2. Of the funds appropriated in this section, \$248,862 is
26 allocated to provide supplemental per diems to community-based
27 residential care facilities and community living arrangements.
28 The per diem is restricted to clients placed from the state
29 hospital-schools and persons averted from placement in a state
30 hospital-school who meet the appropriate level of functioning
31 for this type of care.

32 3. Of the funds appropriated in this section, \$121,207 is
33 allocated to provide funds for construction and start-up costs
34 to develop community living arrangements for persons who are
35 mentally ill and homeless. The funds may be used to match

1 federal Stewart B. McKinney Homeless Assistance Act grant
2 funds.

3 Sec. 18. FAMILY SUPPORT SUBSIDY PROGRAM. There is
4 appropriated from the general fund of the state to the
5 department of human services for the fiscal year beginning
6 July 1, 1993, and ending June 30, 1994, the following amount,
7 or so much thereof as is necessary, to be used for the purpose
8 designated:

9 For the family support subsidy program:
10 \$ 1,050,000

11 Sec. 19. SPECIAL NEEDS GRANTS. There is appropriated from
12 the general fund of the state to the department of human
13 services for the fiscal year beginning July 1, 1993, and
14 ending June 30, 1994, the following amount, or so much thereof
15 as is necessary, to be used for the purpose designated:

16 To provide special needs grants to families with a family
17 member at home who has a developmental disability or to a
18 person with a developmental disability:
19 \$ 53,212

20 Grants must be used by a family to defray special costs of
21 caring for the family member to prevent out-of-home placement
22 of the family member or to provide for independent living
23 costs. A grant may provide up to \$5,000 per person for costs
24 associated with an assistive animal. The grants may be
25 administered by a private nonprofit agency which serves people
26 statewide provided that no administrative costs are received
27 by the agency. Regular reports regarding the special needs
28 grants with the family support subsidy program and an annual
29 report concerning the characteristics of the grantees shall be
30 provided to the legislative fiscal bureau.

31 Sec. 20. MI/MR/DD STATE CASES. There is appropriated from
32 the general fund of the state to the department of human
33 services for the fiscal year beginning July 1, 1993, and
34 ending June 30, 1994, the following amount, or so much thereof
35 as is necessary, to be used for the purpose designated:

1 For purchase of local services for persons with mental
2 illness, mental retardation, and developmental disabilities
3 where the client has no established county of legal
4 settlement:

5 \$ 3,531,891

6 IF funding is sufficient to provide services to individuals
7 with mental retardation for the entire year and has been
8 encumbered, services may also be provided to individuals with
9 other developmental disabilities or mental illness. The
10 mental health and mental retardation commission shall adopt
11 emergency rules to implement the provisions of this section.

12 Sec. 21. MENTAL ILLNESS -- MENTAL RETARDATION -- DE-
13 VELOPMENTAL DISABILITIES -- BRAIN INJURY -- COMMUNITY
14 SERVICES. There is appropriated from the general fund of the
15 state to the department of human services for the fiscal year
16 beginning July 1, 1993, and ending June 30, 1994, the
17 following amount, or so much thereof as is necessary, to be
18 used for the purpose designated:

19 For mental illness, mental retardation, developmental
20 disabilities, and brain injury community services in
21 accordance with the provisions of this Act:

22 \$ 28,708,109

23 1. Of the funds appropriated in this section, \$15,639,333
24 shall be allocated to counties for funding of community-based
25 mental illness, mental retardation, developmental
26 disabilities, and brain injury services. The moneys shall be
27 allocated to a county as follows:

28 a. Fifty percent based upon the county's proportion of the
29 state's population of persons with an annual income which is
30 equal to or less than the poverty guideline established by the
31 federal office of management and budget.

32 b. Fifty percent based upon the county's proportion of the
33 state's general population.

34 2. a. A county shall utilize the funding the county
35 receives pursuant to subsection 1 for services provided to

1 persons with mental illness, mental retardation, developmental
2 disability, and brain injury. However, no more than 50
3 percent of the funding shall be used for services provided to
4 any one of the service populations.

5 b. For each fiscal year, a county shall use at least 50
6 percent of the funding the county receives pursuant to
7 subsection 1 for the contemporary services.

8 c. The mental health and mental retardation commission
9 shall adopt rules pursuant to chapter 17A describing the
10 contemporary services. The commission may adopt emergency
11 rules to implement this subsection.

12 3. Of the funds appropriated in this section, \$30,000
13 shall be used to support the Iowa compass program providing
14 computerized information and referral services for Iowans with
15 disabilities and their families.

16 4. The department shall submit an annual report concerning
17 each population served and each service funded in this section
18 to the chairpersons and ranking members of the joint
19 appropriations subcommittee on human services and the
20 legislative fiscal bureau.

21 5. a. Provision of funding under subsection 1 is
22 contingent upon a county participating in the county's mental
23 illness, mental retardation, developmental disabilities, and
24 brain injury (MI/MR/DD/BI) planning councils established
25 pursuant to 1992 Iowa Acts, chapter 1241, section 25,
26 subsection 4. However, a planning council's planning area
27 shall utilize the borders of the county clusters established
28 by the department in accordance with section 217.42 or include
29 a population of at least 40,000 and include counties with a
30 historical pattern of cooperation in providing MI/MR/DD/BI
31 services.

32 b. A planning council shall develop plans for the
33 provision of services for the fiscal year beginning July 1,
34 1994, for persons with MI/MR/DD/BI in the county or counties
35 comprising the planning council.

1 c. County MI/MR/DD/BI expenditure reports for the prior
2 fiscal year are due to the department on October 15 of each
3 year. The county MI/MR/DD/BI plan for the fiscal year
4 beginning July 1, 1994, is due to the department April 1,
5 1994.

6 d. If a county has not established or is not affiliated
7 with a community mental health center under chapter 230A, the
8 county shall expend a portion of the money received under this
9 appropriation to contract with a community mental health
10 center to provide mental health services to the county's
11 residents. If such a contractual relationship is unworkable
12 or undesirable, the mental health and mental retardation
13 commission may waive the expenditure requirement. However, if
14 the commission waives the requirement, the commission shall
15 address the specific concerns of the county and shall attempt
16 to facilitate the provision of mental health services to the
17 county's residents through an affiliation agreement or other
18 means. The mental health and mental retardation commission
19 shall adopt emergency rules to implement the provisions of
20 this section.

21 e. (1) A county is entitled to receive moneys under this
22 appropriation if the county raised by county levy and expended
23 for mental health, mental retardation, and developmental
24 disabilities services, in the preceding fiscal year, an amount
25 at least equal to the amount so raised and expended for those
26 purposes during the fiscal year beginning July 1, 1980. The
27 mental health and mental retardation commission shall adopt
28 emergency rules to implement the provisions of this section.

29 (2) With reference to the fiscal year beginning July 1,
30 1980, money "raised by county levy and expended for mental
31 health, mental retardation, and developmental disabilities
32 services" means the county's maintenance of effort determined
33 by using the general allocation application for the state
34 community mental health and mental retardation services fund
35 under section 225C.10, subsection 1, Code 1993. The

1 department, with the agreement of each county, shall establish
2 the actual amount expended by each county for persons with
3 mental illness, mental retardation, or a developmental
4 disability in the fiscal year beginning July 1, 1980, and this
5 amount shall be deemed each county's maintenance of effort.

6 5. a. Of the funds appropriated in this section,
7 \$13,038,776 is allocated for distribution to counties for
8 local purchase of services for persons with mental illness or
9 mental retardation or other developmental disability.

10 b. The funds allocated in this subsection shall be
11 expended by counties in accordance with eligibility guidelines
12 established in the department's rules outlining general
13 provisions for service administration. Services eligible for
14 payment with funds allocated in this subsection are limited to
15 any of the following which are provided in accordance with the
16 department's administrative rules for the services: community
17 supervised apartment living arrangements, residential services
18 for adults, sheltered work, supported employment, supported
19 work training, transportation, work activity, administrative
20 support for volunteers, adult day care, adult support, and
21 family-centered services. The department may adopt emergency
22 rules to increase the eligibility guidelines by the same
23 percentage and at the same time as federal social security
24 benefits are increased due to a recognized increase in the
25 cost of living.

26 c. In purchasing services with funds allocated in this
27 subsection, a county shall designate a person to provide for
28 eligibility determination and development of a case plan for
29 individuals for whom the services are purchased. The
30 designated person shall be a medical assistance case manager
31 serving the person's county of residence. If an individual
32 does not have a case manager, the individual's eligibility
33 shall be determined by a social services caseworker of the
34 department serving the individual's county of residence. The
35 case plan shall be developed in accordance with the

1 department's rules outlining general provisions for service
2 administration.

3 d. Services purchased with funds allocated in this
4 subsection must be the result of a referral by the person who
5 identified the services in developing the individual's case
6 plan.

7 e. Services purchased with funds allocated in this
8 subsection must be under a purchase of service contract
9 established in accordance with the department's administrative
10 rules for purchase of service.

11 f. The funds provided by this subsection shall be
12 allocated to each county as follows:

13 (1) Fifty percent based upon the county's proportion of
14 the state's population of persons with an annual income which
15 is equal to or less than the poverty guideline established by
16 the federal office of management and budget.

17 (2) Fifty percent based upon the amount provided to the
18 county for local purchase services in the preceding fiscal
19 year.

20 The mental health and mental retardation commission may
21 adopt emergency rules to implement the provisions of this
22 lettered paragraph.

23 g. Each county shall submit to the department a plan for
24 funding of the services eligible for payment under this
25 subsection. The plan may provide for allocation of the funds
26 for one or more of the eligible services. The plan shall
27 identify the funding amount the county allocates for each
28 service and the time period for which the funding will be
29 available. Only those services which have funding allocated
30 in the plan are eligible for payment with funds provided in
31 this subsection.

32 h. A county shall provide advance notice to the individual
33 receiving services, the service provider, and the person
34 responsible for developing the case plan of the date the
35 county determines that funding will no longer be available for

1 a service.

2 i. Moneys allocated to a county pursuant to paragraph "f"
3 shall be provided to the county as claims are submitted to the
4 state.

5 j. The moneys provided in this subsection do not establish
6 an entitlement to the services funded in this subsection.

7 Sec. 22. FIELD OPERATIONS. There is appropriated from the
8 general fund of the state to the department of human services
9 for the fiscal year beginning July 1, 1993, and ending June
10 30, 1994, the following amount, or so much thereof as is
11 necessary, to be used for the purpose designated:

12 For field operations, including salaries, support,
13 maintenance, and miscellaneous purposes:
14 \$ 35,980,389

15 1. The general assembly finds the following concerning
16 department of human services' field staff caseweight factors
17 used to measure the number and difficulty of cases assigned to
18 individual social workers and income maintenance workers:

19 a. If workers carry a caseweight factor which is too high,
20 the workers will be unable to do their jobs effectively. A
21 high caseweight factor indicates that a worker is likely to be
22 overworked and will not have time to deal with a client's
23 needs beyond the task of completing necessary paperwork.

24 b. Clients present serious problems which require
25 sensitivity, time, and experience to adequately address. The
26 problems encountered by workers include family violence, child
27 abuse, neglect, incest, isolation and illness, homelessness,
28 and disabilities. Workers are expected to effectively relate
29 to persons of all ages, incomes, and backgrounds. A worker's
30 ability to effectively respond to clients and client problems
31 is adversely affected by an excessive caseweight level.

32 c. Excessive caseweight factor levels contribute to high
33 turnover in the field staff positions and to administrative
34 delays in replacing vacant positions, resulting in further
35 increases in caseweight factors.

1 d. Excessive caseweight factor levels may create delays in
2 service delivery causing clients to seek services from
3 counties under general relief in order to receive assistance
4 in a timely manner. Increases in general relief result in
5 additional demands upon property taxes.

6 e. Beginning with the 1989-1990 fiscal year, the general
7 assembly has appropriated funding and authorized full-time
8 equivalent positions for field staff based upon caseweight
9 factor levels stated in statute. Funding was appropriated in
10 each of the years in order that sufficient staff persons were
11 to be employed to achieve the stated caseweight factor levels.
12 However, in each fiscal year in which the caseweight factor
13 levels were stated, insufficient numbers of persons were
14 employed and as a result the stated caseweight factor levels
15 were not met.

16 f. As of February 1993, the caseweight factor levels for
17 income maintenance workers and social workers exceed the
18 levels stated in statute and the funding appropriated to
19 achieve the stated levels has not been expended as intended.
20 As a result, the caseweight factor levels have become too high
21 for workers to effectively perform their duties.

22 2. The general assembly finds that the optimum caseweight
23 levels for department of human services' field staff according
24 to the last comprehensive analysis of the levels, is 145 for
25 income maintenance workers and 130 for social workers.
26 Federal courts have mandated in other states the maximum
27 number of cases per foster care field worker the state
28 government agencies are allowed to manage. In addition, the
29 child welfare league of America (CWLA) has published
30 guidelines for caseloads for various field service positions.
31 Both the court-ordered caseloads and the CWLA guideline
32 caseloads are lower than those caseloads borne by comparable
33 positions in this state.

34 3. The departments of human services, management, and
35 personnel shall take every action necessary to fill vacant

1 positions in a manner so as to reduce department of human
2 services' field staff caseweight factor levels closer to the
3 optimum levels. The actions shall include, but are not
4 limited to, expedited hiring and training processes and
5 restructuring jobs and workloads to improve the manageability
6 of caseloads.

7 Sec. 23. GENERAL ADMINISTRATION. There is appropriated
8 from the general fund of the state to the department of human
9 services for the fiscal year beginning July 1, 1993, and
10 ending June 30, 1994, the following amount, or so much thereof
11 as is necessary, to be used for the purpose designated:

12 For general administration, including salaries, support,
13 maintenance, and miscellaneous purposes:
14 \$ 9,097,174

15 Of the funds appropriated in this section, \$57,094 shall be
16 transferred to the prevention of disabilities policy council
17 established in section 225B.3.

18 Sec. 24. VOLUNTEERS. There is appropriated from the
19 general fund of the state to the department of human services
20 for the fiscal year beginning July 1, 1993, and ending June
21 30, 1994, the following amount, or so much thereof as is
22 necessary, to be used for the purpose designated:

23 For development and coordination of volunteer services:
24 \$ 85,793

25 Sec. 25. "X-PERT" PUBLIC ASSISTANCE BENEFIT ELIGIBILITY
26 DETERMINATION SYSTEM. There is appropriated from the general
27 fund of the state to the department of human services for the
28 fiscal year beginning July 1, 1993, and ending June 30, 1994,
29 the following amount, or so much thereof as is necessary, to
30 be used for the purpose designated:

31 For the development costs of the "X-PERT" knowledge-based
32 computer software package for public assistance benefit
33 eligibility determination, including salaries, support,
34 maintenance, and miscellaneous purposes:
35 \$ 774,645

1 Sec. 26. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
2 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
3 DEPARTMENT OF HUMAN SERVICES.

4 1. a. For the fiscal year beginning July 1, 1993, the
5 department of human services may allocate any increases for
6 durable medical products and supplies so that equipment and
7 supplies which have greater wholesale cost increases may be
8 reimbursed at a higher rate and those which have a lower or no
9 wholesale cost increase may be reimbursed at a lower rate or
10 have no increase.

11 b. For the fiscal year beginning July 1, 1993, providers
12 of obstetric services when provided by physicians or certified
13 nurse-midwives shall have their medical assistance
14 reimbursement rates increased by 10 percent over the rates in
15 effect on June 30, 1993.

16 c. For the fiscal year beginning July 1, 1993, early and
17 periodic screening, diagnosis, and treatment reimbursements
18 for screening services under the medical assistance programs
19 shall be increased by 50 percent over the rates in effect on
20 June 30, 1993.

21 d. For the fiscal year beginning July 1, 1993, facilities
22 certified as skilled nursing facilities pursuant to the
23 federal medicare repayments shall have their medical
24 assistance rates increased by 4.9 percent over the rate in
25 effect on June 30, 1993.

26 e. The dispensing fee for pharmacists shall remain at the
27 rate in effect on June 30, 1993. The reimbursement policy for
28 drug product costs shall be in accordance with federal
29 requirements.

30 f. Reimbursement rates for in-patient hospital services
31 shall be increased by an average of 5.5 percent over the rates
32 in effect on June 30, 1993, in conjunction with the rebasing
33 and recalibration of the diagnosis-related groups.

34 Reimbursement rates for out-patient services shall remain
35 according to the federal Medicare methodology until

1 implementation of the new methodology referenced in the
2 appropriation in this Act for medical contracts.

3 g. Reimbursement rates for rural health clinics shall be
4 increased in accordance with increases under the federal
5 medicare program.

6 h. Home health agencies certified for the federal medicare
7 program, hospice services, and acute care mental hospitals
8 shall be reimbursed for their current federal Medicare audited
9 costs.

10 i. The basis for establishing the maximum medical
11 assistance reimbursement rate for nursing facilities shall be
12 the 70th percentile of facility costs as calculated from the
13 June 30, 1993, unaudited compilation of cost and statistical
14 data.

15 j. The department may revise the fee schedule used for
16 physician reimbursement.

17 k. Federally qualified health centers shall be reimbursed
18 at 100 percent of reasonable costs as determined by the
19 department in accordance with federal requirements.

20 l. The department shall review and utilize small area
21 analysis to identify differences in utilization of physician
22 and hospital services. In addition, the department shall
23 identify incentives to reward efficient, effective, and
24 quality care.

25 2. For the fiscal year beginning July 1, 1993, the maximum
26 cost reimbursement rate for residential care facilities
27 reimbursed by the department shall be \$19.62 per day. The
28 flat reimbursement rate for facilities electing not to file
29 semiannual cost reports shall be \$14.03 per day. For the
30 fiscal year beginning July 1, 1993, the maximum reimbursement
31 rate for providers reimbursed under the in-home health-related
32 care program shall be \$390.15 per month.

33 3. If the department's reimbursement methodology for any
34 provider reimbursed in accordance with this section includes
35 an inflation factor, this factor shall not exceed the amount

1 by which the consumer price index for all urban consumers
2 increased during the calendar year ending December 31, 1992.

3 4. For the fiscal year beginning July 1, 1993, the foster
4 family basic monthly maintenance rate for children ages 0
5 through 5 years shall be \$308, the rate for children ages 6
6 through 11 years shall be \$322, the rate for children ages 12
7 through 15 years shall be \$359, and the rate for children ages
8 16 and older shall be \$382. Effective January 1, 1994, the
9 department shall increase the monthly allowance for children
10 in independent living from \$400 to \$441. Effective January 1,
11 1994, the department shall increase the maximum basic monthly
12 adoption subsidy for children ages 0 through 5 years to \$308,
13 for children ages 6 through 11 years to \$322, for children
14 ages 12 through 15 to \$359, and for children ages 16 and older
15 to \$382.

16 5. For the fiscal year beginning July 1, 1993, the maximum
17 reimbursement rates for social service providers shall be the
18 same as the rates in effect on June 30, 1993, except under any
19 of the following circumstances:

20 a. If a new service was added after June 30, 1993, the
21 initial reimbursement rate for the service shall be based upon
22 actual and allowable costs.

23 b. If a social service provider loses a source of income
24 used to determine the reimbursement rate for the provider, the
25 provider's reimbursement rate may be adjusted to reflect the
26 loss of income, provided that the lost income was used to
27 support actual and allowable costs of a service purchased
28 under a purchase of service contract.

29 c. For group foster care and shelter care providers
30 reimbursed through the purchase of service system, the maximum
31 reimbursement rate shall be \$75.11 per day.

32 6. The department may adopt emergency rules to implement
33 the provisions of this section.

34 Sec. 27. ASSISTANCE TO GAMBLERS. There is appropriated
35 from the general fund of the state to the department of human

1 services for the fiscal year beginning July 1, 1993, and
2 ending June 30, 1994, the following amount, or so much thereof
3 as is necessary, to be used for the purpose designated:

4 For the gamblers assistance program:
5 \$ 250,000

6 The Iowa lottery board and the state racing and gaming
7 commission shall cooperate with the gamblers assistance
8 program to incorporate information regarding the gamblers
9 assistance program and its toll-free telephone number in
10 printed materials distributed by the board and commission.
11 The commission may require licensees to have the information
12 available in a conspicuous place as a condition of licensure.

13 Sec. 28. STATE INSTITUTIONS -- CLOSINGS AND REDUCTIONS.

14 If a state institution administered by the department of human
15 services is to be closed or reduced in size, prior to the
16 closing or reduction the department shall initiate and
17 coordinate efforts in cooperation with the Iowa department of
18 economic development to develop new jobs in the area in which
19 the state institution is located.

20 Sec. 29. Section 135H.4, Code 1993, is amended to read as
21 follows:

22 135H.4 LICENSURE.

23 A person shall not establish, operate, or maintain a
24 psychiatric medical institution for children unless the person
25 obtains a license for the institution under this chapter and
26 holds a license under section 237.3, subsection 2, paragraph
27 "a",-subparagraph-(3).

28 Sec. 30. Section 135H.6, subsection 6, Code 1993, is
29 amended to read as follows:

30 6. The proposed psychiatric institution is under the
31 direction of an agency which has operated a facility licensed
32 under section 237.3, subsection 2, paragraph "a", subparagraph
33 (3); for three years or of an agency which has operated a
34 facility for three years providing psychiatric services
35 exclusively to children or adolescents and the facility meets

1 or exceeds requirements for licensure under section 237.3,
2 subsection 2, paragraph "a", ~~subparagraph (3)~~.

3 Sec. 31. Section 225C.20, Code 1993, is amended to read as
4 follows:

5 225C.20 RESPONSIBILITIES OF COUNTIES FOR INDIVIDUAL CASE
6 MANAGEMENT SERVICES.

7 Individual case management services funded under medical
8 assistance shall be provided by the department except when a
9 county or a consortium of counties contracts with the
10 department to provide the services. A county or consortium of
11 counties may contract to be the provider at any time and the
12 department shall agree to the contract so long as the contract
13 meets the standards for case management adopted by the
14 department. The county or consortium of counties may
15 subcontract for the provision of case management services so
16 long as the subcontract meets the same standards. A ~~mental~~
17 ~~health, mental-retardation, and developmental disabilities~~
18 coordinating county board of supervisors may change the
19 provider of individual case management services at any time.
20 If the current or proposed contract is with the department,
21 the coordinating county board of supervisors shall provide
22 written notification of a proposed change to the department on
23 or before August 15 and written notification of an approved
24 change on or before ~~October~~ November 15 in the fiscal year
25 which precedes the fiscal year in which the change will take
26 effect.

27 Sec. 32. Section 232.71, subsections 3 and 6, Code 1993,
28 are amended to read as follows:

29 3. The investigation may, with the consent of the parent
30 or guardian, include a visit to the home of the child named in
31 the report and an interview or observation of the child may be
32 conducted. If permission to enter the home to interview or
33 observe the child is refused, the juvenile court or district
34 court upon a showing of probable cause may authorize the
35 person making the investigation to enter the home and

1 interview or observe the child. ~~The department may utilize a~~
2 ~~multidisciplinary team in investigations of child abuse.~~
3 6. The investigation may include a visit to a facility
4 providing care to the child named in the report or to any
5 public or private school subject to the authority of the
6 department of education where the child named in the report is
7 located. The administrator of a facility, or a public or
8 private school shall cooperate with the investigator by
9 providing confidential access to the child named in the report
10 for the purpose of interviewing the child, and shall allow the
11 investigator confidential access to other children for the
12 purpose of conducting interviews in order to obtain relevant
13 information. The investigator may observe a child named in a
14 report in accordance with the provisions of section 232.68,
15 subsection 3, paragraph "b". A witness shall be present
16 during an observation of a child. Any child age ten years of
17 age or older can terminate contact with the investigator by
18 stating or indicating the child's wish to discontinue the
19 contact. The immunity granted by section 232.73 applies to
20 acts or omissions in good faith of such administrators and
21 their facilities or school districts for cooperating in an
22 investigation and allowing confidential access to a child.
23 ~~The department may utilize a multidisciplinary team to conduct~~
24 ~~investigations of child abuse involving employees or agents of~~
25 ~~a facility providing care for a child.~~

26 Sec. 33. Section 232.71, subsection 17, Code 1993, is
27 amended by striking the subsection.

28 Sec. 34. Section 232.147, subsection 3, paragraph g, Code
29 1993, is amended by striking the paragraph.

30 Sec. 35. Section 232.183, subsection 7, Code 1993, is
31 amended to read as follows:

32 7. A dispositional hearing is not required if the court
33 has approved either the local citizen foster care review board
34 review ~~or the department's administrative review~~ procedure as
35 ~~defined under section 234.42~~, and all parties agree. This

1 provision does not eliminate the initial judicial
2 determination required under section 232.182.

3 Sec. 36. Section 234.35, subsection 3, Code 1993, is
4 amended by striking the subsection.

5 Sec. 37. Section 235A.13, subsection 7, Code 1993, is
6 amended by striking the subsection.

7 Sec. 38. Section 235A.15, subsection 2, paragraph b,
8 subparagraph (4), Code 1993, is amended by striking the
9 subparagraph and renumbering the succeeding paragraph.

10 Sec. 39. Section 237.3, subsection 2, paragraph a, Code
11 1993, is amended by striking the paragraph and inserting in
12 lieu thereof the following:

13 a. Types of facilities which include but are not limited
14 to group foster care facilities and family foster care homes.

15 Sec. 40. Section 249A.26, subsection 2, Code 1993, is
16 amended to read as follows:

17 2. The county of legal settlement shall be billed for
18 fifty percent of the nonfederal share of the cost of case
19 management provided to adults, day treatment, and partial
20 hospitalization provided under the medical assistance program
21 for persons with mental retardation, a developmental
22 disability, or chronic mental illness. For purposes of this
23 section, ~~chronic-mental-illness-does-not-include-organic~~
24 ~~mental-disorders~~ persons with mental disorders resulting from
25 Alzheimer's disease or substance abuse shall not be considered
26 chronically mentally ill.

27 Sec. 41. MI/MR/DD/BI TASK FORCE CONTINUED. The
28 legislative council shall authorize \$4,000 for consultant
29 services and other expenses associated with continuation of
30 the MI/MR/DD/BI service delivery system restructuring task
31 force created in 1992 Iowa Acts, chapter 1241, section 26.
32 The task force shall submit to the governor and general
33 assembly on or before January 15, 1994, a five-year plan
34 providing financing options for the MI/MR/DD/BI service
35 delivery system. The plan shall be consistent with the

1 provisions of the task force report submitted to the governor
2 and general assembly in January 1993. In addition, the plan
3 shall incorporate any task force recommendations concerning
4 issues of legal settlement, mandated services, MI/MR/DD/BI
5 planning councils, and other pertinent issues developed
6 through June 30, 1993. Staffing services for the task force
7 shall be provided by the legislative service bureau and the
8 legislative fiscal bureau.

9 Sec. 42. REPEAL. Sections 232.187 and 234.42, Code 1993,
10 are repealed.

11 Sec. 43. TRANSFER OF FUNCTIONS. If the department of
12 human services determines that the functions required to be
13 performed by any of the following entities can be performed by
14 another entity under the authority of the department,
15 notwithstanding the indicated section of the Code, if agreed
16 to in writing and filed with the governor and the general
17 assembly by each of the appointing authorities specified in
18 statute for the entity, the function shall be performed by the
19 entity identified by the department:

20 1. A multidisciplinary team assisting the department in
21 the assessment, diagnosis, and disposition of a child abuse
22 report pursuant to section 232.71 and permitted access to
23 child abuse information pursuant to section 235A.15.

24 2. A regional out-of-state placement committee jointly
25 established by the department of human services and the
26 judicial department pursuant to section 232.187.

27 3. A foster care review committee created by the
28 department of human services pursuant to section 234.42.

29 Sec. 44. ADOPTION AND FOSTER CARE INFORMATION SYSTEM.

30 Moneys allocated to develop and maintain the state's
31 implementation of the national adoption and foster care
32 information system in 1992 Iowa Acts, chapter 1241, section
33 12, subsection 6, shall be considered encumbered for purposes
34 of section 8.33.

35 Sec. 45. JUVENILE DETENTION HOMES -- FISCAL YEAR 1993. Of

1 the funds appropriated from the general fund of the state to
2 the department of human services for the fiscal year beginning
3 July 1, 1992, for reimbursement of counties for juvenile
4 detention homes, pursuant to 1992 Iowa Acts, Second
5 Extraordinary Session, chapter 1001, section 408, \$350,000, or
6 so much thereof as is necessary, shall be used in the fiscal
7 year beginning July 1, 1992, and ending June 30, 1993, for
8 state payment of financial aid of ten percent of the total
9 cost of county or multicounty juvenile detention homes in
10 accordance with the provisions of section 232.142, subsection
11 3 and are in addition to the funds provided to counties for
12 this purpose pursuant to 1992 Iowa Acts, chapter 1241, section
13 12.

14 Sec. 46. EMERGENCY RULES. If specifically authorized by a
15 provision of this Act, the department of human services or the
16 mental health and mental retardation commission may adopt
17 administrative rules under section 17A.4, subsection 2, and
18 section 17A.5, subsection 2, paragraph "b", to implement the
19 provisions, the rules shall become effective immediately upon
20 filing, unless a later effective date is specified in the
21 rules, and the rules shall be in effect for a period of 180
22 days following the date the rules take effect. In addition,
23 the department may adopt administrative rules in accordance
24 with the provisions of this section as necessary to comply
25 with federal requirements or to adjust to a change in the
26 level of federal funding which affect refugee programs during
27 the fiscal biennium beginning July 1, 1993, and ending June
28 30, 1995. Any rules adopted in accordance with the provisions
29 of this section shall also be published as notice of intended
30 action as provided in section 17A.4.

31 Sec. 47. EFFECTIVE DATES.

32 1. Section 11 of this Act takes effect June 30, 1993.

33 2. Section 12, subsection 1, relating to provisions of
34 various child and family services under the medical assistance
35 program. subsection 8, relating to the cap on group foster

1 care placements, and subsection 11, relating to the
2 demonstration program to decategorize child welfare services,
3 and section 14, subsection 1, relating to a determination of
4 allocations by the state court administrator, and section 44,
5 relating to moneys allocated for the adoption and foster care
6 information system, being deemed of immediate importance, take
7 effect upon enactment.

8 3. Sections 32 through 38 and 42 of this Act, take effect
9 July 1, 1994.

10 4. Section 45 of this Act, being deemed of immediate
11 importance, takes effect upon enactment and applies
12 retroactively to July 1, 1992.

13 EXPLANATION

14 The bill makes appropriations for the 1993-94 fiscal year
15 and the 1994-95 fiscal year to the department of human
16 services and the prevention of disabilities policy council for
17 human services and health care programs.

18 The provisions of section 12, subsection 16, limiting state
19 payment for shelter care, may constitute a state mandate as
20 defined in section 25B.3.

21 Sections 135H.4 and 135H.6 involving psychiatric medical
22 institutions for children (PMICs) are amended to coordinate
23 with the amendment in the bill to section 237.3 which
24 eliminates various foster care licensing categories. PMICs
25 are required to have dual licensure as a PMIC and a
26 comprehensive residential foster facility for children. The
27 amendment would maintain this dual licensure requirement but
28 would no longer specify the type of foster care licensure.

29 Section 225C.20 is amended to delete references to mental
30 health, mental retardation, and developmental disabilities
31 coordinating boards which will be repealed on July 1, 1993.
32 The coordinating board's responsibilities would be assumed by
33 the county board of supervisors. In addition, the amendment
34 moves a notification date from October 15 to November 15.

35 Sections 232.71, 235A.13, and 235A.15 are amended to strike

1 references to multidisciplinary teams used in child abuse
2 investigations. Sections 232.147, 232.183, and 234.42 are
3 amended to repeal foster care review committees established by
4 the department. Sections 232.187 and 234.35 are amended to
5 repeal the out-of-state placement committees relating to
6 foster care. The repeals would take effect July 1, 1994,
7 however, section 43 of the bill would permit the department of
8 human services to designate another entity to assume any of
9 these functions prior to July 1, 1994.

10 The bill includes an amendment to section 237.3 relating to
11 rules adopted by the department of human services concerning
12 foster care facilities. The provision would eliminate a list
13 of specific facilities for which the department is required to
14 adopt rules and replaces it with general categories of group
15 foster care and family foster care homes.

16 Section 249A.26 is amended to revise a definition of
17 chronic mental illness for certain services funded under
18 medical assistance.

19 The bill affects an appropriation for the 1992-1993 fiscal
20 year made to reimburse counties for juvenile detention
21 facility costs when a child has been adjudicated delinquent
22 and remains in the facility awaiting placement for more than
23 72 hours after the first dispositional hearing after
24 adjudication. Section 11 of the bill provides that \$350,000
25 of these moneys will not revert at the end of the fiscal year
26 but will remain available in the 1993-1994 fiscal year to
27 reimburse counties for 10 percent of the cost of the juvenile
28 detention facilities. Section 45 of the bill provides that
29 \$350,000 of these moneys are to be used for the same purpose
30 in the 1992-1993 fiscal year. Section 45 takes effect upon
31 enactment and applies retroactively to July 1, 1992.

32 The bill includes immediate effective dates for certain
33 provisions which are to be performed on or prior to July 1,
34 1993, and an effective date of July 1, 1994, for the repeal of
35 provisions relating to multidisciplinary teams, foster care

1 review committees, and out-of-state placement committees.

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HOUSE FILE 518

H-3393

1 Amend House File 518 as follows:

2 1. Page 3, line 3, by striking the figure
3 "342,927,612" and inserting the following:
4 "342,812,612".

5 2. Page 6, by inserting after line 26 the
6 following:

7 "_____. The department shall determine the portion
8 of the administrative costs associated with health
9 care licensure which can be attributed to medical
10 assistance. The Iowa department of public health
11 shall transfer the funds associated with health care
12 provider licensure to the department which are
13 necessary to provide matching funds to qualify for
14 federal medical assistance funding. Those costs which
15 can be attributed shall be charged to medical
16 assistance and the federal funds received shall be
17 deposited with and used for the purposes of the
18 appropriation made in this section, with the exception
19 of \$115,000 of the funds received which shall be
20 transferred to the child support recovery
21 appropriation under this Act to be used for the
22 purposes of the child support recovery program."

23 3. Page 11, line 31, by striking the figure
24 "4,307,709" and inserting the following: "4,422,709".

25 4. Page 12, by striking lines 11 through 20 and
26 inserting the following:

27 "2. Moneys received by the child support recovery
28 program through a transfer of federal funds received
29 through the attribution to medical assistance of
30 administrative costs associated with health care
31 licensure, are appropriated and shall be used for the
32 purposes of the child support recovery program. The
33 director of human services may add additional
34 positions if moneys transferred are sufficient to pay
35 the salaries and support for the positions. The
36 director shall report any new positions added pursuant
37 to this subsection to the chairpersons and ranking
38 members of the joint appropriations subcommittee on
39 human services and the legislative fiscal bureau."

40 5. Page 45, by inserting after line 26, the
41 following:

42 "Sec. _____. Section 252B.4, subsection 1, Code
43 1993, is amended to read as follows:

44 1. The director shall require an application fee
45 of not to exceed twenty-five dollars. The director
46 shall set the fee in accordance with a graduated fee
47 schedule established by rule, based upon applicants'
48 income, and designed so as not to discourage the
49 application for services by persons most in need of
50 services."

3393

-1-

H-3393

Page 2

1 6. By renumbering as necessary.

By JOCHUM of Dubuque

H-3393 FILED MARCH 23, 1993

Adopted 3/25/93 (P. 828)

HOUSE FILE 518

H-3399

1 Amend House File 518 as follows:

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

4 "5A. In establishing the resource limitation for a
5 recipient of aid to dependent children, the department
6 of human services shall disregard a self-employed
7 individual's tools of the trade or capital assets in
8 considering the individual's resources."

9 2. Page 6, by inserting after line 26, the
10 following:

11 " . Notwithstanding sections 8.33 and 8.39, of
12 the funds appropriated in this section, up to \$427,000
13 of the unspent funds remaining shall not revert to the
14 general fund of the state on June 30, 1993, but shall
15 remain available in the fiscal year beginning July 1,
16 1993, and shall be transferred to be used for payment
17 of costs associated with the disregard of self-
18 employed individuals' tools of the trade or capital
19 assets in establishing the resource limitation for a
20 recipient of aid to dependent children."

21 3. By renumbering as necessary.

Lost 3/25/93 (P. 824)

By MURPHY of Dubuque
HAMMOND of Story

H-3399 FILED MARCH 23, 1993

HOUSE FILE 518

H-3379

1 Amend House File 518 as follows:

2 1. Page 36, by inserting after line 6 the
3 following:

4 "6. The department shall apply for grants to
5 establish pilot projects for placements of geriatric
6 patients who have a mental illness. Any grant
7 received may be used by the department to fund a
8 coordinator to work with hospitals and nursing homes
9 concerning placements of geriatric patients who have a
10 mental illness."

By MURPHY of Dubuque
HAMMOND of Story

H-3379 FILED MARCH 22, 1993

*Adopted (P. 836)
3/25/93*

HOUSE FILE 518

7-3409

1 Amend House File 518 as follows:

2 1. Page 3, line 3, by striking the figure
3 "342,927,612" and inserting the following:

4 "342,812,612".

5 2. Page 6, by inserting after line 26 the
6 following:

7 "12. The department shall determine the portion of
8 the administrative costs associated with health care
9 licensure which can be attributed to medical
10 assistance. The Iowa department of public health
11 shall transfer the funds associated with health care
12 provider licensure to the department which are
13 necessary to provide matching funds to qualify for
14 federal medical assistance funding. Those costs which
15 can be attributed shall be charged to medical
16 assistance and the federal funds received shall be
17 deposited with and used for the purposes of the
18 appropriation made in this section unless otherwise
19 provided.

20 13. Of the funds received under subsection 12,
21 \$115,000 shall be transferred to the child support
22 recovery appropriation in this Act to be used for the
23 purposes of the child support recovery program.

24 14. Of the funds received under subsection 12,
25 \$85,000 shall be transferred to the department of
26 elder affairs to be allocated to the area agencies on
27 aging to establish pilot projects to assist in the
28 placements of geriatric patients who have a mental
29 illness through the funding of coordinators to work
30 with hospitals and nursing homes concerning such
31 placements."

32 3. Page 11, line 31, by striking the figure
33 "4,307,709" and inserting the following: "4,422,709".

34 4. Page 12, by striking lines 11 through 20 and
35 inserting the following:

36 "2. Moneys received by the child support recovery
37 program through a transfer of federal funds received
38 through the attribution to medical assistance of
39 administrative costs associated with health care
40 licensure, are appropriated and shall be used for the
41 purposes of the child support recovery program. The
42 director of human services may add additional
43 positions if moneys transferred are sufficient to pay
44 the salaries and support for the positions. The
45 director shall report any new positions added pursuant
46 to this subsection to the chairpersons and ranking
47 members of the joint appropriations subcommittee on
48 human services and the legislative fiscal bureau."

49 5. Page 45, by inserting after line 26, the
50 following:

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-1-

H-3409

Page 2

1 "Sec. ____ . Section 252B.4, subsection 1, Code
2 1993, is amended to read as follows:
3 1. The director shall require an application fee
4 of not to exceed twenty-five dollars. The director
5 shall set the fee in accordance with a graduated fee
6 schedule established by rule, based upon applicants'
7 income, and designed so as not to discourage the
8 application for services by persons most in need of
9 services."
10 6. By renumbering as necessary.

By JOCHUM of Dubuque
MURPHY of Dubuque

H-3409 FILED MARCH 23, 1993

not Herson 3/25/93 (p.826)

HOUSE FILE 518

H-3408

1 Amend House File 518 as follows:
2 1. Page 4, by inserting after line 29 the fol-
3 lowing:
4 "e. The department shall authorize residential
5 programs serving not more than five individuals to
6 provide services and receive reimbursement under the
7 provisions of the medical assistance home and
8 community-based waiver program for persons with mental
9 retardation."
10 2. Page 42, by inserting after line 19 the fol-
11 lowing:
12 "Sec. ____ . Section 135C.6, subsection 8, paragraph
13 b, Code 1993, is amended to read as follows:
14 b. A residential program which serves not more
15 than ~~four~~ five individuals and is operating under
16 provisions of a federally approved home and community-
17 based waiver for persons with mental retardation, if
18 all individuals residing in the program receive on-
19 site staff supervision during the entire time period
20 the individuals are present in the program's living
21 unit. The need for the on-site supervision shall be
22 reflected in each individual's program plan developed
23 pursuant to the department of human services' rules
24 relating to case management for persons with mental
25 retardation. In approving a residential program under
26 this paragraph, the department of human services shall
27 consider the geographic location of the program so as
28 to avoid an overconcentration of such programs in an
29 area."
30 3. By renumbering as necessary.

By BELL of Jasper

H-3408 FILED MARCH 23, 1993

adopted 3/25/93 (p.828)

HOUSE FILE 518

H-3431

1 Amend House File 518 as follows:

2 1. Page 45, by inserting after line 14 the
3 following:

4 "Sec. ____ . Section 237.13, subsection 6, Code
5 1993, is amended to read as follows:

6 6. The fund is not liable for the first one
7 hundred-fifty ~~seventy-five~~ dollars of any claim based
8 on a single occurrence. ~~Claims may not be aggregated~~
9 ~~or accumulated to avoid payment of this deductible.~~
10 The fund is not liable for damages in excess of three
11 hundred thousand dollars for a single foster home for
12 all claims arising out of one or more occurrences
13 during a calendar year."

14 2. By renumbering and correcting internal
15 references as necessary.

By PLASIER of Sioux

H-3431 FILED MARCH 24, 1993
adopted 3-25-93 (p. 846)

HOUSE FILE 518

H-3444

1 Amend House File 518 as follows:

2 1. Page 42, by inserting after line 19 the
3 following:

4 "Sec. ____ . STATE SALARY CEILINGS. Effective July
5 1, 1993, the annual salary of a state officer or
6 employee of the department of human services shall not
7 exceed fifty thousand dollars. However, on July 1,
8 1993, if the annual salary of a state officer or
9 employee exceeds fifty thousand dollars, the amount of
10 the annual salary in excess of fifty thousand dollars
11 shall be divided by four and the total annual salary
12 of the officer or employee shall be reduced by one-
13 fourth of the excess annual salary each year for the
14 next four fiscal years beginning July 1, 1993.
15 Thereafter, the maximum annual salary of the state
16 officer or employee shall remain at fifty thousand
17 dollars. For the purpose of this paragraph, employer-
18 paid benefits to a state officer or employee shall not
19 be included as part of an annual salary."

By FALLON of Poik

H-3444 FILED MARCH 24, 1993

Lost 3/25/93 (p. 839)

HOUSE FILE 518

H-3429

1 Amend House File 518 as follows:

2 1. Page 24, by inserting after line 9 the
3 following:

4 "19. The department shall develop at least 30
5 contract family foster care homes for children who
6 present severe emotional or behavioral management
7 problems who might otherwise be placed in group foster
8 care. The funding for the development and
9 implementation of these homes shall include up to
10 \$750,000 of the funds encumbered under 1992 Iowa Acts,
11 chapter 1241, section 12, subsection 9, which for
12 purposes of section 8.33 shall remain available for
13 expenditure during the 1993-1994 fiscal year.
14 Contracts shall provide that the family receives a
15 certain fixed payment regardless of placements, and
16 shall specify that at least one parent shall generally
17 be available in the home 24 hours a day in order to
18 provide intensive and consistent structure and
19 therapeutic intervention, and to respond to crises.
20 Each home shall serve a maximum of three children."

21 2. Page 48, by inserting after line 12 the
22 following:

23 "Section 12, subsection 19 of this Act, relating to
24 contract family foster care homes, takes effect June
25 30, 1993."

26 3. By renumbering as necessary.

By PLASIER of Sioux

H-3429 FILED MARCH 24, 1993

Adopted 3/25/93 (p. 834)

HOUSE FILE 518

H-3430

1 Amend House File 518 as follows:

2 1. Page 42, by inserting after line 19 the
3 following:

4 "Sec. ____ . REDUCTION OF UPPER LEVEL MANAGEMENT.
5 In order to right size upper level management in state
6 government, the department of management, in
7 consultation with the department of personnel, shall,
8 after discussion and collaboration with the department
9 of human services, make reductions of the department
10 of human services upper level management and employees
11 with salaries over \$60,000 per year from those
12 existing on July 1, 1993, as part of the effort across
13 all departments and agencies of state government to
14 achieve a net state general fund savings of at least
15 \$2,000,000 by June 30, 1994."

16 2. By renumbering as necessary.

By PETERSON of Carroll

H-3430 FILED MARCH 24, 1993

*Lost
3-25-93
(p. 838)*

HOUSE FILE 518

449

Amend House File 518 as follows:

2 1. Page 43, by inserting after line 2, the
 3 following:
 4 "Sec. ____ . Section 217.41, Code 1993, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. In any department of
 7 human services' purchase of service contract, the
 8 following shall apply to provisions involving time:
 9 1. A month means an actual calendar month.
 10 2. A year means twelve consecutive months.
 11 3. A per diem or daily reimbursement rate shall be
 12 paid for each calendar day of each month of the year
 13 for which services are provided."

14 2. Page 45, by inserting after line 4, the
 15 following:
 16 "Sec. ____ . Section 234.38, Code 1993, is amended
 17 by adding the following new unnumbered paragraph:
 18 NEW UNNUMBERED PARAGRAPH. The rate used by the
 19 department of human services for reimbursement of a
 20 group foster care provider in the fiscal year
 21 beginning July 1, 1993, and succeeding fiscal years
 22 shall be equal to the provider's actual and allowable
 23 costs. However, if the provider's costs are equal to
 24 or greater than the maximum reimbursement rate
 established for that fiscal year by the general
 assembly for group foster care providers, the
 27 provider's reimbursement rate shall be equal to the
 28 maximum reimbursement rate established by the general
 29 assembly."

30 3. By renumbering and correcting internal
 31 references as necessary.

By PETERSON of Carroll
 MURPHY of Dubuque

H-3449 FILED MARCH 24, 1993

not Harmon 3/25/93

HOUSE FILE 518

H-3451

1 Amend House File 518 as follows:

2 1. Page 31, by striking lines 5 through 11 and
 3 inserting the following:

4 "..... \$ 4,414,864".

By BRAND of Benton DVORSKY of Johnson
 DICKINSON of Jackson MURPHY of Dubuque
 JOCHUM of Dubuque

H-3451 FILED MARCH 24, 1993

not 3/25/93 (p. 835)

HOUSE FILE 518

H-3445

1 Amend House File 518 as follows:

2 1. Page 8, line 20, by striking the figure

3 "7,486,000" and inserting the following:

4 "10,086,000".

5 2. Page 8, line 21, by striking the figure

6 "3,107,695" and inserting the following: "4,407,695".

7 3. Page 8, line 23, by striking the figure

8 "1,437,942" and inserting the following: "2,737,942".

By NEUHAUSER of Johnson

BAKER of Polk

KREIMAN of Davis

BERNAU of Story

HAMMOND of Story

OSTERBERG of Linn

HAVERLAND of Polk

FALLON of Polk

HOLVECK of Polk

H-3445 FILED MARCH 24, 1993

not German 3/25/93 (p. 831)

HOUSE FILE 518

H-3446

1 Amend House File 518 as follows:

2 1. Page 2, line 17, by striking the figure

3 "883,750" and inserting the following: "1,133,750".

By McCOY of Polk

H-3446 FILED MARCH 24, 1993

Last 3/25/93 (p. 824)

HOUSE FILE 518

5455

1 Amend House File 518 as follows:

2 1. Page 14, line 25, by striking the figure
3 "350,000" and inserting the following: "500,000".

4 2. Page 15, by striking line 3 and inserting the
5 following:
6 "..... \$ 67,538,435".

7 3. Page 15, line 22, by inserting after the word
8 "funding." the following: "If a service provider is
9 enrolled as a medical assistance provider and complies
10 with the requirements under EPSDT, the service
11 provider shall not be responsible for any federal
12 conditions or requirements which the department does
13 not meet. The department shall negotiate with service
14 providers to develop under this subsection cost
15 principles and reimbursement rates which are
16 reasonable and necessary for the provision of
17 services. If principles and rates cannot be agreed
18 upon by the department and the providers, a mediator
19 selected by the department and the providers shall be
20 used to assist with the negotiation. The department
21 shall revise service and maintenance definitions
22 involving group care supervision used for
23 reimbursement of group care providers in order to
24 maximize the federal financial participation in the
25 cost of these services."

26 4. Page 17, line 20, by striking the figure
27 "21,115,173" and inserting the following:
28 "21,161,299".

29 5. Page 17, line 25, by striking the figure
30 "1,300" and inserting the following: "1,350".

31 6. Page 21, line 5, by striking the figure
32 "511,782" and inserting the following: "520,324".

33 7. Page 22, line 35, by striking the figure
34 "6,734,341" and inserting the following: "6,889,756".

35 8. Page 23, by striking lines 29 through 32 and
36 inserting the following:

37 "18. Moneys appropriated in 1992 Iowa Acts,
38 chapter 1241, section 12, subsection 12, for wrap-
39 around services remaining unexpended on June 30, 1993,
40 shall be considered encumbered for purposes of section
41 8.33, and shall be used to provide wrap-around
42 services or support funds as provided in this
43 subsection in fiscal year 1993-1994. The moneys shall
44 be used by each region to".

45 9. Page 41, line 31, by striking the figure
46 "75.11" and inserting the following: "76.61".

47 10. Page 41, by inserting after line 31 the
48 following:

49 "d. On July 1, 1993, subject to the maximum
reimbursement rate established in paragraph "c",

5455

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Page 2

1 service providers reimbursed under the appropriation
 2 in this Act for child and family services and
 3 psychiatric medical institutions for children shall
 4 have their reimbursement rates increased by 2 percent
 5 over the rates in effect on June 30, 1993, as an
 6 adjustment for increases in the cost of living."

7 11. Page 47, by striking line 32 and inserting
 8 the following:

9 "1. Section 11 of this Act, relating to juvenile
 10 detention homes, and section 12, subsection 18 of this
 11 Act, relating to wrap-around services, take effect
 12 June 30, 1993."

13 12. By renumbering and relettering as necessary.

By HAMMOND of Story	KREIMAN of Davis
HESTER of Pottawattamie	HARPER of Black Hawk
WITT of Black Hawk	HOLVECK of Polk
HENDERSON of Scott	O'BRIEN of Boone
MERTZ of Kossuth	DVORSKY of Johnson
BRAND of Benton	BAKER of Polk
JOCHUM of Dubuque	MURPHY of Dubuque
BEATTY of Warren	BERNAU of Story
PETERSON of Carroll	NEUHAUSER of Johnson

H-3455 FILED MARCH 24, 1993
Adopted 3-25-93 (P.834)

HOUSE FILE 518

H-3456

1 Amend House File 518 as follows:

2 1. Page 42, by inserting after line 19, the
 3 following:

4 "Sec. ____ . PRIVATIZATION -- AUTHORIZATION. Any
 5 department or commission receiving an appropriation
 6 under this Act and employing more than five full-time
 7 equivalent positions for any individual program or
 8 project, shall, prior to entering into a contract with
 9 a private entity to provide program or project
 10 services with private rather than public employees,
 11 obtain approval from the executive council during the
 12 interim period between regular sessions of the general
 13 assembly and shall obtain approval from the general
 14 assembly during a regular session of the general
 15 assembly."

16 2. By renumbering as necessary.

By RUNNING of Linn
 KREIMAN of Davis

H-3456 FILED MARCH 24, 1993

*Lost
 3/25/93
 (P.840)*

HOUSE FILE 518

H-3459

1 Amend House File 518 as follows:

2 1. Page 47, by inserting after line 13, the
3 following:

4 "Sec. 100. GROUP FOSTER CARE CAP -- FISCAL YEAR
5 1992-1993. Of the funds appropriated in 1992 Iowa
6 Acts, Second Extraordinary Session, chapter 1001,
7 section 409, which are unexpended on the effective
8 date of this Act, \$638,523, or so much thereof as is
9 necessary, shall be transferred and used by the
10 department of human services to pay for up to 135
11 group foster care placements as provided in this
12 section. The provisions of this section shall apply
13 during the period beginning April 15, 1993, and ending
14 June 30, 1993. Notwithstanding the statewide target
15 for group foster care placements established in
16 accordance with section 232.143, the regional targets
17 based upon the statewide target, and notwithstanding
18 the provisions of sections 232.52, 232.102, 232.117,
19 232.127, 232.182, and 234.35, the regional targets may
20 be exceeded and state payment shall be made to place a
21 child in group foster care if the juvenile court has
22 found that a placement is appropriate for the child
23 but is unavailable due to restrictions implemented
24 pursuant to the indicated provisions of law."

25 2. Page 48, line 6, by inserting after the word
26 "system," the following: "and section 100, relating
27 to group foster care".

By HAMMOND of Story
KOENIGS of Mitchell
KREIMAN of Davis
LARKIN of Lee
WEIGEL of Chickasaw
COHOON of Des Moines
BURKE of Marshall
FOGARTY of Palo Alto
HARPER of Black Hawk
DODERER of Johnson
BRAMMER of Linn
MERTZ of Kossuth
BRAND of Benton
WITT of Black Hawk
DVORSKY of Johnson
CONNORS of Polk
BAKER of Polk

MORELAND of Wapello
ARNOULD of Scott
SHOULTZ of Black hawk
NEUHAUSER of Johnson
GILL of Woodbury
McCOY of Polk
NELSON of Pottawattamie
RENAUD of Polk
RUNNING of Linn
HOLVECK of Polk
HENDERSON of Scott
MURPHY of Dubuque
CATALDO of Polk
JOCHUM of Dubuque
SCHRADER of Marion
MAY of Worth
MUNDIE of Webster

H-3459 FILED MARCH 24, 1993

Last
3/25/93
(p. 849)

HOUSE FILE 518

H-3457

- 1 Amend House File 518 as follows:
- 2 1. Page 45, by inserting after line 14, the
- 3 following:
- 4 "Sec. . . . NEW SECTION. 239.22 PAYMENT INCREASE.
- 5 Effective July 1, 1993, and continuing on July 1 of
- 6 each succeeding fiscal year, the schedule of basic
- 7 needs used for assistance provided under this chapter
- 8 shall be increased by the amount of the latest issued
- 9 increase in the consumer price index during the
- 10 previous fiscal year."
- 11 2. By renumbering and correcting internal
- 12 references necessary.

~~WITHDRAWN~~

By KREIMAN of Davis
HAMMOND of Story

H-3457 FILED MARCH 24, 1993

HOUSE FILE 518

H-3458

- 1 Amend House File 518 as follows:
- 2 1. Page 31, by striking lines 6 through 11.

By GRUNDBERG of Polk
HOUSER of Pottawattamie

H-3458 FILED MARCH 24, 1993

Adopted
3-25-93

HOUSE FILE 518

H-3460

1 Amend House File 518 as follows:

2 1. Page 42, by inserting after line 19 the
3 following:

4 "Sec. ____ MEDICAL ASSISTANCE COMMUNITY SPOUSE
5 RESOURCE ALLOWANCE. Notwithstanding section 99E.10,
6 subsection 1, paragraph "d", for the fiscal year
7 beginning July 1, 1993, and ending June 30, 1994, the
8 lottery expenses for marketing, educational, and
9 informational material shall not exceed three percent
10 of lottery revenue for that fiscal year. The
11 commissioner of the lottery division shall transfer
12 one percent of the lottery revenues to the department
13 of human services to be used to provide for the
14 increase of the minimum community spouse resource
15 allowance amount to forty thousand dollars, during the
16 1993-1994 fiscal year, notwithstanding the allowance
17 established pursuant to section 249A.3."

18 2. By renumbering as necessary.

By RICHARD RUNNING

KREIMAN of Davis

NELSON of Pottawattamie

WEIGEL of Chickasaw

H-3460 FILED MARCH 24, 1993

(P.842) 3/25/93 Lot

HOUSE FILE 518

H-3461

1 Amend House File 518 as follows:

2 1. Page 43, by inserting after line 26 the
3 following:

4 "Sec. 100. Section 232.52, subsection 2A, Code
5 1993, is amended by striking the subsection."

6 2. Page 44, by inserting after line 27 the
7 following:

8 "Sec. 200. Section 232.102, subsection 1A, Code
9 1993, is amended by striking the subsection.

10 Sec. 300. Section 232.117, subsection 3A, Code
11 1993, is amended by striking the subsection.

12 Sec. 400. Section 232.127, subsection 8, Code
13 1993, is amended by striking the subsection."

14 3. Page 44, by inserting after line 29 the

15 following:

16 "Sec. 500. Section 232.182, subsection 7, Code
17 1993, is amended by striking the subsection."

18 4. Page 45, by inserting after line 2 the
19 following:

20 "Sec. 600. Section 234.35, subsection 1, paragraph
21 e, Code 1993, is amended to read as follows:

22 e. When a court has entered an order transferring
23 the legal custody of the child to a foster care
24 placement pursuant to section 232.52, subsection 2,
25 paragraph "d", or section 232.102, subsection 1.

26 ~~However, payment for a group foster care placement~~
27 ~~shall be limited to those placements which conform to~~
28 ~~a regional group foster plan established pursuant to~~
29 ~~section 232.143."~~

30 5. Page 46, by inserting after line 10 the
31 following:

32 "Sec. 700. Section 232.143, Code 1993, is
33 repealed."
34 6. Page 48, by inserting after line 12 the
35 following:
36 "5. Sections 100 through 700 of this Act, being
37 deemed of immediate importance, take effect upon
38 enactment."
39 7. By renumbering as necessary.

By HANSEN of Woodbury
BERNAU of Story
COHOON of Des Moines
LARKIN of Lee
McCOY of Polk
DVORSKY of Johnson
PETERSON of Carroll
GILL of Woodbury
MORELAND of Wapello
CATALDO of Polk
RUNNING of Linn
BEATTY of Warren
RENAUD of Polk
NELSON of Pottawattamie
WITT of Black Hawk
HAVERLAND of Polk

MUNDIE of Webster
HOLVECK of Polk
JOCHUM of Dubuque
KREIMAN of Davis
NEUHAUSER of Johnson
BRAND of Benton
BELL of Jasper
DODERER of Johnson
BRAMMER of Linn
HARPER of Black Hawk
BURKE of Marshall
DICKINSON of Jackson
MERTZ of Kossuth
CONNORS of Polk
MURPHY of Dubuque
FOGARTY of Palo Alto

H-3461 FILED MARCH 24, 1993

Lost
3/25/93
(P. 846)

HOUSE FILE 518

464

Amend House File 518 as follows:

1. Page 45, by inserting after line 26, the following:

"Sec. ____ . Section 600.9, subsection 1, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Fees for counseling required pursuant to sections 600A.4 and 600A.5.

Sec. ____ . NEW SECTION. 600.26 ADVERTISEMENT OF ADOPTION IN PUBLIC MEDIA PROHIBITED.

1. A natural parent of a minor child or a representative of a natural parent of a minor child shall not advertise through any public media in this state for the placement of the minor child for the purposes of adoption.

2. A prospective adoptive parent or a representative of a prospective adoptive parent shall not advertise through any public media in this state for the placement of a minor child in the prospective adoptive parent's or representative's care for the purpose of adoption.

3. For the purposes of this section, "public media" means any for-profit or nonprofit communication system or network receivable by the general public, including but not limited to newspapers, magazines, television, and radio.

Sec. ____ . NEW SECTION. 600.27 MISREPRESENTATION OF IDENTITY OF NATURAL PARENT -- PENALTY.

A person who intentionally misrepresents facts relating to the identity of the natural parent of a child under this chapter is guilty of a serious misdemeanor.

Sec. ____ . Section 600A.4, subsection 2, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. (1) Shall be preceded by counseling of the natural parents seeking the release of custody of the child. The counseling shall be provided by an agency which shall provide a minimum of three hours of personal counseling to the natural parents.

(2) The custodian of the child shall make every reasonable effort to locate any natural parent in order that the required counseling be provided.

(3) The release of custody shall be accompanied by an affidavit signed by the natural parents in the presence of the counselor indicating acceptance or refusal of counseling services, a written report prepared by the counselor summarizing the results of the counseling, and documentation of efforts by the custodian of the child to locate any absent natural parent.

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WITHDRAWN

H-3464

WITHDRAWN

Page 2

1 Sec. ____ . Section 600A.5, Code 1993, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. 1A. (1) The filing of a petition
4 for the termination of parental rights shall be
5 preceded by counseling of the natural parents seeking
6 termination of parental rights. The counseling shall
7 be provided by an agency which shall provide a minimum
8 of three hours of personal counseling to the natural
9 parents.

10 (2) The custodian of the child shall make every
11 reasonable effort to locate any natural parent so that
12 the required counseling may be provided.

13 (3) The petition for the termination of parental
14 rights shall be accompanied by an affidavit signed by
15 the natural parents in the presence of the counselor
16 indicating acceptance or refusal of counseling
17 services, a written report by the counselor
18 summarizing the results of the counseling, and
19 documentation of efforts by the custodian of the child
20 to locate any absent natural parent. If the natural
21 parents have received the required counseling at the
22 time of the filing of the release of custody,
23 additional counseling is not required at the time
24 prior to the filing of a petition for termination of
25 parental rights.

26 NEW SUBSECTION. 4. The petition for the
27 termination of parental rights shall be accompanied by
28 a notarized affidavit, signed by the natural mother of
29 the child, which identifies the natural father or any
30 person whom the natural mother believes to be the
31 natural father of the child.

32 Sec. ____ . Section 600A.7, subsection 1, Code 1993,
33 is amended to read as follows:

34 1. The hearing on termination of parental rights
35 shall be conducted in accordance with the provisions
36 of sections 232.91 to 232.96 and otherwise in
37 accordance with the rules of civil procedure. Such
38 ~~The hearing shall be held no earlier than one-week~~
39 ~~after-the-child-is-born~~ twenty-one days after the
40 signing of a release of custody pursuant to section
41 600A.4.

42 Sec. ____ . Section 600A.9, subsection 2, Code 1993,
43 is amended to read as follows:

44 2. If an order is issued under subsection 1,
45 paragraph "b" of this section, the juvenile court
46 shall retain jurisdiction to change a guardian or
47 custodian and to allow a terminated parent to request
48 vacation or appeal of the termination order ~~if-the~~
49 ~~child-is-not-on-placement-for-adoption-or-a-petition~~
50 ~~for-adoption-of-the-child-is-not-on-file~~ within ten

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-2-

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Page 3

1 days of issuance of the granting of the order. The
 2 period for request for vacation or appeal shall not be
 3 waived or extended. The juvenile court shall grant
 4 the vacation request only if it is in the best
 5 interest of the child. The supreme court shall
 6 prescribe rules to establish a period of ten days,
 7 which shall not be waived or extended, in which a
 8 terminated parent may request a vacation or appeal of
 9 a termination order.

10 Sec. ____ . NEW SECTION. 600A.10 MISREPRESENTATION
 11 OF IDENTITY OF NATURAL PARENT -- PENALTY.

12 A person who intentionally misrepresents facts
 13 relating to the identity of the natural parent of a
 14 child under this chapter is guilty of a serious
 15 misdemeanor."

16 2. By renumbering as necessary.

By JOCHUM of Dubuque

H-3464 FILED MARCH 24, 1993

WITHDRAWN
 3. 25-93
 (P 847)

HOUSE FILE 518

H-3462

1 Amend House File 518 as follows:

2 1. Page 4, line 35, by inserting after the word
3 "association" the following: "and the Iowa medical
4 society".

5 2. Page 5, line 17, by striking the word
6 "assistance" and inserting the following:
7 "assistance-".

8 3. Page 9, by inserting after line 26, the
9 following:

10 "e. Beginning July 1, 1993, the department shall
11 terminate the use of the child care assistance waiting
12 list established during the fiscal year beginning July
13 1, 1992. Families who were on the waiting list which
14 continue to require child care assistance may reapply
15 for assistance beginning July 1, 1993, and may receive
16 services based upon the availability of funding and
17 based upon the prioritization schedule established by
18 the department. The department shall adopt rules
19 which establish a prioritization schedule based upon
20 the poverty level of the applicant, the age and
21 special needs of a child, the participation of the
22 applicant in employment or approved training or
23 education programs, participation of the applicant in
24 the JOBS program or as a registrant on the JOBS
25 waiting list, the participation of the applicant in
26 the AFDC program, and the status of an applicant as a
27 foster parent. The department may adopt emergency
28 rules to implement the provisions of this paragraph."

29 4. Page 24, line 35, by striking the figure
30 "3,740,000" and inserting the following: "3,990,000".

31 5. Page 34, line 6, by striking the figure "5"
32 and inserting the following: "6".

33 6. Page 42, line 16, by striking the word
34 "reduction" and inserting the following:
35 "reduction,".

36 7. Page 46, line 25, by striking the word "Of"
37 and inserting the following:

38 "1. Of".

39 8. Page 47, by inserting after line 13 the
40 following:

41 "2. The provisions of 1992 Iowa Acts, Second
42 Extraordinary Session, chapter 1001, section 408,
43 requiring reimbursement of a county if a child has
44 been adjudicated delinquent and remains in a county
45 detention home awaiting placement for more than 72
46 hours after adjudication, shall apply only to the
47 period beginning July 1, 1992, and ending September
48 30, 1992, and shall not apply for the remainder of the
49 1992-1993 fiscal year following September 30, 1992."

50 9. By renumbering as necessary.

By HESTER of Pottawattamie

H-3462 FILED MARCH 24, 1993

adopted 3/25/93 (P.830)

H-3465

1 Amend the amendment, H-3445, to House File 518 as
2 follows:

3 1. Page 1, by striking lines 2 through 8 and
4 inserting the following:

5 "____. Page 42, by inserting after line 19 the
6 following:

7 "Sec. ____ . LOTTERY REVENUE -- CHILD CARE

8 ASSISTANCE. Notwithstanding section 99E.10,
9 subsection 1, paragraph "d", for the fiscal year
10 beginning July 1, 1993, and ending June 30, 1994,
11 following the deposit of moneys in the lottery fund in
12 the amount of \$38,900,000, the commissioner shall
13 transfer any additional revenue up to \$2,600,000 to
14 the department of human services to be used in
15 addition to funds appropriated in this Act for child
16 day care assistance as follows:

17 1. Of the moneys transferred, \$1,300,000 shall be
18 used for protective child day care assistance.

19 2. Of the funds transferred, \$1,300,000 shall be
20 used for state child care assistance.""

21 2. By renumbering as necessary.

By NEUHAUSER of Johnson

H-3465 FILED MARCH 25, 1993

ADOPTED

H-3469

1 Amend the amendment, H-3409, to House File 518 as
2 follows:

3 1. Page 1, by inserting after line 48, the
4 following:

5 "Notwithstanding section 252B.4, subsection 2, the
6 director shall not require an additional fee for the
7 fiscal year beginning July 1, 1993, and ending June
8 30, 1994. The department shall adopt rules which
9 provide for the suspension of any existing rule
10 requiring such a fee for the fiscal year.""

11 2. Page 2, by striking lines 4 through 9 and
12 inserting the following: "of twenty-five five
13 dollars.""

By JOCHUM of Dubuque

H-3469 FILED MARCH 25, 1993

ADOPTED

H-3470

1 Amend the amendment, H-3462, to House File 518 as
2 follows:

3 1. Page 1, by inserting after line 49 the
4 following:

5 "Sec. ____ . CLEAN AIR ACT -- APPLICATION TO CAPITOL
6 BUILDING. The capitol building shall be considered a
7 public place pursuant to section 142B.1 and the
8 rotunda area between the chambers of the house of
9 representatives and the senate shall not be designated
10 a smoking area pursuant to section 142B.2. A person
11 who violates the provisions of this section is subject
12 to the penalty provisions of section 142B.6."

13 ____ . Title page, line 4, by inserting after the
14 word "care," the following: "providing for the
15 application of a civil penalty,.""

16 2. By renumbering as necessary.

ADOPTED

By BRAMMER of Linn

H-3470 FILED MARCH 25, 1993

ADOPTED

HOUSE FILE 518

H-3466

1 Amend House File 518 as follows:
2 1. Page 31, by striking lines 6 through 11 and
3 inserting the following:
4 "Notwithstanding section 99E.10, subsection 1,
5 paragraph "d", for the 1993-1994 fiscal year, after
6 \$38,900,000 in lottery revenue is received, the
7 commissioner of the lottery division shall transfer
8 the next \$882,973 received to the department of human
9 services to be used for the purposes of this section
10 in addition to the funds appropriated in this
11 section."

By BRAND of Benton JOCHUM of Dubuque
DICKINSON of Jackson DVORSKY of Johnson

H-3466 FILED MARCH 25, 1993
WITHDRAWN

HOUSE FILE 518

H-3467

1 Amend the amendment, H-3462, to House File 518 as
2 follows:

3 1. Page 1, by striking lines 29 and 30.
4 2. By renumbering as necessary.

By HESTER of Pottawattamie

H-3467 FILED MARCH 25, 1993
ADOPTED

HOUSE FILE 518

H-3468

1 Amend the amendment, H-3393, to House File 518 as
2 follows:

3 1. Page 1, by inserting after line 39 the follow-
4 ing:

5 "Notwithstanding section 252B.4, subsection 2, the
6 director shall not require an additional fee for the
7 fiscal year beginning July 1, 1993, and ending June
8 30, 1994. The department shall adopt rules which
9 provide for the suspension of any existing rule
10 requiring such a fee for the fiscal year."

11 2. Page 1, by striking lines 45 through 50 and
12 inserting the following: "of twenty-five five
13 dollars."

By JOCHUM of Dubuque

H-3468 FILED MARCH 25, 1993
ADOPTED

3/29/93 S-Approp.
4/7/93 Senate Amend/Do Pass w/
5-3425

HOUSE FILE 518
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 1053HA)

(As Amended and Passed by the House March 25, 1993)

(P. 1321)
Passed House, Date 4-15-93 Passed Senate, Date 4-8-93
Vote: Ayes 61 Nays 37 Vote: Ayes 44 Nays 6
Approved 4/26/93

A BILL FOR

1 An Act relating to appropriations for the department of human
2 services and the prevention of disabilities policy council and
3 including other provisions and appropriations involving health
4 care, providing for the application of a civil penalty,
5 providing for effective and applicability dates, and providing
6 for retroactive applicability.

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

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House Amendments _____

Deleted Language *

1 Section 1. AID TO FAMILIES WITH DEPENDENT CHILDREN. There
2 is appropriated from the general fund of the state to the
3 department of human services for the fiscal year beginning
4 July 1, 1993, and ending June 30, 1994, the following amount,
5 or so much thereof as is necessary, to be used for the purpose
6 designated:

7 For aid to families with dependent children:
8 \$ 43,247,427

9 1. The department may fund the employee portion of the
10 cash bonus program from unspent funds under the appropriations
11 made in this section.

12 2. The department shall continue to contract for services
13 in developing and monitoring a demonstration waiver program to
14 facilitate providing assistance in self-employment investment
15 to aid to dependent children families. The demonstration
16 waiver program shall be provided for the fiscal period
17 beginning July 1, 1993, and ending June 30, 1994, or for as
18 long as federal approval of the program continues for the 12
19 covered counties. Of the funds appropriated in this section,
20 up to \$49,700 shall be used to provide technical assistance
21 for aid to dependent children families seeking self-
22 employment. The technical assistance may be provided through
23 the department or through a contract with the division of job
24 training of the Iowa department of economic development.

25 3. The department shall apply the self-employment
26 investment demonstration waiver project statewide during the
27 fiscal period delineated in the federal waiver submitted to
28 operate the Iowa Self-employed Household Incentive Program
29 (ISHIP) waiver project statewide, provided training is
30 available to a recipient through a recognized self-employment
31 training program. Of the funds appropriated in this section,
32 up to \$49,700 shall be used to provide technical assistance
33 for AFDC families seeking self-employment and to build the
34 capacity of service providers statewide.

35 4. The department shall continue the special needs program

1 under the aid to families with dependent children program.

2 5. Notwithstanding section 239.6, the department is not
3 required to reconsider eligibility of aid to dependent
4 children recipients every six months if a federal waiver is
5 granted.

6 6. The department may transfer funds appropriated in this
7 section if any waiver request involving welfare reform is
8 denied by the federal department of health and human services.

9 Sec. 2. EMERGENCY ASSISTANCE. There is appropriated from
10 the general fund of the state to the department of human
11 services for the fiscal year beginning July 1, 1993, and
12 ending June 30, 1994, the following amount, or so much thereof
13 as is necessary, to be used for the purpose designated:

14 For emergency assistance to families with dependent
15 children under Title IV-A of the federal Social Security Act
16 to match federal funding for homeless prevention programs:
17 \$ 883,750

18 The emergency assistance provided for in this section shall
19 be available beginning October 1 and shall be provided only if
20 all other publicly funded resources have been exhausted. The
21 emergency assistance includes, but is not limited to,
22 assisting people who face eviction, potential eviction, or
23 foreclosure, utility shutoff or fuel shortage, loss of heating
24 energy supply or equipment, homelessness, utility or rental
25 deposits, or other specified crisis which threatens family or
26 living arrangements. The emergency assistance shall be
27 available to migrant families who would otherwise meet
28 eligibility criteria.

29 Sec. 3. MEDICAL ASSISTANCE. There is appropriated from
30 the general fund of the state to the department of human
31 services for the fiscal year beginning July 1, 1993, and
32 ending June 30, 1994, the following amount, or so much thereof
33 as is necessary, to be used for the purpose designated:

34 For medical assistance, including reimbursement for
35 abortion services, which shall be available under the medical

1 assistance program only for those abortions which are
2 medically necessary:
3 \$242,812,612

4 1. Medically necessary abortions are those performed under
5 any of the following conditions:

6 a. The attending physician certifies that continuing the
7 pregnancy would endanger the life of the pregnant woman.

8 b. The attending physician certifies that the fetus is
9 physically deformed, mentally deficient, or afflicted with a
10 congenital illness.

11 c. The pregnancy is the result of a rape which is reported
12 within 45 days of the incident to a law enforcement agency or
13 public or private health agency which may include a family
14 physician.

15 d. The pregnancy is the result of incest which is reported
16 within 150 days of the incident to a law enforcement agency or
17 public or private health agency which may include a family
18 physician.

19 e. Any spontaneous abortion, commonly known as a
20 miscarriage, if not all of the products of conception are
21 expelled.

22 2. a. The county of legal settlement shall be billed for
23 50 percent of the nonfederal share of the cost of case
24 management provided to adults, day treatment, and partial
25 hospitalization in accordance with the provision of sections
26 249A.26 and 249A.27, and for 100 percent of the nonfederal
27 share of the cost of care which is reimbursed under a
28 federally approved home and community-based waiver that would
29 otherwise be approved for provision in an intermediate care
30 facility for the mentally retarded, provided under the medical
31 assistance program for persons with mental retardation, a
32 developmental disability, or chronic mental illness. The
33 state shall have responsibility for the remaining 50 percent
34 of the nonfederal share of the cost of case management
35 provided to adults, day treatment, and partial

1 hospitalization. For persons without a county of legal
2 settlement, the state shall have responsibility for 100
3 percent of the nonfederal share of the cost of case management
4 provided to adults, day treatment, partial hospitalization,
5 and the home and community-based waiver services.

6 b. The state shall pay the entire nonfederal share of the
7 costs for case management services provided to persons who are
8 less than 18 years of age and are served under the medical
9 assistance home and community-based waiver program for persons
10 with mental retardation.

11 c. Medical assistance funding for case management services
12 for eligible persons who are less than 18 years of age shall
13 also be provided to persons residing in counties with
14 decategorization projects, provided these projects have
15 included these persons in their service plan and the
16 decategorization project provides the nonfederal share of
17 costs.

18 d. Notwithstanding section 8.39, the department may
19 transfer funds appropriated in this section to a separate
20 account established in the department's case management unit
21 for expenditures required to provide case management services
22 under medical assistance for persons with mental illness,
23 mental retardation, or developmental disabilities services
24 which are jointly funded by the state and county, pending
25 final settlement of the expenditures. Funds received by the
26 case management unit in settlement of the expenditures shall
27 be used to replace the transferred funds and are available for
28 the purposes which the funds were appropriated in this
29 section.

30 e. The department shall authorize residential programs
31 serving not more than five individuals to provide services and
32 receive reimbursement under the provisions of the medical
33 assistance home and community-based waiver program for persons
34 with mental retardation.

35 3. The department shall expand the list of prescription

1 drugs requiring prior authorization under the medical
2 assistance program. Drug selections shall be made by the
3 department with the assistance of the Iowa medicaid drug
4 utilization review commission. The department shall consult
5 with the Iowa pharmacists association and the Iowa medical
6 society in expanding the list. The department may adopt
7 emergency rules in order to implement this change.

8 4. The department shall expand the list of over-the-
9 counter drugs covered under the medical assistance program
10 where it is anticipated that such expansion will result in
11 savings to the medical assistance program. The department may
12 adopt emergency rules in order to implement this change.

13 5. The department shall expand managed care programs
14 within the medical assistance program to increase the
15 enrollment of medical assistance recipients in managed care
16 programs to the extent possible above the current enrollment.
17 The department shall develop cost-effective reimbursement
18 methodologies for the managed care providers under the medical
19 assistance program. The department may adopt emergency rules
20 in order to implement this change.

21 6. The department in coordination with the Iowa foundation
22 for medical care shall develop criteria for medical
23 assistance-eligible nursing facility residents to identify
24 persons with special care needs and persons with minimal care
25 needs. Effective July 1, 1994, nursing facilities shall
26 receive, in addition to their regular medical assistance rate,
27 \$4 per day for each day of care provided to medical
28 assistance-eligible residents meeting special criteria.
29 Additionally, notwithstanding their regular approved medical
30 assistance rate, each nursing facility shall receive a \$4 per
31 day rate reduction for medical assistance-eligible residents
32 with minimal care needs. The department may use up to \$50,000
33 of the funds appropriated in this section in order to update
34 the facility payment system, which will be necessary to
35 implement this change. The department may adopt emergency

1 rules to implement the provisions of this subsection.

2 7. The department shall revise the medical assistance
3 payment policy for hospital emergency room services to provide
4 a lower rate of reimbursement for nonemergency services when
5 the referral has been made by a physician. The department may
6 adopt emergency rules in order to implement this change.

7 8. The department shall utilize not more than \$60,000 of
8 the funds appropriated in this section to continue the
9 AIDS/HIV health insurance premium payment program as
10 established in 1992 Iowa Acts, Second Extraordinary Session,
11 chapter 1001, section 409. Of the moneys allocated in this
12 subsection, not more than \$10,000 may be expended for
13 administrative purposes.

14 9. The department of human services in cooperation with
15 the judicial department shall review and make recommendations
16 to the general assembly by January 1, 1994, regarding the
17 feasibility of receiving additional federal funding under the
18 medical assistance program for adult mental health and
19 substance abuse treatment services.

20 10. The department shall not promote and shall not
21 discourage the utilization of mail order purchasing of
22 pharmaceuticals under the medical assistance program.

23 11. The department shall review all claims submitted under
24 court-ordered services provided to juveniles pursuant to
25 section 232.141 and the appropriation in this Act for that
26 purpose to determine the claims' medical assistance
27 eligibility. Any claims eligible for reimbursement under
28 medical assistance shall be submitted for payment under
29 medical assistance, and the nonfederal share of the payment
30 shall be transferred from the appropriation in this Act for
31 court-ordered services provided to juveniles.

32 12. The department shall determine the portion of the
33 administrative costs associated with health care licensure
34 which can be attributed to medical assistance. The Iowa
35 department of public health shall transfer the funds

1 associated with health care provider licensure to the
2 department which are necessary to provide matching funds to
3 qualify for federal medical assistance funding. Those costs
4 which can be attributed shall be charged to medical assistance
5 and the federal funds received shall be deposited with and
6 used for the purposes of the appropriation made in this
7 section, with the exception of \$115,000 of the funds received
8 which shall be transferred to the child support recovery
9 appropriation under this Act to be used for the purposes of
10 the child support recovery program.

11 Sec. 4. MEDICAL CONTRACTS. There is appropriated from the
12 general fund of the state to the department of human services
13 for the fiscal year beginning July 1, 1993, and ending June
14 30, 1994, the following amount, or so much thereof as is
15 necessary, to be used for the purpose designated:

16 For medical contracts:
17 \$ 5,542,950

18 1. The department shall expand the contract with the Iowa
19 foundation for medical care for drug utilization review under
20 the medical assistance program and shall implement a program
21 of prospective drug utilization review.

22 2. The department may use not more than \$50,000 of the
23 funds appropriated in this section to contract for services
24 necessary to develop and implement a new system for
25 reimbursing hospitals for outpatient services. The department
26 may adopt emergency rules in order to implement the new
27 system.

28 3. The department shall continue the point-of-service
29 claims transmission system through the medicaid management
30 information system for the prescription drug component of the
31 medical assistance program and shall seek to implement point-
32 of-service claims processing systems for other components of
33 the medical assistance program.

34 4. The department may use not more than \$62,500 of the
35 funds appropriated in this section to contract for

1 maximization of the health insurance premium payment (HIPP)
2 program.

3 Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is
4 appropriated from the general fund of the state to the
5 department of human services for the fiscal year beginning
6 July 1, 1993, and ending June 30, 1994, the following amount,
7 or so much thereof as is necessary, to be used for the purpose
8 designated:

9 For state supplementary assistance:
10 \$ 18,452,000

11 The department shall increase the personal needs allowance
12 for residents of residential care facilities by the same
13 percentage and at the same time as federal supplemental
14 security income and federal social security benefits are
15 increased due to a recognized increase in the cost of living.
16 The department may adopt emergency rules to implement the
17 provisions of this paragraph.

18 Sec. 6. AID TO NATIVE AMERICANS. There is appropriated
19 from the general fund of the state to the department of human
20 services for the fiscal year beginning July 1, 1993, and
21 ending June 30, 1994, the following amount, or so much thereof
22 as is necessary, to be used for the purpose designated:

23 For aid to Native Americans under section 252.43:
24 \$ 36,765

25 The tribal council shall not use in any fiscal year more
26 than 5 percent of the funds for administrative purposes. The
27 department shall report quarterly to the chairpersons and
28 ranking members of the joint appropriations subcommittee on
29 human services and the legislative fiscal bureau concerning
30 aid to Native Americans and in addition shall submit an annual
31 report.

32 Sec. 7. CHILD DAY CARE ASSISTANCE. There is appropriated
33 from the general fund of the state to the department of human
34 services for the fiscal year beginning July 1, 1993, and
35 ending June 30, 1994, the following amount, or so much thereof

1 as is necessary, to be used for the purposes designated:

2 For protective child day care assistance and state child
3 care assistance:

4 \$ 7,486,000

5 1. Of the funds appropriated in this section \$3,107,695
6 shall be used for protective child day care assistance.

7 2. Of the funds appropriated in this section \$1,437,942
8 shall be used for state child care assistance.

9 3. a. The funds appropriated in this section for
10 protective and state child care assistance shall be allocated
11 to the department of human services regions and each region
12 shall distribute the allocation to the counties within the
13 region. If a region determines that a specified portion of
14 the funds provided to a county in that region is sufficient to
15 meet the county's current demand and projected growth, the
16 region may transfer the excess amount of funds to another
17 county in that region. If the region determines that a
18 specified portion of the funds provided to the region is
19 sufficient to meet the region's current demand and projected
20 growth for the remainder of the fiscal year, the excess amount
21 may be transferred for use in another region.

22 b. For state child care assistance, eligibility shall be
23 limited to children whose family income is equal to or less
24 than 100 percent of the federal office of management and
25 budget poverty guidelines. However, on or after October 1,
26 1993, the department may increase the income eligibility limit
27 to be equal to or less than 75 percent of the Iowa median
28 family income. Persons receiving child care assistance on
29 June 30, 1993, shall not be cancelled in the succeeding fiscal
30 year due to the reduction in income guideline from the
31 guideline used in the fiscal year ending June 30, 1993.

32 c. The department may adopt emergency rules to comply with
33 the federal child care development block grant and federal at-
34 risk child care program; to streamline the existing day care
35 program including but not limited to adopting definitions for

1 units of service, payment rates, and eligibility for services;
2 and to deliver the services within state and federal funds
3 appropriated.

4 d. Nothing in this section shall be construed or is
5 intended as, or shall imply, a grant of entitlement for
6 services to persons who are eligible for assistance due to an
7 income level consistent with the requirements of this section.
8 Any state obligation to provide services pursuant to this
9 section is limited to the extent of the funds appropriated in
10 this section.

11 e. Beginning July 1, 1993, the department shall terminate
12 the use of the child care assistance waiting list established
13 during the fiscal year beginning July 1, 1992. Families who
14 were on the waiting list which continue to require child care
15 assistance may reapply for assistance beginning July 1, 1993,
16 and may receive services based upon the availability of
17 funding and based upon the prioritization schedule established
18 by the department. The department shall adopt rules which
19 establish a prioritization schedule based upon the poverty
20 level of the applicant, the age and special needs of a child,
21 the participation of the applicant in employment or approved
22 training or education programs, participation of the applicant
23 in the JOBS program or as a registrant on the JOBS waiting
24 list, the participation of the applicant in the AFDC program,
25 and the status of an applicant as a foster parent. The
26 department may adopt emergency rules to implement the
27 provisions of this paragraph.

28 4. Of the funds appropriated in this section, \$633,931 is
29 allocated for the statewide program for child day care
30 resource and referral services under section 237A.26.

31 5. The department may use any of the funds appropriated in
32 this section as matching funds to obtain federal grants for
33 use in expanding child day care assistance and related
34 programs.

35 6. a. Of the funds appropriated in this section \$350,962

1 shall be used for transitional child care assistance.

2 b. Notwithstanding section 239.21, the department of human
3 services shall provide the transitional child care assistance
4 in accordance with the federal Family Support Act of 1988,
5 Pub. L. No. 100-485, § 302, and applicable federal
6 regulations. Reimbursement for services shall be limited to
7 registered or licensed child day care providers and programs
8 providing care, supervision, or guidance of a child which is
9 excluded under the definition of "child day care" pursuant to
10 section 237A.1, subsection 4.

11 7. Of the funds appropriated in this section, the
12 department shall use up to \$233,735 to increase the
13 department's staff as necessary to meet federal requirements.

14 Sec. 8. JOBS PROGRAM. There is appropriated from the
15 general fund of the state to the department of human services
16 for the fiscal year beginning July 1, 1993, and ending June
17 30, 1994, the following amount, or so much thereof as is
18 necessary, to be used for the purposes designated:

19 For the federal-state job opportunities and basic skills
20 (JOBS) program, food stamp employment and training program,
21 family development and self-sufficiency grants, and
22 implementing agreements between the department and recipients
23 of aid to dependent children, in accordance with this section:
24 \$ 7,718,000

25 1. Of the funds appropriated in this section, \$4,580,701
26 is allocated for the JOBS program.

27 2. Of the funds appropriated in this section, \$129,985 is
28 allocated for the food stamp employment and training program.

29 3. The department shall work with family development and
30 self-sufficiency grantees and the state's community action
31 agencies to develop an administrative process for initiatives
32 which generate local funds to match federal funds under the
33 JOBS program in order to expand or to develop additional
34 family development program initiatives.

35 4. Of the funds appropriated in this section, \$779,314 is

1 allocated to the family development and self-sufficiency grant
2 program as provided under section 217.12.

3 a. Not more than 5 percent of the funds allocated in this
4 subsection shall be used for the administration of the grant
5 program.

6 b. Federal funding matched by state, county, or other
7 funding which is not appropriated in this section shall be
8 deposited in the department's JOBS account. If the matching
9 funds are generated by a family development and self-
10 sufficiency grantee, the federal funding received shall be
11 used exclusively to expand the family development and self-
12 sufficiency grant program. If the match funding is generated
13 by another source, the federal funding received shall be used
14 to expand the grant program or the JOBS program. The
15 department may adopt emergency rules to implement the
16 provisions of this paragraph.

17 c. Based upon the annual evaluation report concerning each
18 grantee funded by this allocation, the family development and
19 self-sufficiency council may use funds allocated to renew
20 grants.

21 5. Of the funds appropriated in this section, \$2,228,000
22 shall be used to implement agreements between the department
23 and recipients of aid to dependent children as a component of
24 a welfare reform initiative.

25 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated
26 from the general fund of the state to the department of human
27 services for the fiscal year beginning July 1, 1993, and
28 ending June 30, 1994, the following amount, or so much thereof
29 as is necessary, to be used for the purpose designated:

30 For child support recovery, including salaries, support,
31 maintenance, and miscellaneous purposes:
32 \$ 4,422,709

33 1. The director of human services, within the limitations
34 of the funds appropriated in this section, or funds
35 transferred from the aid to families with dependent children

1 program for this purpose, shall establish new positions and
2 add additional employees to the child support recovery unit if
3 the director determines that the current and additional
4 employees, combined, can reasonably be expected to maintain or
5 increase net state revenue at or beyond the budgeted level.
6 If the director adds additional employees, the department
7 shall demonstrate the cost-effectiveness of the current and
8 additional employees by reporting to the joint appropriations
9 subcommittee on human services the ratio of the total amount
10 of administrative costs for child support recoveries to the
11 total amount of the child support recovered.

12 2. Moneys received by the child support recovery program
13 through a transfer of federal funds received through the
14 attribution to medical assistance of administrative costs
15 associated with health care licensure, are appropriated and
16 shall be used for the purposes of the child support recovery
17 program. The director of human services may add additional
18 positions if moneys transferred are sufficient to pay the
19 salaries and support for the positions. The director shall
20 report any new positions added pursuant to this subsection to
21 the chairpersons and ranking members of the joint
22 appropriations subcommittee on human services and the
23 legislative fiscal bureau.

24 Notwithstanding section 252B.4, subsection 2, the director
25 shall not require an additional fee for the fiscal year
26 beginning July 1, 1993, and ending June 30, 1994. The
27 department shall adopt rules which provide for the suspension
28 of any existing rule requiring such a fee for the fiscal year.

29 3. The director of human services, in consultation with
30 the department of management and the legislative fiscal
31 committee, may receive and deposit state child support
32 incentive earnings in the manner specified under applicable
33 federal requirements.

34 4. The director of human services may establish new
35 positions and add additional state employees to the child

1 support recovery unit if the director determines the employees
2 are necessary to replace county-funded positions eliminated
3 due to termination, reduction, or nonrenewal of a chapter 28E
4 contract. However, the director must also determine that the
5 resulting increase in the state share of child support
6 recovery incentives exceeds the cost of the positions, the
7 positions are necessary to ensure continued federal funding of
8 the program, or the new positions can reasonably be expected
9 to recover more than twice the amount of money to pay the
10 salaries and support for the new positions.

11 5. The child support recovery unit shall, in cooperation
12 with the judicial department, determine the feasibility of a
13 pilot project utilizing a court-appointed referee for judicial
14 determinations on child support matters. The provisions of
15 this subsection shall apply only if the 75th General Assembly,
16 1993 Session, enacts legislation allowing for the court
17 appointment of a referee for child support matters, and if
18 funding can be identified through existing appropriations or
19 nonstate general fund sources. If these conditions are met, a
20 pilot project may be implemented during the 1993-1994 fiscal
21 year. The extent and location of any pilot project shall be
22 jointly developed by the judicial department and the child
23 support recovery unit.

24 6. Funding is provided within this appropriation for
25 expenses relating to a child support public awareness
26 campaign. The department shall transfer \$50,000 to the office
27 of the attorney general and the department and the attorney
28 general shall cooperate as necessary for continuation of the
29 campaign.

30 Sec. 10. JUVENILE INSTITUTIONS. There is appropriated
31 from the general fund of the state to the department of human
32 services for the fiscal year beginning July 1, 1993, and
33 ending June 30, 1994, the following amounts, or so much
34 thereof as is necessary, to be used for the purposes
35 designated:

1 For the operation of the state training school and the Iowa
2 juvenile home, including salaries, support, maintenance, and
3 miscellaneous purposes:

4 For the state juvenile institutions:

5 \$ 12,615,714

6 1. The following amount of the funds appropriated in this
7 section is allocated for the Iowa juvenile home at Toledo:

8 \$ 4,683,351

9 2. The following amount of the funds appropriated in this
10 section is allocated for the state training school at Eldora:

11 \$ 7,932,363

12 3. During the fiscal year beginning July 1, 1993, the
13 population levels at the state juvenile institutions shall not
14 exceed the population guidelines established under 1990 Iowa
15 Acts, chapter 1239, section 21.

16 4. Each state juvenile institution shall apply for
17 adolescent pregnancy prevention grants.

18 5. Within the funds appropriated in this section, the
19 department may reallocate funds as necessary to fulfill the
20 needs of the institutions provided for in this appropriation.

21 6. The department shall report to the legislative fiscal
22 bureau, on or before the twentieth day of each month, the
23 department's current expenditures for the institutions
24 receiving allocations under this appropriation. The report
25 shall include a comparison of actual to budgeted expenditures
26 for each institution.

27 Sec. 11. JUVENILE DETENTION HOMES -- FISCAL YEAR 1994.

28 Notwithstanding sections 8.33 and 8.39, of the funds
29 appropriated from the general fund of the state to the
30 department of human services for the fiscal year beginning
31 July 1, 1992, for reimbursement of counties for juvenile
32 detention homes, pursuant to 1992 Iowa Acts, Second
33 Extraordinary Session, chapter 1001, section 408, \$500,000
34 shall not revert to the general fund of the state on June 30,
35 1993, but shall remain available in the fiscal year beginning

1 July 1, 1993, and shall be used for state payment of financial
2 aid of ten percent of the total cost of county or multicounty
3 juvenile detention homes in accordance with the provisions of
4 section 232.142, subsection 3.

5 Sec. 12. CHILD AND FAMILY SERVICES. There is appropriated
6 from the general fund of the state to the department of human
7 services for the fiscal year beginning July 1, 1993, and
8 ending June 30, 1994, the following amount, or so much thereof
9 as is necessary, to be used for the purpose designated:

10 For child and family services:

11 \$ 67,538,435

12 1. Upon receipt of federal approval, the department shall
13 add family-centered services, family preservation, treatment
14 foster care, and group care services to the medicaid state
15 plan, utilizing the early and periodic screening, diagnosis,
16 and treatment (EPSDT) authority provided by the federal
17 government. The department may transfer moneys appropriated
18 in this section as necessary to pay the nonfederal costs of
19 services reimbursed under medical assistance which are
20 provided to children who would otherwise receive services paid
21 under this appropriation. The department may adopt emergency
22 rules to implement the provisions of this subsection. The
23 rules may include, but are not limited to, the development of
24 program descriptions, provider certification standards, cost
25 principles, rate-setting, contract requirements, clinical
26 assessment and consultation team standards, service necessity
27 criteria, claims submission requirements, and program
28 accountability standards for program components included in
29 the medical assistance state plan and for program components
30 not eligible for medical assistance funding. If a service
31 provider is enrolled as a medical assistance provider and
32 complies with the requirements under EPSDT, the service
33 provider shall not be responsible for any federal conditions
34 or requirements which the department does not meet. The
35 department shall negotiate with service providers to develop

1 under this subsection cost principles and reimbursement rates
2 which are reasonable and necessary for the provision of
3 services. If principles and rates cannot be agreed upon by
4 the department and the providers, a mediator selected by the
5 department and the providers shall be used to assist with the
6 negotiation. The department shall revise service and
7 maintenance definitions involving group care supervision used
8 for reimbursement of group care providers in order to maximize
9 the federal financial participation in the cost of these
10 services.

11 2. The department may transfer funds appropriated in this
12 section to the appropriations in this Act for general
13 administration and to field operations for resources necessary
14 to develop, implement, and operate the initiative in
15 subsection 1.

16 3. The department may adopt emergency rules if the
17 department secures additional nonstate funding for child and
18 family services for which a state appropriation is provided.
19 If the funding is available, the department may transfer
20 moneys appropriated in this Act as necessary to pay the
21 nonfederal share of the costs of services reimbursed under a
22 federal program which are provided to children who would
23 otherwise receive services paid under this appropriation.

24 4. Of the funds appropriated in this section, up to
25 \$629,918 may be used to develop and maintain the state's
26 implementation of the national adoption and foster care
27 information system pursuant to the requirements of Pub. L. No.
28 99-509. In developing the system the department shall involve
29 representatives of the court, service providers, advocates,
30 and other persons interested in the adoption and foster care
31 process. The department may transfer funds as necessary to
32 implement this subsection to the appropriations in this Act
33 for field operations and general administration.

34 5. The department shall draw from the reasonable efforts
35 model court project in continuing training seminars for child

1 welfare practitioners throughout the state on the use of
2 reasonable efforts to prevent or eliminate the need for
3 removal of a child from the child's home. In addition, the
4 department shall draw upon the reasonable efforts model court
5 project in working with the supreme court to provide ongoing
6 instruction and technical assistance in selected counties in
7 the state concerning application of reasonable efforts.
8 Counties shall be selected by targeting those with a high rate
9 of placement of children outside the children's homes. The
10 recipients of technical assistance shall include court
11 officials, department of human services referral workers, and
12 child welfare service providers. Trainers shall include
13 respected peers and colleagues of the training recipients.
14 The department shall use up to \$49,922 of the funds
15 appropriated in this section for the contract. The department
16 shall seek assistance from the national conference of state
17 legislatures and private foundations in implementing the
18 provisions of this subsection.

19 6. The department shall incorporate family-centered
20 approaches to serving families into the department's general
21 child welfare training for all child welfare workers. The
22 training shall include an introduction to family preservation
23 and family-centered services and these services' usages as
24 alternatives to out-of-home care. In addition, the department
25 shall develop specific training concerning these services for
26 workers who are involved with referrals of children to foster
27 care. The department shall work with the judicial department
28 to make the training applicable and available to court
29 officers involved with referrals of children to foster care.
30 In developing the training, the department shall seek
31 assistance from the child welfare league of America and the
32 national association of family-based services and shall draw
33 from successful initiatives used in other states. In
34 implementing the provisions of this subsection, the department
35 may use up to \$87,364 of the funds appropriated in this

1 section.

2 7. Of the funds appropriated in this section, not more
3 than \$3,000,000 may be used for services to families of
4 children with mental retardation or other developmental
5 disabilities, who would otherwise enter or continue group
6 foster care.

7 8. a. Of the funds appropriated in this section, up to
8 \$21,161,299 is allocated for group foster care maintenance and
9 services. For the fiscal year beginning July 1, 1993, the
10 statewide target, as provided for in section 232.143, for the
11 average number of children placed in group foster care on any
12 day of the fiscal year which are a charge upon or are paid for
13 by the state, shall be 1,350. Notwithstanding the statewide
14 target established in this subsection and sections 232.52,
15 232.102, 232.117, 232.127, and 232.182, a target established
16 in a region's group foster care plan pursuant to section
17 232.143 may be exceeded, a group foster care placement may be
18 ordered, and state payment may be made if a clinical
19 assessment and consultation team finds that the placement is
20 necessary to meet the child's service needs. If the daily
21 average target established in a region's group foster care
22 plan is exceeded, the department and courts in that region
23 shall refer at least five percent of the region's group foster
24 care placements to a clinical assessment and consultation team
25 to determine if an alternative service would meet the child's
26 service needs and to assist the region in reducing the number
27 of children in group foster care to the regional target within
28 45 days from the date the target was exceeded. The department
29 and the courts shall work together to ensure that a region's
30 group foster care expenditures shall not exceed the funds
31 allocated to the region for group foster care in the 1993-1994
32 fiscal year. The department may adopt emergency rules in
33 order to implement the provisions of this paragraph.

34 b. Notwithstanding the formula specified in section
35 232.143, subsection 1, the department and the judicial

1 department shall develop a formula for allocating a portion of
2 the statewide target to each of the department's regions based
3 on factors determined by the department and the judicial
4 department which may include but are not limited to historical
5 usage of group foster care beds and indicators of need for
6 group foster care placements. The formula shall be
7 established by May 1, 1993. The department may adopt
8 emergency rules in order to implement the provisions of this
9 paragraph.

10 c. The department shall report quarterly to the
11 legislative fiscal bureau concerning the status of each
12 region's efforts to limit the number of group foster care
13 placements in accordance with the regional plan established
14 pursuant to section 232.143.

15 d. The reimbursement rates paid for placement of children
16 out-of-state shall not exceed the maximum reimbursement rate
17 established by the general assembly for group foster care
18 placements in this state unless the director determines that
19 appropriate care cannot be provided within the state. The
20 department shall adopt emergency rules defining the criteria
21 and process for making the determination of need for out-of-
22 state care.

23 e. The plans developed by the department and the juvenile
24 court pursuant to section 232.143 for containing the number of
25 children placed in group foster care shall ensure that,
26 effective November 1, 1993, all potential group foster care
27 referrals are reviewed by a clinical assessment and
28 consultation team prior to submission of a recommendation for
29 group foster care placement to the court. Prior to November
30 1, 1993, all group foster care referrals shall be reviewed
31 jointly by a team that includes representatives appointed by
32 the department and the juvenile court.

33 9. Not more than 25 percent of the children placed in
34 foster care funded under the federal Social Security Act,
35 Title IV-E, shall be placed in foster care for a period of

1 more than 24 months.

2 10. The department shall continue to contract for a
3 statewide system for recruiting, retaining, and supporting
4 foster care families consistent with the recommendation of the
5 department's family foster care advisory committee. The
6 department may continue the contract initiated in the fiscal
7 year beginning July 1, 1992, if defined goals have been
8 achieved. The department shall involve the family foster care
9 advisory committee in overseeing the work of the contractor,
10 and further defining needs in the system. The department
11 shall also involve the committee in seeking new financial
12 support for enhancing the family foster care system, including
13 government and foundation grants.

14 11. In accordance with the provisions of section 232.188,
15 the department shall continue the demonstration program to
16 decategorize child welfare services in the five counties in
17 which the program has commenced. The department may approve
18 additional applications from a county or cluster of counties
19 to initiate a demonstration program provided the department,
20 the boards of supervisors in the counties, and the affected
21 judicial districts agree to implement the program. The
22 schedule for implementing the demonstration program in
23 additional counties shall provide that the program be
24 implemented on or after January 1, 1994. The department shall
25 establish for the demonstration program counties a child
26 welfare fund composed of all or part of the amount that would
27 otherwise be expected to be used for residents of the counties
28 for foster care, child and family services, family-centered
29 services, subsidized adoption, child day care, local purchase
30 portion of the mental health, mental retardation,
31 developmental disabilities, and brain injury community
32 services appropriated in this Act, state juvenile institution
33 care, mental health institute care, state hospital-school
34 care, juvenile detention, department-direct services, and
35 court-ordered evaluation and treatment of juvenile services.

1 Notwithstanding any other provision of law, the fund shall be
2 considered encumbered for purposes of section 8.33.
3 Notwithstanding other service funding provisions in law, the
4 department shall establish the fund by transferring funds from
5 the budgets affected, except for the funds appropriated for
6 the state mental health institutes, the state hospital-
7 schools, the state training school, and the Iowa juvenile home
8 which shall remain on account for the county at these
9 institutions. By June 15 preceding the fiscal year, the
10 department shall inform each demonstration program county of
11 the estimated amount that will be available in the county's
12 child welfare fund and on account at the institutions for that
13 county during the ensuing fiscal year. The department shall
14 confirm each county's budgeted amount by October 1 of the
15 fiscal year. A limited amount of the fund may be used to
16 support services and reimbursement rates not allowable within
17 historical program or service categories and administrative
18 rules. In addition, a limited amount of the child welfare
19 fund may be used for emergency family assistance to provide
20 resources for a family to remain together or to be unified.
21 The demonstration program shall be designed to operate in a
22 county for a three-year period. The three-year time period
23 for a decategorization project shall be considered to begin on
24 January 1 in the first year following the year in which the
25 county's decategorization project was approved by the
26 department.

27 12. Of the funds appropriated in this section, up to
28 \$520,324 is allocated for continued foster care services to a
29 child who is 18 years of age or older in accordance with the
30 provisions of section 234.35, subsection 4, paragraph "c".
31 The department shall distribute the moneys allocated in this
32 subsection to the departmental regions based on each region's
33 proportion of the total number of children placed in foster
34 care on March 31 preceding the beginning of the fiscal year,
35 who, during the fiscal year would no longer be eligible for

1 foster care due to age. The department may adopt
2 administrative rules to implement the provisions of this
3 subsection.

4 13. The provisions of this section continue a significant
5 change in state policy involving child welfare. In order to
6 determine whether the change in policy has the intended effect
7 and to provide information for future decision making,
8 adequate information is required. During the fiscal period of
9 this appropriation, the department, in coordination with the
10 legislative fiscal bureau and the judicial department, shall
11 continue to track those out-of-home placements of children in
12 which the state or a county is financially involved. The
13 tracking information shall be submitted quarterly to the
14 governor, the chairpersons and ranking members of the joint
15 appropriations subcommittee on human services, and the
16 legislative fiscal bureau and shall include all of the
17 following information:

18 a. The number of placements of children within each of the
19 following age ranges: 0 through 5; 6 through 10; 11 through
20 15; and 16 through 21.

21 b. The number of children placed in each of the following:
22 family foster care, group foster care, state training school,
23 Iowa juvenile home, psychiatric medical institutions for
24 children (PMICs), residential substance abuse treatment
25 programs, hospitals for acute psychiatric care, state mental
26 health institutes, shelter care, juvenile detention, adult
27 correctional facilities, state hospital-schools, intermediate
28 care facilities for the mentally retarded (ICF/MR), and
29 residential care facilities for the mentally retarded
30 (RCF/MR).

31 14. The amount of the appropriation made in this section
32 available for foster care is based upon expansion of the
33 number of children in foster care who are eligible for federal
34 supplemental security income (SSI). The department may use up
35 to \$300,000 of this appropriation to enter into a performance-

1 based contract to secure SSI benefits for children placed in
2 foster care. The contract shall include provisions for
3 training of department of human services and juvenile court
4 staff, completion of applications, tracking of application
5 results, and representation during the appeals process
6 whenever an appeal is necessary to secure SSI benefits.
7 Notwithstanding section 217.30 and section 232.2, subsection
8 11, and any other provision of law to the contrary, the
9 custodian of a child in foster care may release medical,
10 mental health, substance abuse, or any other information
11 necessary only to determine the child's eligibility for SSI
12 benefits, and may sign releases for the information. In any
13 release of information made pursuant to this subsection,
14 confidentiality shall be maintained to the maximum extent
15 possible.

16 15. A limited amount of the funds appropriated in this
17 section may be used for emergency family assistance to provide
18 other resources required for a family participating in a
19 family preservation or reunification project to stay together
20 or to be reunified.

21 16. Notwithstanding section 234.35, subsection 1, state
22 funding for shelter care paid pursuant to section 234.35,
23 subsection 1, shall be limited to \$6,889,756. The department
24 may adopt emergency rules to implement the provisions of this
25 subsection.

26 17. Of the funds appropriated in this section, up to
27 \$720,213 may be used as determined by the department for any
28 of the following purposes:

29 a. For general administration of the department to improve
30 staff training efforts.

31 b. For oversight of termination of parental rights and
32 permanency planning efforts on a statewide basis on the
33 condition that regular reports regarding the statewide program
34 efforts shall be provided to the legislative fiscal bureau.

35 c. For use by the department in general administration to

1 promote innovative treatment programs, write grants to obtain
2 federal and private funding, and promote public and private
3 efforts to treat and prevent child abuse.

4 d. For personnel, assigned by the attorney general, to
5 provide additional services relating to termination of
6 parental rights and child in need of assistance cases.

7 e. For funding of the state multidisciplinary team to
8 assist with difficult cases within the child abuse and foster
9 care system and with respect to child protective investigation
10 and initial case planning and to develop and coordinate local
11 multidisciplinary teams.

12 f. For use by the department in conducting outcome-
13 oriented evaluations of child protection, prevention, and
14 treatment programs.

15 g. For specialized foster care permanency planning field
16 operations staff.

17 18. Moneys appropriated in 1992 Iowa Acts, chapter 1241,
18 section 12, subsection 12, for wrap-around services remaining
19 unexpended on June 30, 1993, shall be considered encumbered
20 for purposes of section 8.33, and shall be used to provide
21 wrap-around services or support funds as provided in this
22 subsection in fiscal year 1993-1994. The moneys shall be used
23 by each region to reduce the number or length of group foster
24 care placements from that region. For the purposes of this
25 subsection, "wrap-around services or support funds" means
26 individualized and community-based services or support funds
27 for children and families which enable group foster care
28 placement to be prevented or the length of stay reduced. The
29 department shall establish flexible approval and payment
30 mechanisms for this pilot project. Notwithstanding section
31 232.187, each department region shall establish procedures for
32 developing and approving the use of wrap-around services or
33 support funds. The department may adopt emergency rules to
34 implement the provisions of this subsection.

35 19. The department shall develop at least 30 contract

1 family foster care homes for children who present severe
2 emotional or behavioral management problems who might
3 otherwise be placed in group foster care. The funding for the
4 development and implementation of these homes shall include up
5 to \$750,000 of the funds encumbered under 1992 Iowa Acts,
6 chapter 1241, section 12, subsection 9, which for purposes of
7 section 8.33 shall remain available for expenditure during the
8 1993-1994 fiscal year. Contracts shall provide that the
9 family receives a certain fixed payment regardless of
10 placements, and shall specify that at least one parent shall
11 generally be available in the home 24 hours a day in order to
12 provide intensive and consistent structure and therapeutic
13 intervention, and to respond to crises. Each home shall serve
14 a maximum of three children.

15 Sec. 13. COMMUNITY-BASED PROGRAMS. There is appropriated
16 from the general fund of the state to the department of human
17 services for the fiscal year beginning July 1, 1993, and
18 ending June 30, 1994, the following amount, or so much thereof
19 as is necessary, to be used for the purpose designated:

20 For community-based programs, on the condition that family
21 planning services are funded, including salaries, support,
22 maintenance, and miscellaneous purposes:

23 \$ 1,624,226

24 1. Of the funds appropriated in this section, \$652,451
25 shall be used for adolescent pregnancy prevention grants. The
26 department may use a limited amount of the funds appropriated
27 in this subsection for administrative costs.

28 2. Of the funds appropriated in this section, \$532,789
29 shall be used by the department for child abuse prevention
30 grants.

31 Sec. 14. COURT-ORDERED SERVICES PROVIDED TO JUVENILES.
32 There is appropriated from the general fund of the state to
33 the department of human services for the fiscal year beginning
34 July 1, 1993, and ending June 30, 1994, the following amounts,
35 or so much thereof as is necessary, to be used for the purpose

1 designated:

2 Payment of the expenses of court-ordered services provided
3 to juveniles which are a charge upon the state pursuant to
4 section 232.141, subsection 4:

5 \$ 3,740,000

6 1. Notwithstanding section 232.141 or any other provision
7 of law, the funds appropriated in this section shall be
8 allocated to the judicial districts as determined by the state
9 court administrator. The state court administrator shall make
10 the determination on the allocations on or before June 15 of
11 each fiscal year.

12 2. a. Each judicial district shall continue the planning
13 group for the court-ordered services for juveniles provided in
14 that district which was established pursuant to 1991 Iowa
15 Acts, chapter 267, section 119. A planning group shall
16 continue to perform its duties as specified in that law.
17 Reimbursement rates for providers of court-ordered evaluation
18 and treatment services paid under section 232.141, subsection
19 4, shall be negotiated with providers by each judicial
20 district's planning group.

21 b. Each district planning group shall submit an annual
22 report in January to the state court administrator and the
23 department of human services. The report shall cover the
24 preceding fiscal year and shall include a preliminary report
25 on the current fiscal year. The administrator and the
26 department shall compile these reports and submit the reports
27 to the chairpersons and ranking members of the joint
28 appropriations subcommittee on human services and the
29 legislative fiscal bureau.

30 3. The department of human services shall develop policies
31 and procedures to ensure that the funds appropriated in this
32 section are spent only after all other reasonable actions have
33 been taken to utilize other funding sources and community-
34 based services. The policies and procedures shall be designed
35 to achieve the following objectives relating to services

1 provided under chapter 232:

2 a. Maximize the utilization of funds which may be
3 available from the medical assistance program including usage
4 of the early and periodic screening, diagnosis, and treatment
5 (EPSDT) program.

6 b. Recover payments from any third-party insurance carrier
7 which is liable for coverage of the services, including health
8 insurance coverage.

9 c. Pursue development of agreements with regularly
10 utilized out-of-state service providers which are intended to
11 reduce per diem costs paid to those providers.

12 4. The department of human services, in consultation with
13 the state court administrator and the judicial district
14 planning groups, shall compile a monthly report describing
15 spending in the districts for court-ordered services for
16 juveniles, including the utilization of the medical assistance
17 program. The reports shall be submitted on or before the
18 twentieth day of each month to the chairpersons and ranking
19 members of the joint appropriations subcommittee on human
20 services and the legislative fiscal bureau.

21 5. Notwithstanding chapter 232 or any other provision of
22 law, a district or juvenile court in a department of human
23 services region shall not order any service which is a charge
24 upon the state pursuant to section 232.141 if there are
25 insufficient court-ordered services funds available in the
26 regional allocation to pay for the service. The chief
27 juvenile court officer in cooperation with the judicial
28 district planning group shall encourage use of the funds
29 appropriated in this section such that there are sufficient
30 funds to pay for all court-related services during the entire
31 year. The eight chief juvenile court officers shall attempt
32 to anticipate potential surpluses and shortfalls in the
33 allocations and shall cooperatively request the state court
34 administrator to transfer funds between the districts'
35 allocations, as prudent.

1 6. Notwithstanding any provision of law to the contrary, a
2 district or juvenile court shall not order a county to pay for
3 any service provided to a juvenile pursuant to an order
4 entered under chapter 232 which is a charge upon the state
5 under section 232.141, subsection 4.

6 7. Of the funds appropriated in this section, up to
7 \$200,000 may be used by the judicial department for
8 administration of the requirements under this section and for
9 travel associated with court-ordered placements which are a
10 charge upon the state pursuant to section 232.141, subsection
11 4.

12 8. The department of human services shall identify
13 services funded under the appropriation which are eligible for
14 funding under medical assistance pursuant to the early and
15 periodic screening, diagnosis, and treatment initiative
16 implemented in the appropriation in this Act for child and
17 family services. Identified services shall be included in the
18 initiative and moneys appropriated in this section may be
19 transferred as necessary to pay the nonfederal share of the
20 costs of the services.

21 Sec. 15. MENTAL HEALTH INSTITUTES. There is appropriated
22 from the general fund of the state to the department of human
23 services for the fiscal year beginning July 1, 1993, and
24 ending June 30, 1994, the following amounts, or so much
25 thereof as is necessary, to be used for the purposes
26 designated:

27 For the state mental health institutes for salaries,
28 support, maintenance, and miscellaneous purposes:
29 \$ 42,043,149

30 1. The funds appropriated in this section are allocated as
31 follows:

32 a. State mental health institute at Cherokee:
33 \$ 14,251,852

34 b. State mental health institute at Clarinda:
35 \$ 5,987,667

1 c. State mental health institute at Independence:
2 \$ 16,976,476

3 d. State mental health institute at Mount Pleasant:
4 \$ 4,827,154

5 2. The department may reallocate funds appropriated in
6 this section as necessary to fulfill the needs of the
7 institutions provided for in this appropriation.

8 3. The department shall report to the legislative fiscal
9 bureau, on or before the twentieth day of each month, the
10 department's current expenditures for the institutions
11 receiving allocations in this appropriation. The report shall
12 include a comparison of actual to budgeted expenditures for
13 each institution.

14 4. As part of the discharge planning process at the state
15 mental health institutes, the department shall provide
16 assistance in obtaining eligibility for federal supplemental
17 security income (SSI) to those individuals whose care at a
18 state mental health institute is the financial responsibility
19 of the state.

20 Sec. 16. HOSPITAL-SCHOOLS. There is appropriated from the
21 general fund of the state to the department of human services
22 for the fiscal year beginning July 1, 1993, and ending June
23 30, 1994, the following amounts, or so much thereof as is
24 necessary, to be used for the purposes designated:

25 For the state hospital-schools, for salaries, support,
26 maintenance, and miscellaneous purposes:
27 \$ 66,254,348

28 1. The funds appropriated in this section are allocated as
29 follows:

30 a. State hospital-school at Glenwood:
31 \$ 35,798,473

32 b. State hospital-school at Woodward:
33 \$ 30,455,875

34 2. The department may reallocate funds appropriated in
35 this section as necessary to fulfill the needs of the

1 institutions provided for in this appropriation.

2 3. The department shall report to the legislative fiscal
3 bureau, on or before the twentieth day of each month, the
4 department's current expenditures for the institutions
5 receiving allocations under this appropriation. The report
6 shall include a comparison of actual to budgeted expenditures
7 for each institution.

8 Sec. 17. MENTAL HEALTH -- MENTAL RETARDATION --
9 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is
10 appropriated from the general fund of the state to the
11 department of human services for the fiscal year beginning
12 July 1, 1993, and ending June 30, 1994, the following amount,
13 or so much thereof as is necessary, to be used for the purpose
14 designated:

15 For mental health, mental retardation, and developmental
16 disabilities special services:
17 \$ 370,069

18 1. The department and the Iowa finance authority shall
19 develop methods to implement the financing for existing
20 community-based facilities and to implement financing for
21 small community-based facilities, including those facilities
22 which may be developed under a federally approved home and
23 community-based waiver for services provided under the medical
24 assistance program. The department shall develop criteria for
25 these facilities which may include provisions to restrict
26 placements to current state hospital-school clients or to
27 avert the placement of persons in a state hospital-school.
28 The department shall assure that clients are referred to these
29 facilities upon development of the facilities.

30 2. Of the funds appropriated in this section, \$248,862 is
31 allocated to provide supplemental per diems to community-based
32 residential care facilities and community living arrangements.
33 The per diem is restricted to clients placed from the state
34 hospital-schools and persons averted from placement in a state
35 hospital-school who meet the appropriate level of functioning

1 for this type of care.

2 3. Of the funds appropriated in this section, \$121,207 is
3 allocated to provide funds for construction and start-up costs
4 to develop community living arrangements for persons who are
5 mentally ill and homeless. The funds may be used to match
6 federal Stewart B. McKinney Homeless Assistance Act grant
7 funds.

8 Sec. 18. FAMILY SUPPORT SUBSIDY PROGRAM. There is
9 appropriated from the general fund of the state to the
10 department of human services for the fiscal year beginning
11 July 1, 1993, and ending June 30, 1994, the following amount,
12 or so much thereof as is necessary, to be used for the purpose
13 designated:

14 For the family support subsidy program:

15 \$ 1,050,000

16 Sec. 19. SPECIAL NEEDS GRANTS. There is appropriated from
17 the general fund of the state to the department of human
18 services for the fiscal year beginning July 1, 1993, and
19 ending June 30, 1994, the following amount, or so much thereof
20 as is necessary, to be used for the purpose designated:

21 To provide special needs grants to families with a family
22 member at home who has a developmental disability or to a
23 person with a developmental disability:

24 \$ 53,212

25 Grants must be used by a family to defray special costs of
26 caring for the family member to prevent out-of-home placement
27 of the family member or to provide for independent living
28 costs. A grant may provide up to \$5,000 per person for costs
29 associated with an assistive animal. The grants may be
30 administered by a private nonprofit agency which serves people
31 statewide provided that no administrative costs are received
32 by the agency. Regular reports regarding the special needs
33 grants with the family support subsidy program and an annual
34 report concerning the characteristics of the grantees shall be
35 provided to the legislative fiscal bureau.

1 Sec. 20. MI/MR/DD STATE CASES. There is appropriated from
2 the general fund of the state to the department of human
3 services for the fiscal year beginning July 1, 1993, and
4 ending June 30, 1994, the following amount, or so much thereof
5 as is necessary, to be used for the purpose designated:

6 For purchase of local services for persons with mental
7 illness, mental retardation, and developmental disabilities
8 where the client has no established county of legal
9 settlement:

10 \$ 3,531,891

*

11 Sec. 21. MENTAL ILLNESS -- MENTAL RETARDATION -- DE-
12 VELOPMENTAL DISABILITIES -- BRAIN INJURY -- COMMUNITY
13 SERVICES. There is appropriated from the general fund of the
14 state to the department of human services for the fiscal year
15 beginning July 1, 1993, and ending June 30, 1994, the
16 following amount, or so much thereof as is necessary, to be
17 used for the purpose designated:

18 For mental illness, mental retardation, developmental
19 disabilities, and brain injury community services in
20 accordance with the provisions of this Act:

21 \$ 28,708,109

22 1. Of the funds appropriated in this section, \$15,639,333
23 shall be allocated to counties for funding of community-based
24 mental illness, mental retardation, developmental
25 disabilities, and brain injury services. The moneys shall be
26 allocated to a county as follows:

27 a. Fifty percent based upon the county's proportion of the
28 state's population of persons with an annual income which is
29 equal to or less than the poverty guideline established by the
30 federal office of management and budget.

31 b. Fifty percent based upon the county's proportion of the
32 state's general population.

33 2. a. A county shall utilize the funding the county
34 receives pursuant to subsection 1 for services provided to
35 persons with mental illness, mental retardation, developmental

1 disability, and brain injury. However, no more than 50
2 percent of the funding shall be used for services provided to
3 any one of the service populations.

4 b. For each fiscal year, a county shall use at least 50
5 percent of the funding the county receives pursuant to
6 subsection 1 for the contemporary services.

7 c. The mental health and mental retardation commission
8 shall adopt rules pursuant to chapter 17A describing the
9 contemporary services. The commission may adopt emergency
10 rules to implement this subsection.

11 3. Of the funds appropriated in this section, \$30,000
12 shall be used to support the Iowa compass program providing
13 computerized information and referral services for Iowans with
14 disabilities and their families.

15 4. The department shall submit an annual report concerning
16 each population served and each service funded in this section
17 to the chairpersons and ranking members of the joint
18 appropriations subcommittee on human services and the
19 legislative fiscal bureau.

20 5. a. Provision of funding under subsection 1 is
21 contingent upon a county participating in the county's mental
22 illness, mental retardation, developmental disabilities, and
23 brain injury (MI/MR/DD/BI) planning councils established
24 pursuant to 1992 Iowa Acts, chapter 124I, section 25,
25 subsection 4. However, a planning council's planning area
26 shall utilize the borders of the county clusters established
27 by the department in accordance with section 217.42 or include
28 a population of at least 40,000 and include counties with a
29 historical pattern of cooperation in providing MI/MR/DD/BI
30 services.

31 b. A planning council shall develop plans for the
32 provision of services for the fiscal year beginning July 1,
33 1994, for persons with MI/MR/DD/BI in the county or counties
34 comprising the planning council.

35 c. County MI/MR/DD/BI expenditure reports for the prior

1 fiscal year are due to the department on October 15 of each
2 year. The county MI/MR/DD/BI plan for the fiscal year
3 beginning July 1, 1994, is due to the department April 1,
4 1994.

5 d. If a county has not established or is not affiliated
6 with a community mental health center under chapter 230A, the
7 county shall expend a portion of the money received under this
8 appropriation to contract with a community mental health
9 center to provide mental health services to the county's
10 residents. If such a contractual relationship is unworkable
11 or undesirable, the mental health and mental retardation
12 commission may waive the expenditure requirement. However, if
13 the commission waives the requirement, the commission shall
14 address the specific concerns of the county and shall attempt
15 to facilitate the provision of mental health services to the
16 county's residents through an affiliation agreement or other
17 means. The mental health and mental retardation commission
18 shall adopt emergency rules to implement the provisions of
19 this section.

20 e. (1) A county is entitled to receive moneys under this
21 appropriation if the county raised by county levy and expended
22 for mental health, mental retardation, and developmental
23 disabilities services, in the preceding fiscal year, an amount
24 at least equal to the amount so raised and expended for those
25 purposes during the fiscal year beginning July 1, 1980. The
26 mental health and mental retardation commission shall adopt
27 emergency rules to implement the provisions of this section.

28 (2) With reference to the fiscal year beginning July 1,
29 1980, money "raised by county levy and expended for mental
30 health, mental retardation, and developmental disabilities
31 services" means the county's maintenance of effort determined
32 by using the general allocation application for the state
33 community mental health and mental retardation services fund
34 under section 225C.10, subsection 1, Code 1993. The
35 department, with the agreement of each county, shall establish

1 the actual amount expended by each county for persons with
2 mental illness, mental retardation, or a developmental
3 disability in the fiscal year beginning July 1, 1980, and this
4 amount shall be deemed each county's maintenance of effort.

5 6. a. Of the funds appropriated in this section,
6 \$13,038,776 is allocated for distribution to counties for
7 local purchase of services for persons with mental illness or
8 mental retardation or other developmental disability.

9 b. The funds allocated in this subsection shall be
10 expended by counties in accordance with eligibility guidelines
11 established in the department's rules outlining general
12 provisions for service administration. Services eligible for
13 payment with funds allocated in this subsection are limited to
14 any of the following which are provided in accordance with the
15 department's administrative rules for the services: community
16 supervised apartment living arrangements, residential services
17 for adults, sheltered work, supported employment, supported
18 work training, transportation, work activity, administrative
19 support for volunteers, adult day care, adult support, and
20 family-centered services. The department may adopt emergency
21 rules to increase the eligibility guidelines by the same
22 percentage and at the same time as federal social security
23 benefits are increased due to a recognized increase in the
24 cost of living.

25 c. In purchasing services with funds allocated in this
26 subsection, a county shall designate a person to provide for
27 eligibility determination and development of a case plan for
28 individuals for whom the services are purchased. The
29 designated person shall be a medical assistance case manager
30 serving the person's county of residence. If an individual
31 does not have a case manager, the individual's eligibility
32 shall be determined by a social services caseworker of the
33 department serving the individual's county of residence. The
34 case plan shall be developed in accordance with the
35 department's rules outlining general provisions for service

1 administration.

2 d. Services purchased with funds allocated in this
3 subsection must be the result of a referral by the person who
4 identified the services in developing the individual's case
5 plan.

6 e. Services purchased with funds allocated in this
7 subsection must be under a purchase of service contract
8 established in accordance with the department's administrative
9 rules for purchase of service.

10 f. The funds provided by this subsection shall be
11 allocated to each county as follows:

12 (1) Fifty percent based upon the county's proportion of
13 the state's population of persons with an annual income which
14 is equal to or less than the poverty guideline established by
15 the federal office of management and budget.

16 (2) Fifty percent based upon the amount provided to the
17 county for local purchase services in the preceding fiscal
18 year.

19 The mental health and mental retardation commission may
20 adopt emergency rules to implement the provisions of this
21 lettered paragraph.

22 g. Each county shall submit to the department a plan for
23 funding of the services eligible for payment under this
24 subsection. The plan may provide for allocation of the funds
25 for one or more of the eligible services. The plan shall
26 identify the funding amount the county allocates for each
27 service and the time period for which the funding will be
28 available. Only those services which have funding allocated
29 in the plan are eligible for payment with funds provided in
30 this subsection.

31 h. A county shall provide advance notice to the individual
32 receiving services, the service provider, and the person
33 responsible for developing the case plan of the date the
34 county determines that funding will no longer be available for
35 a service.

1 i. Moneys allocated to a county pursuant to paragraph "f"
2 shall be provided to the county as claims are submitted to the
3 state.

4 j. The moneys provided in this subsection do not establish
5 an entitlement to the services funded in this subsection.

6 7. The department shall apply for grants to establish
7 pilot projects for placements of geriatric patients who have a
8 mental illness. Any grant received may be used by the
9 department to fund a coordinator to work with hospitals and
10 nursing homes concerning placements of geriatric patients who
11 have a mental illness.

12 Sec. 22. FIELD OPERATIONS. There is appropriated from the
13 general fund of the state to the department of human services
14 for the fiscal year beginning July 1, 1993, and ending June
15 30, 1994, the following amount, or so much thereof as is
16 necessary, to be used for the purpose designated:

17 For field operations, including salaries, support,
18 maintenance, and miscellaneous purposes:
19 \$ 35,980,389

20 1. The general assembly finds the following concerning
21 department of human services' field staff caseweight factors
22 used to measure the number and difficulty of cases assigned to
23 individual social workers and income maintenance workers:

24 a. If workers carry a caseweight factor which is too high,
25 the workers will be unable to do their jobs effectively. A
26 high caseweight factor indicates that a worker is likely to be
27 overworked and will not have time to deal with a client's
28 needs beyond the task of completing necessary paperwork.

29 b. Clients present serious problems which require
30 sensitivity, time, and experience to adequately address. The
31 problems encountered by workers include family violence, child
32 abuse, neglect, incest, isolation and illness, homelessness,
33 and disabilities. Workers are expected to effectively relate
34 to persons of all ages, incomes, and backgrounds. A worker's
35 ability to effectively respond to clients and client problems

1 is adversely affected by an excessive caseweight level.

2 c. Excessive caseweight factor levels contribute to high
3 turnover in the field staff positions and to administrative
4 delays in replacing vacant positions, resulting in further
5 increases in caseweight factors.

6 d. Excessive caseweight factor levels may create delays in
7 service delivery causing clients to seek services from
8 counties under general relief in order to receive assistance
9 in a timely manner. Increases in general relief result in
10 additional demands upon property taxes.

11 e. Beginning with the 1989-1990 fiscal year, the general
12 assembly has appropriated funding and authorized full-time
13 equivalent positions for field staff based upon caseweight
14 factor levels stated in statute. Funding was appropriated in
15 each of the years in order that sufficient staff persons were
16 to be employed to achieve the stated caseweight factor levels.
17 However, in each fiscal year in which the caseweight factor
18 levels were stated, insufficient numbers of persons were
19 employed and as a result the stated caseweight factor levels
20 were not met.

21 f. As of February 1993, the caseweight factor levels for
22 income maintenance workers and social workers exceed the
23 levels stated in statute and the funding appropriated to
24 achieve the stated levels has not been expended as intended.
25 As a result, the caseweight factor levels have become too high
26 for workers to effectively perform their duties.

27 2. The general assembly finds that the optimum caseweight
28 levels for department of human services' field staff according
29 to the last comprehensive analysis of the levels, is 145 for
30 income maintenance workers and 130 for social workers.
31 Federal courts have mandated in other states the maximum
32 number of cases per foster care field worker the state
33 government agencies are allowed to manage. In addition, the
34 child welfare league of America (CWLA) has published
35 guidelines for caseloads for various field service positions.

1 Both the court-ordered caseloads and the CWLA guideline
2 caseloads are lower than those caseloads borne by comparabile
3 positions in this state.

4 3. The departments of human services, management, and
5 personnel shall take every action necessary to fill vacant
6 positions in a manner so as to reduce department of human
7 services' field staff caseweight factor levels closer to the
8 optimum levels. The actions shall include, but are not
9 limited to, expedited hiring and training processes and
10 restructuring jobs and workloads to improve the manageability
11 of caseloads.

12 Sec. 23. GENERAL ADMINISTRATION. There is appropriated
13 from the general fund of the state to the department of human
14 services for the fiscal year beginning July 1, 1993, and
15 ending June 30, 1994, the following amount, or so much thereof
16 as is necessary, to be used for the purpose designated:

17 For general administration, including salaries, support,
18 maintenance, and miscellaneous purposes:
19 \$ 9,097,174

20 Of the funds appropriated in this section, \$57,094 shall be
21 transferred to the prevention of disabilities policy council
22 established in section 225B.3.

23 Sec. 24. VOLUNTEERS. There is appropriated from the
24 general fund of the state to the department of human services
25 for the fiscal year beginning July 1, 1993, and ending June
26 30, 1994, the following amount, or so much thereof as is
27 necessary, to be used for the purpose designated:

28 For development and coordination of volunteer services:
29 \$ 85,793

30 Sec. 25. "X-PERT" PUBLIC ASSISTANCE BENEFIT ELIGIBILITY
31 DETERMINATION SYSTEM. There is appropriated from the general
32 fund of the state to the department of human services for the
33 fiscal year beginning July 1, 1993, and ending June 30, 1994,
34 the following amount, or so much thereof as is necessary, to
35 be used for the purpose designated:

1 For the development costs of the "X-PERT" knowledge-based
2 computer software package for public assistance benefit
3 eligibility determination, including salaries, support,
4 maintenance, and miscellaneous purposes:
5 \$ 774,645

6 Sec. 26. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
7 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
8 DEPARTMENT OF HUMAN SERVICES.

9 1. a. For the fiscal year beginning July 1, 1993, the
10 department of human services may allocate any increases for
11 durable medical products and supplies so that equipment and
12 supplies which have greater wholesale cost increases may be
13 reimbursed at a higher rate and those which have a lower or no
14 wholesale cost increase may be reimbursed at a lower rate or
15 have no increase.

16 b. For the fiscal year beginning July 1, 1993, providers
17 of obstetric services when provided by physicians or certified
18 nurse-midwives shall have their medical assistance
19 reimbursement rates increased by 10 percent over the rates in
20 effect on June 30, 1993.

21 c. For the fiscal year beginning July 1, 1993, early and
22 periodic screening, diagnosis, and treatment reimbursements
23 for screening services under the medical assistance programs
24 shall be increased by 50 percent over the rates in effect on
25 June 30, 1993.

26 d. For the fiscal year beginning July 1, 1993, facilities
27 certified as skilled nursing facilities pursuant to the
28 federal medicare repayments shall have their medical
29 assistance rates increased by 4.9 percent over the rate in
30 effect on June 30, 1993.

31 e. The dispensing fee for pharmacists shall remain at the
32 rate in effect on June 30, 1993. The reimbursement policy for
33 drug product costs shall be in accordance with federal
34 requirements.

35 f. Reimbursement rates for in-patient hospital services

1 shall be increased by an average of 5.5 percent over the rates
2 in effect on June 30, 1993, in conjunction with the rebasing
3 and recalibration of the diagnosis-related groups.

4 Reimbursement rates for out-patient services shall remain
5 according to the federal Medicare methodology until
6 implementation of the new methodology referenced in the
7 appropriation in this Act for medical contracts.

8 g. Reimbursement rates for rural health clinics shall be
9 increased in accordance with increases under the federal
10 medicare program.

11 h. Home health agencies certified for the federal medicare
12 program, hospice services, and acute care mental hospitals
13 shall be reimbursed for their current federal Medicare audited
14 costs.

15 i. The basis for establishing the maximum medical
16 assistance reimbursement rate for nursing facilities shall be
17 the 70th percentile of facility costs as calculated from the
18 June 30, 1993, unaudited compilation of cost and statistical
19 data.

20 j. The department may revise the fee schedule used for
21 physician reimbursement.

22 k. Federally qualified health centers shall be reimbursed
23 at 100 percent of reasonable costs as determined by the
24 department in accordance with federal requirements.

25 l. The department shall review and utilize small area
26 analysis to identify differences in utilization of physician
27 and hospital services. In addition, the department shall
28 identify incentives to reward efficient, effective, and
29 quality care.

30 2. For the fiscal year beginning July 1, 1993, the maximum
31 cost reimbursement rate for residential care facilities
32 reimbursed by the department shall be \$19.62 per day. The
33 flat reimbursement rate for facilities electing not to file
34 semiannual cost reports shall be \$14.03 per day. For the
35 fiscal year beginning July 1, 1993, the maximum reimbursement

1 rate for providers reimbursed under the in-home health-related
2 care program shall be \$390.15 per month.

3 3. If the department's reimbursement methodology for any
4 provider reimbursed in accordance with this section includes
5 an inflation factor, this factor shall not exceed the amount
6 by which the consumer price index for all urban consumers
7 increased during the calendar year ending December 31, 1992.

8 4. For the fiscal year beginning July 1, 1993, the foster
9 family basic monthly maintenance rate for children ages 0
10 through 5 years shall be \$308, the rate for children ages 6
11 through 11 years shall be \$322, the rate for children ages 12
12 through 15 years shall be \$359, and the rate for children ages
13 16 and older shall be \$382. Effective January 1, 1994, the
14 department shall increase the monthly allowance for children
15 in independent living from \$400 to \$441. Effective January 1,
16 1994, the department shall increase the maximum basic monthly
17 adoption subsidy for children ages 0 through 5 years to \$308,
18 for children ages 6 through 11 years to \$322, for children
19 ages 12 through 15 to \$359, and for children ages 16 and older
20 to \$382.

21 5. For the fiscal year beginning July 1, 1993, the maximum
22 reimbursement rates for social service providers shall be the
23 same as the rates in effect on June 30, 1993, except under any
24 of the following circumstances:

25 a. If a new service was added after June 30, 1993, the
26 initial reimbursement rate for the service shall be based upon
27 actual and allowable costs.

28 b. If a social service provider loses a source of income
29 used to determine the reimbursement rate for the provider, the
30 provider's reimbursement rate may be adjusted to reflect the
31 loss of income, provided that the lost income was used to
32 support actual and allowable costs of a service purchased
33 under a purchase of service contract.

34 c. For group foster care and shelter care providers
35 reimbursed through the purchase of service system, the maximum

1 reimbursement rate shall be \$76.61 per day.

2 d. On July 1, 1993, subject to the maximum reimbursement
3 rate established in paragraph "c", service providers
4 reimbursed under the appropriation in this Act for child and
5 family services and psychiatric medical institutions for
6 children shall have their reimbursement rates increased by 2
7 percent over the rates in effect on June 30, 1993, as an
8 adjustment for increases in the cost of living.

9 6. The department may adopt emergency rules to implement
10 the provisions of this section.

11 Sec. 27. ASSISTANCE TO GAMBLERS. There is appropriated
12 from the general fund of the state to the department of human
13 services for the fiscal year beginning July 1, 1993, and
14 ending June 30, 1994, the following amount, or so much thereof
15 as is necessary, to be used for the purpose designated:

16 For the gamblers assistance program:

17 \$ 250,000

18 The Iowa lottery board and the state racing and gaming
19 commission shall cooperate with the gamblers assistance
20 program to incorporate information regarding the gamblers
21 assistance program and its toll-free telephone number in
22 printed materials distributed by the board and commission.
23 The commission may require licensees to have the information
24 available in a conspicuous place as a condition of licensure.

25 Sec. 28. STATE INSTITUTIONS -- CLOSINGS AND REDUCTIONS.

26 If a state institution administered by the department of human
27 services is to be closed or reduced in size, prior to the
28 closing or reduction, the department shall initiate and
29 coordinate efforts in cooperation with the Iowa department of
30 economic development to develop new jobs in the area in which
31 the state institution is located.

32 Sec. 29. Section 135C.6, subsection 8, paragraph b, Code
33 1993, is amended to read as follows:

34 b. A residential program which serves not more than four
35 five individuals and is operating under provisions of a

1 federally approved home and community-based waiver for persons
2 with mental retardation, if all individuals residing in the
3 program receive on-site staff supervision during the entire
4 time period the individuals are present in the program's
5 living unit. The need for the on-site supervision shall be
6 reflected in each individual's program plan developed pursuant
7 to the department of human services' rules relating to case
8 management for persons with mental retardation. In approving
9 a residential program under this paragraph, the department of
10 human services shall consider the geographic location of the
11 program so as to avoid an overconcentration of such programs
12 in an area.

13 Sec. 30. Section 135H.4, Code 1993, is amended to read as
14 follows:

15 135H.4 LICENSURE.

16 A person shall not establish, operate, or maintain a
17 psychiatric medical institution for children unless the person
18 obtains a license for the institution under this chapter and
19 holds a license under section 237.3, subsection 2, paragraph
20 "a", ~~subparagraph (3)~~.

21 Sec. 31. Section 135H.6, subsection 6, Code 1993, is
22 amended to read as follows:

23 6. The proposed psychiatric institution is under the
24 direction of an agency which has operated a facility licensed
25 under section 237.3, subsection 2, paragraph "a", ~~subparagraph~~
26 ~~(3)~~; for three years or of an agency which has operated a
27 facility for three years providing psychiatric services
28 exclusively to children or adolescents and the facility meets
29 or exceeds requirements for licensure under section 237.3,
30 subsection 2, paragraph "a", ~~subparagraph (3)~~.

31 Sec. 32. Section 225C.20, Code 1993, is amended to read as
32 follows:

33 225C.20 RESPONSIBILITIES OF COUNTIES FOR INDIVIDUAL CASE
34 MANAGEMENT SERVICES.

35 Individual case management services funded under medical

1 assistance shall be provided by the department except when a
2 county or a consortium of counties contracts with the
3 department to provide the services. A county or consortium of
4 counties may contract to be the provider at any time and the
5 department shall agree to the contract so long as the contract
6 meets the standards for case management adopted by the
7 department. The county or consortium of counties may
8 subcontract for the provision of case management services so
9 long as the subcontract meets the same standards. A ~~mental~~
10 ~~health, mental retardation, and developmental disabilities~~
11 coordinating county board of supervisors may change the
12 provider of individual case management services at any time.
13 If the current or proposed contract is with the department,
14 the coordinating county board of supervisors shall provide
15 written notification of a proposed change to the department on
16 or before August 15 and written notification of an approved
17 change on or before ~~October~~ November 15 in the fiscal year
18 which precedes the fiscal year in which the change will take
19 effect.

20 Sec. 33. Section 232.71, subsections 3 and 6, Code 1993,
21 are amended to read as follows:

22 3. The investigation may, with the consent of the parent
23 or guardian, include a visit to the home of the child named in
24 the report and an interview or observation of the child may be
25 conducted. If permission to enter the home to interview or
26 observe the child is refused, the juvenile court or district
27 court upon a showing of probable cause may authorize the
28 person making the investigation to enter the home and
29 interview or observe the child. ~~The department may utilize a~~
30 ~~multidisciplinary team in investigations of child abuse.~~

31 6. The investigation may include a visit to a facility
32 providing care to the child named in the report or to any
33 public or private school subject to the authority of the
34 department of education where the child named in the report is
35 located. The administrator of a facility, or a public or

1 private school shall cooperate with the investigator by
2 providing confidential access to the child named in the report
3 for the purpose of interviewing the child, and shall allow the
4 investigator confidential access to other children for the
5 purpose of conducting interviews in order to obtain relevant
6 information. The investigator may observe a child named in a
7 report in accordance with the provisions of section 232.68,
8 subsection 3, paragraph "b". A witness shall be present
9 during an observation of a child. Any child age ten years of
10 age or older can terminate contact with the investigator by
11 stating or indicating the child's wish to discontinue the
12 contact. The immunity granted by section 232.73 applies to
13 acts or omissions in good faith of such administrators and
14 their facilities or school districts for cooperating in an
15 investigation and allowing confidential access to a child.
16 ~~The department may utilize a multidisciplinary team to conduct~~
17 ~~investigations of child abuse involving employees or agents of~~
18 ~~a facility providing care for a child.~~

19 Sec. 34. Section 232.71, subsection 17, Code 1993, is
20 amended by striking the subsection.

21 Sec. 35. Section 232.147, subsection 3, paragraph g, Code
22 1993, is amended by striking the paragraph.

23 Sec. 36. Section 232.183, subsection 7, Code 1993, is
24 amended to read as follows:

25 7. A dispositional hearing is not required if the court
26 has approved either the local citizen foster care review board
27 review ~~or the department's administrative review~~ procedure as
28 ~~defined under section 234.42~~, and all parties agree. This
29 provision does not eliminate the initial judicial
30 determination required under section 232.182.

31 Sec. 37. Section 234.35, subsection 3, Code 1993, is
32 amended by striking the subsection.

33 Sec. 38. Section 235A.13, subsection 7, Code 1993, is
34 amended by striking the subsection.

35 Sec. 39. Section 235A.15, subsection 2, paragraph b,

1 subparagraph (4), Code 1993, is amended by striking the
2 subparagraph and renumbering the succeeding paragraph.

3 Sec. 40. Section 237.3, subsection 2, paragraph a, Code
4 1993, is amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 a. Types of facilities which include but are not limited
7 to group foster care facilities and family foster care homes.

8 Sec. 41. Section 237.13, subsection 6, Code 1993, is
9 amended to read as follows:

10 6. The fund is not liable for the first one-hundred-fifty
11 seventy-five dollars of any claim based on a single
12 occurrence. ~~Claims may not be aggregated or accumulated to~~
13 ~~avoid payment of this deductible.~~ The fund is not liable for
14 damages in excess of three hundred thousand dollars for a
15 single foster home for all claims arising out of one or more
16 occurrences during a calendar year.

17 Sec. 42. Section 249A.26, subsection 2, Code 1993, is
18 amended to read as follows:

19 2. The county of legal settlement shall be billed for
20 fifty percent of the nonfederal share of the cost of case
21 management provided to adults, day treatment, and partial
22 hospitalization provided under the medical assistance program
23 for persons with mental retardation, a developmental
24 disability, or chronic mental illness. For purposes of this
25 section, chronic mental illness does not include organic
26 mental disorders persons with mental disorders resulting from
27 Alzheimer's disease or substance abuse shall not be considered
28 chronically mentally ill.

29 Sec. 43. Section 252B.4, subsection 1, Code 1993, is
30 amended to read as follows:

31 1. The director shall require an application fee of
32 twenty-five five dollars.

33 Sec. 44. MI/MR/DD/BI TASK FORCE CONTINUED. The
34 legislative council shall authorize \$4,000 for consultant
35 services and other expenses associated with continuation of

1 the MI/MR/DD/BI service delivery system restructuring task
2 force created in 1992 Iowa Acts, chapter 1241, section 26.
3 The task force shall submit to the governor and general
4 assembly on or before January 15, 1994, a five-year plan
5 providing financing options for the MI/MR/DD/BI service
6 delivery system. The plan shall be consistent with the
7 provisions of the task force report submitted to the governor
8 and general assembly in January 1993. In addition, the plan
9 shall incorporate any task force recommendations concerning
10 issues of legal settlement, mandated services, MI/MR/DD/BI
11 planning councils, and other pertinent issues developed
12 through June 30, 1993. Staffing services for the task force
13 shall be provided by the legislative service bureau and the
14 legislative fiscal bureau.

15 Sec. 45. REPEAL. Sections 232.187 and 234.42, Code 1993,
16 are repealed.

17 Sec. 46. TRANSFER OF FUNCTIONS. If the department of
18 human services determines that the functions required to be
19 performed by any of the following entities can be performed by
20 another entity under the authority of the department,
21 notwithstanding the indicated section of the Code, if agreed
22 to in writing and filed with the governor and the general
23 assembly by each of the appointing authorities specified in
24 statute for the entity, the function shall be performed by the
25 entity identified by the department:

26 1. A multidisciplinary team assisting the department in
27 the assessment, diagnosis, and disposition of a child abuse
28 report pursuant to section 232.71 and permitted access to
29 child abuse information pursuant to section 235A.15.

30 2. A regional out-of-state placement committee jointly
31 established by the department of human services and the
32 judicial department pursuant to section 232.187.

33 3. A foster care review committee created by the
34 department of human services pursuant to section 234.42.

35 Sec. 47. ADOPTION AND FOSTER CARE INFORMATION SYSTEM.

1 Moneys allocated to develop and maintain the state's
2 implementation of the national adoption and foster care
3 information system in 1992 Iowa Acts, chapter 124I, section
4 12, subsection 6, shall be considered encumbered for purposes
5 of section 8.33.

6 Sec. 48. JUVENILE DETENTION HOMES -- FISCAL YEAR 1993.

7 1. Of the funds appropriated from the general fund of the
8 state to the department of human services for the fiscal year
9 beginning July 1, 1992, for reimbursement of counties for
10 juvenile detention homes, pursuant to 1992 Iowa Acts, Second
11 Extraordinary Session, chapter 1001, section 408, \$350,000, or
12 so much thereof as is necessary, shall be used in the fiscal
13 year beginning July 1, 1992, and ending June 30, 1993, for
14 state payment of financial aid of ten percent of the total
15 cost of county or multicounty juvenile detention homes in
16 accordance with the provisions of section 232.142, subsection
17 3 and are in addition to the funds provided to counties for
18 this purpose pursuant to 1992 Iowa Acts, chapter 124I, section
19 12.

20 2. The provisions of 1992 Iowa Acts, Second Extraordinary
21 Session, chapter 1001, section 408, requiring reimbursement of
22 a county if a child has been adjudicated delinquent and
23 remains in a county detention home awaiting placement for more
24 than 72 hours after adjudication, shall apply only to the
25 period beginning July 1, 1992, and ending September 30, 1992,
26 and shall not apply for the remainder of the 1992-1993 fiscal
27 year following September 30, 1992.

28 Sec. 49. CLEAN AIR ACT -- APPLICATION TO CAPITOL BUILDING.

29 The capitol building shall be considered a public place
30 pursuant to section 142B.1 and the rotunda area between the
31 chambers of the house of representatives and the senate shall
32 not be designated a smoking area pursuant to section 142B.2.
33 A person who violates the provisions of this section is
34 subject to the penalty provisions of section 142B.6.

35 Sec. 50. EMERGENCY RULES. If specifically authorized by a

1 provision of this Act, the department of human services or the
2 mental health and mental retardation commission may adopt
3 administrative rules under section 17A.4, subsection 2, and
4 section 17A.5, subsection 2, paragraph "b", to implement the
5 provisions, the rules shall become effective immediately upon
6 filing, unless a later effective date is specified in the
7 rules, and the rules shall be in effect for a period of 180
8 days following the date the rules take effect. In addition,
9 the department may adopt administrative rules in accordance
10 with the provisions of this section as necessary to comply
11 with federal requirements or to adjust to a change in the
12 level of federal funding which affect refugee programs during
13 the fiscal biennium beginning July 1, 1993, and ending June
14 30, 1995. Any rules adopted in accordance with the provisions
15 of this section shall also be published as notice of intended
16 action as provided in section 17A.4.

17 Sec. 51. EFFECTIVE DATES.

18 1. Section 11 of this Act, relating to juvenile detention
19 homes, and section 12, subsection 18 of this Act, relating to
20 wrap-around services, take effect June 30, 1993.

21 2. Section 12, subsection 1, relating to provisions of
22 various child and family services under the medical assistance
23 program, subsection 8, relating to the cap on group foster
24 care placements, and subsection 11, relating to the
25 demonstration program to decategorize child welfare services,
26 and section 14, subsection 1, relating to a determination of
27 allocations by the state court administrator, and section 47,
28 relating to moneys allocated for the adoption and foster care
29 information system, being deemed of immediate importance, take
30 effect upon enactment.

31 3. Sections 33 through 39 and 45 of this Act, take effect
32 July 1, 1994.

33 4. Section 48 of this Act, being deemed of immediate
34 importance, takes effect upon enactment and applies
35 retroactively to July 1, 1992.

1 Section 12, subsection 19 of this Act, relating to contract
2 family foster care homes, takes effect June 30, 1993.

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HOUSE FILE 518

S-3425

- 1 Amend House File 518 as amended, passed, and
2 reprinted by the House as follows:
- 3 1. Page 2, line 7, by striking the word "section"
4 and inserting the following: "Act".
- 5 2. Page 3, line 3, by striking the figure
6 "342,812,612" and inserting the following:
7 "342,058,555".
- 8 3. Page 4, by striking lines 30 through 34.
9 4. By striking page 4, line 35, through page 5,
10 line 7 and inserting the following:
11 " . If the department submits a report to the
12 governor and the legislative fiscal committee which
13 shows that adding a drug to the list of prescription
14 drugs requiring prior authorization under the medical
15 assistance program would maintain the level of quality
16 and access to health care for recipients, the
17 department may include that drug in the list of drugs
18 requiring prior authorization. The report shall be
19 submitted prior to adding a drug to the list and shall
20 provide an analysis of the direct and indirect
21 administrative costs associated with prior
22 authorization, including personnel resources,
23 equipment, and overhead, potential impact on recipient
24 access to prescription drugs, cost offset to be
25 realized from substitution of an alternative drug
26 regimen for the drug proposed for prior authorization,
27 and the potential impact on utilization of other
28 institutional health care resources due to requiring
29 the prior authorization of the drug. Drug selections
30 shall be made by the department with the assistance of
31 the Iowa medicaid drug utilization review commission
32 and in consultation with representatives of consumers,
33 health care providers, and other parties which may be
34 affected by the prior authorization requirements. The
35 department may adopt emergency rules in implementing
36 the provisions of this subsection."
- A 37 5. Page 5, line 22, by inserting after the word
38 "care" the following: "and nursing facility
39 providers".
- 40 6. Page 5, line 25, by striking the figure "1994"
41 and inserting the following: "1993".
- 42 7. Page 6, line 35, by striking the word
43 "transfer" and inserting the following: "identify".
- 44 8. Page 7, by striking lines 1 through 3, and
45 inserting the following: "associated with health care
46 provider licensure in an amount necessary to qualify
47 for matching federal medical assistance funding.
48 Those costs".
- 49 9. Page 8, line 10, by striking the figure
50 "18,452,000" and inserting the following:

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Page 2

- 1 "18,792,860".
- 2 10. Page 8, by striking lines 18 through 31.
- 3 11. Page 9, line 4, by striking the figure
- 4 "7,486,000" and inserting the following: "7,680,962".
- 5 12. Page 10, by striking lines 18 through 27, and
- 6 inserting the following: "by the department in
- 7 descending order of prioritization as follows:
- 8 (1) Families who are at or below 100 percent of
- 9 the poverty level with a child under five years of age
- 10 in which the parents are employed at least 40 hours
- 11 per week.
- 12 (2) Families who are participating in a JOBS
- 13 program who have a child and who are not eligible for
- 14 child care assistance under any other criteria.
- 15 (3) Parents under the age of 21 and who are either
- 16 employed full-time or part-time, or who are
- 17 participating in an approved training program, or who
- 18 are enrolled in an education program.
- 19 (4) Families who are providing foster care.
- 20 (5) Families who are at or below 155 percent of
- 21 the poverty level who have a special needs child.
- 22 (6) Families who are receiving ADC, who are
- 23 participating in an approved training program, and who
- 24 are named on the JOBS waiting list.
- 25 (7) Families who are at or below 100 percent of
- 26 the poverty level who have a child under five years of
- 27 age and who are employed part-time.
- 28 The department may adopt emergency rules to
- 29 implement the provisions of this lettered paragraph."
- 30 13. Page 12, line 32, by striking the figure
- 31 "4,422,709" and inserting the following: "4,307,709".
- 32 14. Page 13, by striking lines 24 through 28.
- 33 15. Page 15, line 28, by striking the word
- 34 "Notwithstanding" and inserting the following: "There
- 35 is appropriated from the general fund of the state to
- 36 the department of human services for the fiscal year
- 37 beginning July 1, 1993, and ending June 30, 1994, the
- 38 following amount, or so much thereof as is necessary,
- 39 to be used for the purpose designated:
- 40 For reimbursement of counties for juvenile
- 41 detention homes in accordance with the provisions of
- 42 this section:
- 43 \$ 170,000
- 44 Notwithstanding".
- 45 16. Page 15, line 33, by striking the figure
- 46 "500,000" and inserting the following: "330,000".
- 47 17. Page 16, line 1, by inserting after the word
- 48 "used" the following: "in addition to the funds
- 49 appropriated in this section".
- 50 18. By striking page 16, line 30 through page 17,

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Page 3

Dir A

1 line 10 and inserting the following: "not eligible
2 for medical assistance funding. The department shall
3 work with affected parties in developing the rules
4 authorized by this subsection."

5 19. Page 27, line 5, by striking the figure
6 "3,740,000" and inserting the following: "3,590,000".

7 20. Page 33, line 10, by striking the figure
8 "3,531,891" and inserting the following: "4,031,891".

9 21. Page 41, line 29, by striking the figure
10 "4.9" and inserting the following: "4.33".

11 22. Page 42, line 17, by striking the figure
12 "70th" and inserting the following: "69th".

13 23. Page 42, line 19, by inserting after the word
14 "data." the following: "However, to the extent funds
15 are available under the allocation for reimbursement
16 of nursing facilities within the appropriation for
17 medical assistance in this Act, the basis shall be
18 increased to use all of the funds allocated."

19 24. Page 42, by striking lines 30 through 34 and
20 inserting the following:

21 "2. a. For the fiscal year beginning July 1,
22 1993, the maximum cost reimbursement rate for
23 residential care facilities reimbursed by the
24 department under the appropriation in this Act for
25 state supplementary assistance shall be \$19.82 per
26 day. The flat reimbursement rate for facilities
27 electing not to file semiannual cost reports shall be
28 \$14.17 per day.

29 b. For the fiscal year beginning July 1, 1993, the
30 maximum cost reimbursement rate for residential care
31 facilities reimbursed by the department which are not
32 subject to paragraph "a" shall be \$19.62 per day. The
33 flat reimbursement rate for facilities electing not to
34 file semiannual cost reports shall be \$14.03 per day.
35 For the".

36 25. Page 44, line 3, by inserting before the word
37 "service" the following: "the following".

38 26. Page 44, line 8, by striking the word
39 "living" and inserting the following: "living: group
40 foster care, purchased family foster care, shelter
41 care, family-centered services, family preservation
42 services, and independent living services.

43 e. The increase in rates provided in paragraph "d"
44 shall apply to shelter care and independent living
45 services through June 30, 1994. However, effective
46 November 1, 1993, the reimbursement rates for group
47 foster care, purchased family foster care, family-
48 centered services, and family preservation services
49 shall be established by the department in accordance
50 with the rules adopted for this purpose pursuant to

S-3425

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Page 4

1 section 12, subsection 1, relating to the provision of
2 certain child and family services under medical
3 assistance. When the department establishes the
4 rates, the department may also adjust the rates for
5 group foster care maintenance and establish the
6 maximum reimbursement rates for group foster care
7 service and maintenance. Under the new reimbursement
8 rates, the reimbursement rate paid to a group foster
9 care provider for combined service and maintenance
10 shall be at least the reimbursement rate in effect for
11 that provider on October 31, 1993, or \$76.61 per day,
12 whichever is less.

13 f. The rate used by the department for
14 reimbursement of any group foster care provider in the
15 fiscal period beginning July 1, 1993, and ending
16 October 31, 1993, shall be equal to the provider's
17 actual and allowable costs. However, if the
18 provider's costs are equal to or greater than \$76.61
19 per day, the provider's reimbursement rate shall be
20 equal to \$76.61 per day.

21 g. Child day care providers reimbursed by the
22 department under the certificate program or under a
23 purchase of service contract during the 1992-1993
24 fiscal year, shall have their reimbursement rates
25 increased by 1 percent over the rates in effect on
26 June 30, 1993. However, the department may revise the
27 adjusted rates on or after October 1, 1993, pursuant
28 to the rule changes made by the department in
29 accordance with the provisions of the appropriation in
30 this Act for child day care assistance."

31 27. Page 44, by inserting after line 31, the
32 following:

33 "Sec. ____ . MORATORIUM -- CERTIFICATE OF NEED --
34 INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
35 RETARDED. Beginning July 1, 1993, and ending June 30,
36 1995, the Iowa department of public health shall not
37 process applications for and shall not issue a
38 certificate of need based upon an application for a
39 new institutional health service or changed
40 institutional health service for which a letter of
41 intent was received after April 1, 1993, and for which
42 an application was not received by June 30, 1993, for
43 an intermediate care facility for the mentally
44 retarded."

45 28. By striking page 44, line 32 through page 45,
46 line 12.

47 29. Page 47, by inserting after line 20 the
48 following:

49 "Sec. ____ . Section 232.141, subsection 8, Code
50 1993, is amended by striking the subsection."

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Page 5

- 1 30. Page 48, by striking lines 29 through 32.
- 2 31. Page 50, line 11, by striking the figure
- 3 "350,000" and inserting the following: "520,000".
- 4 32. Page 50, by inserting after line 27, the
- 5 following:
- 6 "Sec. 100. USE OF CERTAIN FUNDS. Of the funds
- 7 appropriated pursuant to 1992 Iowa Acts, Second
- 8 Extraordinary Session, chapter 1001, section 412,
- 9 subsection 1, \$290,000 shall be used during the 1992-
- 10 1993 fiscal year for services provided under the
- 11 appropriation for community-based programs in 1992
- 12 Iowa Acts, chapter 1241, section 15."
- 13 ~~33. Page 50, by striking lines 28 through 34.~~ *B*
- 14 ~~34. Page 52, by inserting after line 3, the~~ *A*
- 15 following:
- 16 " . Section 100 of this Act, being deemed of
- 17 immediate importance, takes effect upon enactment and
- 18 ~~applies retroactively to July 1, 1992."~~
- 19 35. Title page, by striking line 4, and inserting *Line B*
- 20 the following: "care,".
- 21 36. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS
LARRY MURPHY, Chairperson

S-3425 FILED APRIL 7, 1993

A - adopted 4-8-93
B - lost 4-8-93

HOUSE FILE 518

S-3438

- 1 Amend the amendment, S-3425, to House File 518, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 4, by striking lines 47 through 50.
- 5 2. By renumbering as necessary.

By WILLIAM W. DIELEMAN
MERLIN E. BARTZ

S-3438 FILED APRIL 8, 1993
LOST

HOUSE FILE 518

S-3442

1 Amend House File 518, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 11, by inserting after line 13 the
4 following:

5 "_____. During the 1993-1994 fiscal year, the
6 department shall utilize the moneys deposited in the
7 child day care credit fund, created in this Act, in
8 descending order of priority as follows:

9 (1) If a federal waiver is granted, to extend
10 transitional child care assistance in accordance with
11 federal requirements and section 239.21, to a period
12 of 24 months from the current period of 12 months.

13 (2) To expand the number of children receiving
14 assistance under the state child care assistance
15 program in accordance with the provisions of
16 subsection 3.

17 (3) To expand the eligibility limit for state
18 child care assistance to be equal to or less than 75
19 percent of the Iowa median family income as provided
20 in subsection 3, paragraph "b".

21 2. Page 48, by inserting after line 16 the
22 following:

23 "Sec. _____. NEW SECTION. 237A.28 CHILD DAY CARE
24 CREDIT FUND.

25 A child day care credit fund is created in the
26 state treasury under the authority of the department
27 of human services. The moneys in the fund shall
28 consist of moneys deposited pursuant to section
29 422.100 and shall be used for child day care services
30 as annually directed by the general assembly."

31 3. Page 48, by inserting after line 32 the
32 following:

33 "Sec. 150. Section 422.12C, subsection 1,
34 paragraphs f, g, and h, Code 1993, are amended by
35 striking the paragraphs and inserting in lieu thereof
36 the following:

37 f. For a taxpayer with net income of forty
38 thousand dollars or more, zero percent.

39 Sec. _____. NEW SECTION. 422.100 ALLOCATION TO THE
40 CHILD DAY CARE CREDIT FUND.

41 The treasurer of state shall credit during the
42 first month of each quarter of each fiscal year to the
43 child day care credit fund created in section 237A.28
44 the sum of six hundred fifty thousand dollars from the
45 individual income tax withholding receipts."

46 4. Page 51, by inserting after line 32 the
47 following:

48 "_____. Section 150 of this Act, being deemed of
49 immediate importance, takes effect upon enactment and
50 applies retroactively to January 1, 1993, for tax

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Page 2

1 years beginning on or after that date."

2 5. Title page, line 4, by inserting after the
3 word "care" the following: "and the child and
4 dependent care individual income tax credit".

5 6. By renumbering as necessary.

By RICHARD VARN
MARY E. KRAMER

S-3442 FILED APRIL 8, 1993

ADOPTED

HOUSE FILE 518

S-3443

1 Amend House File 518, as amended, passed, and
2 reprinted, by the House, as follows:

3 1. Page 30, by inserting after line 19 the
4 following:

5 "____. Each state mental health institute shall
6 assure that discharge planning, as defined in 42
7 C.F.R. § 482.21, is performed in cooperation with the
8 county of legal settlement for every patient admitted
9 to the state mental health institute. Each state
10 mental health institute and state hospital-school
11 shall develop a plan for coordinating with counties
12 and local health and social service providers for
13 resource availability over the five-year phase-out
14 period of the two state mental health institutes and
15 one state hospital-school. Funds that had been
16 directed to services at the mental health institutes
17 and state hospital-schools shall be directed to the
18 local communities for service delivery."

19 2. Page 36, by striking lines 30 and 31 and
20 inserting the following: ". If an individual does
21 not have a medical assistance case manager, the
22 individual's eligibility".

By RICHARD VARN

S-3443 FILED APRIL 8, 1993

LOST

HOUSE FILE 518

S-3444

1 Amend the amendment, S-3442, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, line 37, by striking the word "forty"
5 and inserting in lieu thereof the following: "fifty".

By WILLIAM D. PALMER

S-3444 FILED APRIL 8, 1993

WITHDRAWN

HOUSE FILE 518

S-3462

1 Amend House File 518, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 44, by inserting after line 31 the
4 following:

5 "Sec. 500. GROUP FOSTER CARE PLACEMENT TARGET
6 EXCEPTIONS. Notwithstanding the statewide target
7 number of 1,405 for group foster care placements
8 established in accordance with section 232.143 for the
9 1992-1993 fiscal year by 1992 Iowa Acts, chapter 1241,
10 section 12, subsection 1, paragraph "a", and the
11 statewide target number of 1,350 for 1993-1994 fiscal
12 year by this Act, the regional targets based on the
13 statewide target, and notwithstanding the provisions
14 of sections 232.52, 232.102, 232.117, 232.127, and
15 232.182, the regional targets for the respective
16 fiscal year may be exceeded and state payment may be
17 made to place a child or to continue an existing
18 placement of a child in group foster care if the
19 juvenile court determines either of the following
20 circumstances exists:

21 1. An imminent danger to the child or to the
22 community would exist if the child is not placed in
23 group foster care or if an existing placement of the
24 child in group foster care is not continued.

25 2. Group foster care is the most appropriate
26 placement for the child and alternative placements are
27 more expensive than the group foster care placement."

28 2. Page 52, by inserting after line 2 the
29 following:

30 "____. Section 500 of this Act, being deemed of
31 immediate importance, takes effect upon enactment."

By MERLIN E. BARTZ

S-3462 FILED APRIL 8, 1993
LOST

HOUSE FILE 518

S-3463

1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, by inserting after line 4, the
5 following:
6 "_____. Page 19, by striking lines 9 through 28 and
7 inserting the following: "services. The department".
8 _____. By striking page 19, line 34, through page
9 20, line 14.
10 _____. Page 20, by striking lines 23 through 27,
11 and inserting the following:
12 "e. Effective November 1, 1993, all potential
13 group foster care referrals shall be reviewed by a
14 clinical assessment and".
15 2. Page 4, by inserting after line 46, the
16 following:
17 "_____. Page 46, by inserting after line 19 the
18 following:
19 "Sec. 100. Section 232.52, subsection 2A, Code
20 1993, is amended by striking the subsection."
21 3. Page 4, by inserting after line 48 the
22 following:
23 ""Sec. 200. Section 232.102, subsection 1A, Code
24 1993, is amended by striking the subsection.
25 Sec. 300. Section 232.117, subsection 3A, Code
26 1993, is amended by striking the subsection.
27 Sec. 400. Section 232.127, subsection 8, Code
28 1993, is amended by striking the subsection.""
29 4. Page 4, by inserting after line 50 the
30 following:
31 "_____. Page 47, by inserting after line 22 the
32 following:
33 "Sec. 500. Section 232.182, subsection 7, Code
34 1993, is amended by striking the subsection."
35 _____. Page 47, by inserting after line 30 the
36 following:
37 "Sec. 600. Section 234.35, subsection 1, paragraph
38 e, Code 1993, is amended to read as follows:
39 e. When a court has entered an order transferring
40 the legal custody of the child to a foster care
41 placement pursuant to section 232.52, subsection 2,
42 paragraph "d", or section 232.102, subsection 1.
43 ~~However, payment for a group foster care placement~~
44 ~~shall be limited to those placements which conform to~~
45 ~~a regional group foster plan established pursuant to~~
46 ~~section 232.143."~~
47 5. Page 5, by inserting after line 1 the
48 following:
49 "_____. Page 49, by inserting after line 14 the
50 following:

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Page 2

1 "Sec. 700. Section 232.143, Code 1993, is
2 repealed."
3 6. Page 5, by inserting after line 13, the
4 following:
5 "____. Page 51, by inserting after line 35 the
6 following:
7 "5. Sections 100 through 700 of this Act, being
8 deemed of immediate importance, take effect upon
9 enactment."
10 7. By renumbering, relettering and correcting
11 internal references as necessary.

By AL STURGEON

BRAD BANKS

RALPH ROSENBERG

MICHAEL E. GRONSTAL

JOHN P. KIBBIE

RANDAL J. GIANNETTO

PAUL D. PATE

S-3463 FILED APRIL 8, 1993

LOST

HOUSE FILE 518

S-3464

1 Amend House File 518, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 19, by striking lines 9 through 28 and
4 inserting the following: "services. The
5 department,".

6 2. By striking page 19, line 34, through page 20,
7 line 14.

8 3. Page 20, by striking lines 23 through 27 and
9 inserting the following:

10 "e. Effective November 1, 1993, all potential
11 group foster care referrals shall be reviewed by a
12 clinical assessment and".

13 4. Page 46, by inserting after line 19 the
14 following:

15 "Sec. 100. Section 232.52, subsection 2A, Code
16 1993, is amended by striking the subsection."

17 5. Page 47, by inserting after line 20 the
18 following:

19 "Sec. 200. Section 232.102, subsection 1A, Code
20 1993, is amended by striking the subsection.

21 Sec. 300. Section 232.117, subsection 3A, Code
22 1993, is amended by striking the subsection.

23 Sec. 400. Section 232.127, subsection 8, Code
24 1993, is amended by striking the subsection."

25 6. Page 47, by inserting after line 22 the
26 following:

27 "Sec. 500. Section 232.182, subsection 7, Code
28 1993, is amended by striking the subsection."

29 7. Page 47, by inserting after line 30 the
30 following:

31 "Sec. 600. Section 234.35, subsection 1, paragraph
32 e, Code 1993, is amended to read as follows:

33 e. When a court has entered an order transferring
34 the legal custody of the child to a foster care
35 placement pursuant to section 232.52, subsection 2,
36 paragraph "d", or section 232.102, subsection 1.

37 ~~However, payment for a group foster care placement~~
38 ~~shall be limited to those placements which conform to~~
39 ~~a regional group foster plan established pursuant to~~
40 ~~section 232.143."~~

41 8. Page 49, by inserting after line 14 the
42 following:

43 "Sec. 700. Section 232.143, Code 1993, is
44 repealed."

45 9. Page 51, by inserting after line 35 the
46 following:

47 "5. Sections 100 through 700 of this Act, being
48 deemed of immediate importance, take effect upon
49 enactment."

50 10. By renumbering as necessary.

By AL STURGEON
BRAD BANKS
RALPH ROSENBERG
MICHAEL E. GRONSTAL

JOHN P. KIBBIE
RANDAL J. GIANNETTO
PAUL D. PATE

S-3464 FILED APRIL 8, 1993
RULED OUT OF ORDER

HOUSE FILE 518

S-3467

1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 20 through 23 and
5 inserting the following: "provide an analysis of the
6 potential impact on recipient".

By RICHARD VARN

S-3467 FILED APRIL 8, 1993
ADOPTED

HOUSE FILE 518

S-3472

1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 4, by striking line 50, and inserting the
5 following: "1993, is amended to read as follows:

8. This subsection applies only to placements in a
juvenile shelter care home which is publicly owned,
operated as a county or multicounty shelter care home,
organized under a chapter 28E agreement, or operated
by a private juvenile shelter care home. If the
allowable costs of a child's shelter care placement
exceeds the amount the department is authorized to pay
in accordance with law and administrative rule, the
unpaid costs may be recovered from the child's county
of legal settlement. The unpaid costs are payable
pursuant to filing of verified claims against the
county of legal settlement. A detailed statement of
the facts upon which a claim is based shall accompany
the claim. Any dispute between counties arising from
filings of claims pursuant to this subsection shall be
settled in the manner provided to determine legal
settlement in section 230.12. A juvenile shelter care
home may refuse to accept the placement of a child in
the home if the child's county of legal settlement
does not agree to pay the unpaid costs in accordance
with the provisions of this subsection."

By WILLIAM W. DIELEMAN

S-3472 FILED APRIL 8, 1993
RULED OUT OF ORDER

HOUSE FILE 518

S-3454

1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 49 the
5 following:

6 "_____. Page 16, line 4, by inserting after the
7 figure "3." the following: "However, if the funds
8 designated in this section are insufficient to pay ten
9 percent of the total cost of the homes,
10 notwithstanding section 232.142, subsection 3, the
11 state payment shall be less than ten percent and the
12 department shall prorate the state payment as
13 necessary to keep expenditures within the funds
14 designated in this section.""

15 2. Page 3, by striking lines 14 through 18 and
16 inserting the following: ""data." the following:
17 "However, to the extent funds are available within the
18 amount projected for reimbursement of nursing
19 facilities within the appropriation for medical
20 assistance in this Act, the department may adjust the
21 maximum medical assistance reimbursement for nursing
22 facilities, not to exceed the 70th percentile, as
23 calculated from the December 31, 1993, unaudited
24 compilation of cost and statistical data and the
25 adjustment shall take effect January 1, 1994.""

26 3. Page 5, by inserting after line 1 the
27 following:

28 "_____. Page 49, by inserting after line 16 the
29 following:

30 "Sec. _____. Section 252.43, Code 1993, is
31 repealed.""

32 4. Page 5, by inserting after line 3 the
33 following:

34 "_____. Page 50, line 19, by inserting after the
35 figure "12." the following: "However, if the funds
36 designated by this section are insufficient to pay ten
37 percent of the total cost of the homes,
38 notwithstanding section 232.142, subsection 3, the
39 state payment shall be less than ten percent and the
40 department shall prorate the state payment as
41 necessary to keep expenditures within the funds
42 designated by this section.""

43 5. By renumbering as necessary.

By RICHARD VARN

S-3454 FILED APRIL 8, 1993
ADOPTED

HOUSE FILE 518

S-3459

1 Amend House File 518, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 45, by inserting after line 30, the
4 following:
5 "Sec. ____ . Section 217.41, Code 1993, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. In any department of
8 human services' purchase of service contract, the
9 following shall apply to provisions involving time:
10 1. A month means an actual calendar month.
11 2. A year means twelve consecutive months.
12 3. A per diem or daily reimbursement rate shall be
13 paid for each calendar day of each month of the year
14 for which services are provided."
15 2. By renumbering and correcting internal
16 references as necessary.

By MERLIN E. BARTZ

S-3459 FILED APRIL 8, 1993
WITHDRAWN

HOUSE FILE 518

S-3461

1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 4, by striking lines 31 through 44.
5 2. By renumbering as necessary.

By WILMER RENSINK
H. KAY HEDGE

S-3461 FILED APRIL 8, 1993
LOST

HOUSE FILE 518

S-3445

Amend the amendment, S-3425, to House File 518, as amended, passed, and reprinted by the House, as follows:

1. Page 2, line 10, by striking the figure "40" and inserting the following: "35".

By MARY E. KRAMER
RICHARD J. VARN

S-3445 FILED APRIL 8, 1993
ADOPTED

HOUSE FILE 518

S-3446

Amend the amendment, S-3425 to House File 518, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by inserting after line 48 the following:

"___". Page 7, by inserting after line 10 the following:

"100. Of the funds appropriated in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, \$778,202 is encumbered for purposes of section 8.33 and shall be used in the fiscal year beginning July 1, 1993, and ending June 30, 1994, in addition to other funds appropriated in this section, for reimbursement of nursing facilities at a maximum reimbursement rate of the 70th percentile of facility costs as determined in accordance with the provisions of this Act relating to reimbursements."

2. Page 3, by striking lines 11 through 18.

3. Page 5, by inserting after line 13 the following:

"___". Page 51, line 18, by striking the word "Section" and inserting the following: "Section 1, subsection 100 of this Act, relating to reimbursement of nursing facilities, section".

By JOE WELSH

S-3446 FILED APRIL 8, 1993
LOST

HOUSE FILE 518

S-3447

1 Amend House File 518, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 49, by inserting after line 14, the
4 following:

5 "Sec. _____. WAIVER -- NURSING HOME PILOT PROJECT.

6 1. The department of human services shall submit a
7 waiver request to the United States department of
8 health and human services as necessary for federal
9 authorization to implement a pilot project to allow
10 two nursing homes, as defined in section 155.1,
11 selected through a request for proposals process to be
12 operated under an alternative plan of operation which
13 is outcome-based and which to the greatest extent
14 possible provides the least restrictive environment
15 for the residents of the nursing home. The waiver
16 shall include a request for suspension of federal
17 regulations which the department identifies as more
18 restrictive than necessary in order to provide a safe
19 and healthy environment for the residents of a nursing
20 home. Following receipt of a waiver, the department
21 of human services shall establish a request for
22 proposals process and shall select two nursing homes
23 to operate under an alternative system based upon
24 criteria and requirements which shall include but are
25 not limited to all of the following:

26 a. The nursing home shall not be subject to the
27 requirements of chapter 135C.

28 b. The department shall adopt rules which
29 establish the minimum requirements for an alternative
30 nursing home including but not limited to the physical
31 structure and services to be provided and the nursing
32 home shall comply with the minimum requirements
33 established.

34 c. The nursing home shall be constructed in
35 compliance with applicable local building code
36 requirements and the rules adopted for the alternative
37 type of facility by the state fire marshal in
38 accordance with the concept of the least restrictive
39 environment for the facility residents.

40 d. The nursing home shall develop and implement a
41 written plan of operation which is outcome-based and
42 which establishes goals for the facility in meeting
43 the outcomes identified. The plan shall include an
44 ongoing process for identifying and attaining the
45 outcomes identified. The plan shall also include a
46 method for evaluation of the effect of the alternative
47 form of operation on the quality of life of the
48 residents and the need for alternative methods of
49 staff development and service delivery.

50 e. The nursing home shall provide for input from

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1 the residents regarding the most appropriate
2 environment and services to the residents.
3 f. The nursing home shall report annually to the
4 department regarding the success of the nursing home
5 in reaching the goals established and regarding
6 recommendations for additional improvements in the
7 structure and operation of the nursing home and the
8 services provided the residents of the facility.
9 2. The department of human services shall annually
10 report to the senate and house of representatives
11 standing committees on human resources, on the
12 progress of the pilot project and shall include in the
13 report recommendations regarding the use of
14 alternatives to standard nursing homes."
15 2. By renumbering as necessary.

By ELAINE SZYMONIAK

S-3447 FILED APRIL 8, 1993
ADOPTED

HOUSE FILE 518

S-3450

1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 20 through 27 and
5 inserting the following: "provide an analysis of the
6 potential impact on utilization of other".

By RICHARD VARN

S-3450 FILED APRIL 8, 1993
WITHDRAWN

HOUSE FILE 518

S-3451

1 Amend House File 518, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 30, by striking lines 16 through 19 and
4 inserting the following: "assistance to patients
5 being discharged in obtaining eligibility for federal
6 supplemental security income (SSI)."

7 2. By renumbering as necessary.

By RICHARD VARN

S-3451 FILED APRIL 8, 1993
ADOPTED

HOUSE FILE 518

S-3452

- 1 Amend the amendment, S-3443, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, line 18, by striking the word
5 "delivery." and inserting the following: "delivery to
6 persons who would have been served in the respective
7 institutions."
8 2. By renumbering as necessary.

By JIM RIORDAN

S-3452 FILED APRIL 8, 1993

ADOPTED

HOUSE FILE 518

S-3453

- 1 Amend the amendment, S-3425, to House File 518, as
2 amended, passed, and reprinted by the House, as
3 follows:
A 4 1. Page 1, line 7, by striking the figure
5 "342,058,555" and inserting the following:
6 "342,312,612".
B 7 2. Page 1, by striking lines 40 and 41.
A 8 3. Page 3, by striking lines 11 through 18.
9 4. By renumbering as necessary.

By WILLIAM W. DIELEMAN

RAY TAYLOR

BERL E. PRIEBE

ALLEN BORLAUG

LYLE E. ZIEMAN

JOHN W. JENSEN

JOE J. WELSH

EMIL J. HUSAK

JAMES B. KERSTEN

DONALD E. GETTINGS

S-3453 FILED APRIL 8, 1993

DIV. A-LOST, DIV. B-LOST

HOUSE FILE 518

H-3471

Amend the amendment, H-3430, to House File 518 as follows:

1. Page 1, line 15, by inserting after the figure "1994." the following: "The first \$250,000 of savings realized pursuant to this section shall be transferred to the appropriation in section 21, subsection 1, of this Act for provision of community-based services to persons with mental illness, mental retardation, developmental disabilities, and brain injury and shall be distributed to counties as additional funding in accordance with the provisions of that subsection."

By DICKINSON of Jackson
LARKIN of Lee

H-3471 FILED MARCH 25, 1993
ADOPTED

HOUSE FILE 518

H-3472

Amend House File 518 as follows:

1. Page 16, by striking lines 27 through 30 and inserting the following: "appropriated in this section for the contract."

By MURPHY of Dubuque

H-3472 FILED MARCH 25, 1993

MOTION TO SUSPEND RULES LOST

HOUSE FILE 518

H-3473

Amend the amendment, H-3460, to House File 518 as follows:

1. Page 1, by striking lines 5 through 15 and inserting the following: "RESOURCE ALLOWANCE. The minimum community spouse resource allowance amount shall be increased to \$40,000 during the".

By RUNNING of Linn

H-3473 FILED MARCH 25, 1993

ADOPTED

HOUSE FILE 518

H-3905

Amend the Senate amendment, H-3846, to House File 518, as amended, passed, and reprinted by the House, as follows:

- 1. Page 2, by striking lines 45 through 47.
- 2. Page 5, by striking line 44.
- 3. By renumbering as necessary.

By JOCHUM of Dubuque

H-3905 FILED APRIL 13, 1993

WITHDRAWN
4-15-93

SENATE AMENDMENT TO HOUSE FILE 518

H-3846

- 1 Amend House File 518 as amended, passed, and
2 reprinted by the House as follows:
- 3 1. Page 2, line 7, by striking the word "section"
4 and inserting the following: "Act".
- 5 2. Page 3, line 3, by striking the figure
6 "342,812,612" and inserting the following:
7 "342,058,555".
- 8 3. Page 4, by striking lines 30 through 34.
- 9 4. By striking page 4, line 35, through page 5,
10 line 7 and inserting the following:
11 "_____. If the department submits a report to the
12 governor and the legislative fiscal committee which
13 shows that adding a drug to the list of prescription
14 drugs requiring prior authorization under the medical
15 assistance program would maintain the level of quality
16 and access to health care for recipients, the
17 department may include that drug in the list of drugs
18 requiring prior authorization. The report shall be
19 submitted prior to adding a drug to the list and shall
20 provide an analysis of the potential impact on
21 recipient access to prescription drugs, cost offset to
22 be realized from substitution of an alternative drug
23 regimen for the drug proposed for prior authorization,
24 and the potential impact on utilization of other
25 institutional health care resources due to requiring
26 the prior authorization of the drug. Drug selections
27 shall be made by the department with the assistance of
28 the Iowa medicaid drug utilization review commission
29 and in consultation with representatives of consumers,
30 health care providers, and other parties which may be
31 affected by the prior authorization requirements. The
32 department may adopt emergency rules in implementing
33 the provisions of this subsection."
- 34 5. Page 5, line 22, by inserting after the word
35 "care" the following: "and nursing facility
36 providers".
- 37 6. Page 5, line 25, by striking the figure "1994"
38 and inserting the following: "1993".
- 39 7. Page 6, line 35, by striking the word
40 "transfer" and inserting the following: "identify".
- 41 8. Page 7, by striking lines 1 through 3, and
42 inserting the following: "associated with health care
43 provider licensure in an amount necessary to qualify
44 for matching federal medical assistance funding.
45 Those costs".
- 46 9. Page 8, line 10, by striking the figure
47 "13,452,000" and inserting the following:
48 "18,792,860".
- 49 10. Page 8, by striking lines 18 through 31.
- 50 11. Page 9, line 4, by striking the figure

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Page 2

1 "7,486,000" and inserting the following: "7,680,962".

2 12. Page 10, by striking lines 18 through 27, and
3 inserting the following: "by the department in
4 descending order of prioritization as follows:

5 (1) Families who are at or below 100 percent of
6 the poverty level with a child under five years of age
7 in which the parents are employed at least 35 hours
8 per week.

9 (2) Families who are participating in a JOBS
10 program who have a child and who are not eligible for
11 child care assistance under any other criteria.

12 (3) Parents under the age of 21 and who are either
13 employed full-time or part-time, or who are
14 participating in an approved training program, or who
15 are enrolled in an education program.

16 (4) Families who are providing foster care.

17 (5) Families who are at or below 155 percent of
18 the poverty level who have a special needs child.

19 (6) Families who are receiving ADC, who are
20 participating in an approved training program, and who
21 are named on the JOBS waiting list.

22 (7) Families who are at or below 100 percent of
23 the poverty level who have a child under five years of
24 age and who are employed part-time.

25 The department may adopt emergency rules to
26 implement the provisions of this lettered paragraph."

27 13. Page 11, by inserting after line 13 the
28 following:

29 " _____. During the 1993-1994 fiscal year, the
30 department shall utilize the moneys deposited in the
31 child day care credit fund, created in this Act, in
32 descending order of priority as follows:

33 (1) If a federal waiver is granted, to extend
34 transitional child care assistance in accordance with
35 federal requirements and section 239.21, to a period
36 of 24 months from the current period of 12 months.

37 (2) To expand the number of children receiving
38 assistance under the state child care assistance
39 program in accordance with the provisions of
40 subsection 3.

41 (3) To expand the eligibility limit for state
42 child care assistance to be equal to or less than 75
43 percent of the Iowa median family income as provided
44 in subsection 3, paragraph "b".

45 14. Page 12, line 32, by striking the figure
46 "4,422,709" and inserting the following: "4,307,709".

47 15. Page 13, by striking lines 24 through 28.

48 16. Page 15, line 28, by striking the word
49 "Notwithstanding" and inserting the following: "There
50 is appropriated from the general fund of the state to

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Page 3

1 the department of human services for the fiscal year
2 beginning July 1, 1993, and ending June 30, 1994, the
3 following amount, or so much thereof as is necessary,

4 to be used for the purpose designated:

5 For reimbursement of counties for juvenile
6 detention homes in accordance with the provisions of
7 this section:

8 \$ 170,000

9 Notwithstanding".

10 17. Page 15, line 33, by striking the figure
11 "500,000" and inserting the following: "330,000".

12 18. Page 16, line 1, by inserting after the word
13 "used" the following: "in addition to the funds
14 appropriated in this section".

15 19. Page 16, line 4, by inserting after the
16 figure "3." the following: "However, if the funds
17 designated in this section are insufficient to pay ten
18 percent of the total cost of the homes,
19 notwithstanding section 232.142, subsection 3, the
20 state payment shall be less than ten percent and the
21 department shall prorate the state payment as
22 necessary to keep expenditures within the funds
23 designated in this section."

24 20. By striking page 16, line 30 through page 17,
25 line 10 and inserting the following: "not eligible
26 for medical assistance funding. The department shall
work with affected parties in developing the rules
authorized by this subsection."

29 21. Page 27, line 5, by striking the figure
30 "3,740,000" and inserting the following: "3,590,000".

31 22. Page 30, by striking lines 16 through 19 and
32 inserting the following: "assistance to patients
33 being discharged in obtaining eligibility for federal
34 supplemental security income (SSI)."

35 23. Page 33, line 10, by striking the figure
36 "3,531,891" and inserting the following: "4,031,891".

37 24. Page 41, line 29, by striking the figure
38 "4.9" and inserting the following: "4.33".

39 25. Page 42, line 17, by striking the figure
40 "70th" and inserting the following: "69th".

41 26. Page 42, line 19, by inserting after the word
42 "data." the following: "However, to the extent funds
43 are available within the amount projected for
44 reimbursement of nursing facilities within the
45 appropriation for medical assistance in this Act, the
46 department may adjust the maximum medical assistance
47 reimbursement for nursing facilities, not to exceed
48 the 70th percentile, as calculated from the December
49 31, 1993, unaudited compilation of cost and
50 statistical data and the adjustment shall take effect

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1 January 1, 1994."

2 27. Page 42, by striking lines 30 through 34 and
3 inserting the following:

4 "2. a. For the fiscal year beginning July 1,
5 1993, the maximum cost reimbursement rate for
6 residential care facilities reimbursed by the
7 department under the appropriation in this Act for
8 state supplementary assistance shall be \$19.82 per
9 day. The flat reimbursement rate for facilities
10 electing not to file semiannual cost reports shall be
11 \$14.17 per day.

12 b. For the fiscal year beginning July 1, 1993, the
13 maximum cost reimbursement rate for residential care
14 facilities reimbursed by the department which are not
15 subject to paragraph "a" shall be \$19.62 per day. The
16 flat reimbursement rate for facilities electing not to
17 file semiannual cost reports shall be \$14.03 per day.
18 For the".

19 28. Page 44, line 3, by inserting before the word
20 "service" the following: "the following".

21 29. Page 44, line 8, by striking the word
22 "living" and inserting the following: "living: group
23 foster care, purchased family foster care, shelter
24 care, family-centered services, family preservation
25 services, and independent living services.

26 e. The increase in rates provided in paragraph "d"
27 shall apply to shelter care and independent living
28 services through June 30, 1994. However, effective
29 November 1, 1993, the reimbursement rates for group
30 foster care, purchased family foster care, family-
31 centered services, and family preservation services
32 shall be established by the department in accordance
33 with the rules adopted for this purpose pursuant to
34 section 12, subsection 1, relating to the provision of
35 certain child and family services under medical
36 assistance. When the department establishes the
37 rates, the department may also adjust the rates for
38 group foster care maintenance and establish the
39 maximum reimbursement rates for group foster care
40 service and maintenance. Under the new reimbursement
41 rates, the reimbursement rate paid to a group foster
42 care provider for combined service and maintenance
43 shall be at least the reimbursement rate in effect for
44 that provider on October 31, 1993, or \$76.61 per day,
45 whichever is less.

46 f. The rate used by the department for
47 reimbursement of any group foster care provider in the
48 fiscal period beginning July 1, 1993, and ending
49 October 31, 1993, shall be equal to the provider's
50 actual and allowable costs. However, if the

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1 provider's costs are equal to or greater than \$76.61
2 per day, the provider's reimbursement rate shall be
3 equal to \$76.61 per day.

4 g. Child day care providers reimbursed by the
5 department under the certificate program or under a
6 purchase of service contract during the 1992-1993
7 fiscal year, shall have their reimbursement rates
8 increased by 1 percent over the rates in effect on
9 June 30, 1993. However, the department may revise the
10 adjusted rates on or after October 1, 1993, pursuant
11 to the rule changes made by the department in
12 accordance with the provisions of the appropriation in
13 this Act for child day care assistance."

14 30. Page 44, by inserting after line 31, the
15 following:

16 "Sec. ____ . MORATORIUM -- CERTIFICATE OF NEED --
17 INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
18 RETARDED. Beginning July 1, 1993, and ending June 30,
19 1995, the Iowa department of public health shall not
20 process applications for and shall not issue a
21 certificate of need based upon an application for a
22 new institutional health service or changed
23 institutional health service for which a letter of
24 intent was received after April 1, 1993, and for which
25 an application was not received by June 30, 1993, for
26 an intermediate care facility for the mentally
retarded."

27 31. By striking page 44, line 32 through page 45,
28 line 12.

29 32. Page 47, by inserting after line 20 the
30 following:

31 "Sec. ____ . Section 232.141, subsection 8, Code
32 1993, is amended by striking the subsection."

33 33. Page 48, by inserting after line 16 the
34 following:

35 "Sec. ____ . NEW SECTION. 237A.28 CHILD DAY CARE
36 CREDIT FUND.

37 A child day care credit fund is created in the
38 state treasury under the authority of the department
39 of human services. The moneys in the fund shall
40 consist of moneys deposited pursuant to section
41 422.100 and shall be used for child day care services
42 as annually directed by the general assembly."

43 34. Page 48, by striking lines 29 through 32.

44 35. Page 48, by inserting after line 32 the
45 following:

46 "Sec. 150. Section 422.12C, subsection 1,
47 paragraphs f, g, and h, Code 1993, are amended by
48 striking the paragraphs and inserting in lieu thereof
49 the following:

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1 f. For a taxpayer with net income of forty
2 thousand dollars or more, zero percent.
3 Sec. ____ . NEW SECTION. 422.100 ALLOCATION TO THE
4 CHILD DAY CARE CREDIT FUND.

5 The treasurer of state shall credit during the
6 first month of each quarter of each fiscal year to the
7 child day care credit fund created in section 237A.28
8 the sum of six hundred fifty thousand dollars from the
9 individual income tax withholding receipts."

10 36. Page 49, by inserting after line 14, the
11 following:

12 "Sec. ____ . WAIVER -- NURSING HOME PILOT PROJECT.

13 1. The department of human services shall submit a
14 waiver request to the United States department of
15 health and human services as necessary for federal
16 authorization to implement a pilot project to allow
17 two nursing homes, as defined in section 155.1,
18 selected through a request for proposals process to be
19 operated under an alternative plan of operation which
20 is outcome-based and which to the greatest extent
21 possible provides the least restrictive environment
22 for the residents of the nursing home. The waiver
23 shall include a request for suspension of federal
24 regulations which the department identifies as more
25 restrictive than necessary in order to provide a safe
26 and healthy environment for the residents of a nursing
27 home. Following receipt of a waiver, the department
28 of human services shall establish a request for
29 proposals process and shall select two nursing homes
30 to operate under an alternative system based upon
31 criteria and requirements which shall include but are
32 not limited to all of the following:

33 a. The nursing home shall not be subject to the
34 requirements of chapter 135C.

35 b. The department shall adopt rules which
36 establish the minimum requirements for an alternative
37 nursing home including but not limited to the physical
38 structure and services to be provided and the nursing
39 home shall comply with the minimum requirements
40 established.

41 c. The nursing home shall be constructed in
42 compliance with applicable local building code
43 requirements and the rules adopted for the alternative
44 type of facility by the state fire marshal in
45 accordance with the concept of the least restrictive
46 environment for the facility residents.

47 d. The nursing home shall develop and implement a
48 written plan of operation which is outcome-based and
49 which establishes goals for the facility in meeting
50 the outcomes identified. The plan shall include an

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ongoing process for identifying and attaining the outcomes identified. The plan shall also include a method for evaluation of the effect of the alternative form of operation on the quality of life of the residents and the need for alternative methods of staff development and service delivery.

e. The nursing home shall provide for input from the residents regarding the most appropriate environment and services to the residents.

f. The nursing home shall report annually to the department regarding the success of the nursing home in reaching the goals established and regarding recommendations for additional improvements in the structure and operation of the nursing home and the services provided the residents of the facility.

2. The department of human services shall annually report to the senate and house of representatives standing committees on human resources, on the progress of the pilot project and shall include in the report recommendations regarding the use of alternatives to standard nursing homes."

37. Page 49, by inserting after line 16 the following:

"Sec. ____ . Section 252.43, Code 1993, is repealed."

38. Page 50, line 11, by striking the figure "350,000" and inserting the following: "520,000".

39. Page 50, line 19, by inserting after the figure "12." the following: "However, if the funds designated by this section are insufficient to pay ten percent of the total cost of the homes, notwithstanding section 232.142, subsection 3, the state payment shall be less than ten percent and the department shall prorate the state payment as necessary to keep expenditures within the funds designated by this section."

40. Page 50, by inserting after line 27, the following:

"Sec. 100. USE OF CERTAIN FUNDS. Of the funds appropriated pursuant to 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 412, subsection 1, \$290,000 shall be used during the 1992-1993 fiscal year for services provided under the appropriation for community-based programs in 1992 Iowa Acts, chapter 1241, section 15."

41. Page 51, by inserting after line 32 the following:

"____ . Section 150 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 1993, for tax

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Page 3

- 1 years beginning on or after that date."
- 2 42. Page 52, by inserting after line 3, the
- 3 following:
- 4 " . Section 100 of this Act, being deemed of
- 5 immediate importance, takes effect upon enactment and
- 6 applies retroactively to July 1, 1992."
- 7 43. Title page, line 4, by inserting after the
- 8 word "care" the following: "and the child and
- 9 dependent care individual income tax credit".
- 10 44. By renumbering, relettering, or redesignating
- 11 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-3846 FILED APRIL 12, 1993

(P.1320)

House Concurred 4.15.93

HOUSE FILE 518

H-3994

- 1 Amend the Senate amendment, H-3846, to House File
- 2 518, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by striking lines 27 through 44.
- 5 2. Page 5, by striking lines 34 through 43.
- 6 3. By striking page 5, line 45, through page 6,
- 7 line 9.
- 8 4. By striking page 7, line 46, through page 8,
- 9 line 1.
- 10 5. Page 8, by striking lines 7 through 9.

By HANSEN of Woodbury
GILL of Woodbury
MCKINNEY of Dallas

H-3994 FILED APRIL 15, 1993
WITHDRAWN



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

April 26, 1993

RECEIVED

APR 27 83

Legislative Service
Bureau

The Honorable Harold Van Maanen
Speaker of the House
House of Representatives
State Capitol Building
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 518, an act relating to appropriations for the Department of Human Services and the Prevention of Disabilities Policy Council and including other provisions and appropriations involving health care and the child and dependent care individual income tax credit, providing for the application of a civil penalty, providing for effective and applicability dates, and providing for retroactive applicability.

House File 518 is a major accomplishment for this session of the General Assembly. I commend the General Assembly for passing key elements of budget and program reform and generally avoiding the use of budget tactics that in the past have created problems in ensuing years.

The appropriations in this bill reflect landmark policy changes in welfare, Medicaid, child support collections and child welfare. I encourage the General Assembly to complete this work by passing the companion legislation to provide the substantive program language.

The Human Investment Program establishes a contract with welfare recipients that will benefit them and taxpayers. Self-sufficiency agreements will require recipients to assume personal responsibility for getting education or employment to become self-supporting. The state will provide assistance through our child care, medical care, job training, and job placement programs. This legislation provides incentives to save and improve family stability.

For the past five years, Iowa has improved child support collections and significant progress is made in this legislation. Employers reporting new hires, early confirmation of paternity, withholding of child support for the self-employed, and publication of the names of those who owe will increase collections. Additional steps should be approved next year - a centralized lien file so those who owe cannot hide assets and withholding auto registrations from those who don't pay.

The Honorable Harold Van Maanen
April 26, 1993
Page 2

This legislation continues our efforts to reform spending and get control over automatic pilot spending. Medicaid spending reforms included in the bill save over \$3.5 million without reducing necessary care.

The child welfare initiatives contained in the bill redefine services for children in our state by placing greater emphasis on preventing placement of children in institutional care and strengthening services to keep families together and to keep children in a family home.

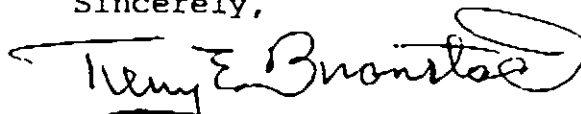
House File 518 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 3, subsection 6, in its entirety. This provision would change the method of determining reimbursements to nursing homes. This proposal should be studied further by the Health Care Reform Council to determine its impact on rural health care.

I am unable to approve the items designated as Section 21, subsections 1 through 3, in their entirety. These provisions include nonappropriation rhetoric concerning human services' field staff caseweight factors. While the bill establishes what are described as "optimum" caseweight levels, the amount of funding provided in the bill falls far short of the funding necessary to support the proposed "optimums". Moreover, the methodology for determining the caseweight factors was developed more than fifteen years ago and is outdated. It reflects none of the increases in productivity that have been made possible through better training and advances in technology. Furthermore, the concept of caseweight factors was established to guide the department in allocating staff across the state, it was not intended to be a mechanism for determining the department's budget.

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 518 are hereby approved as of this date.

Sincerely,



Terry E. Branstad
Governor

TEB/ps

cc: Secretary of State
Chief Clerk of the House
Secretary of the Senate

HOUSE FILE 518

AN ACT

RELATING TO APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES AND THE PREVENTION OF DISABILITIES POLICY COUNCIL AND INCLUDING OTHER PROVISIONS AND APPROPRIATIONS INVOLVING HEALTH CARE AND THE CHILD AND DEPENDENT CARE INDIVIDUAL INCOME TAX CREDIT, PROVIDING FOR THE APPLICATION OF A CIVIL PENALTY, PROVIDING FOR EFFECTIVE AND APPLICABILITY DATES, AND PROVIDING FOR RETROACTIVE APPLICABILITY.

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

Section 1. AID TO FAMILIES WITH DEPENDENT CHILDREN. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For aid to families with dependent children:
..... \$ 43,247,427

1. The department may fund the employee portion of the cash bonus program from unspent funds under the appropriations made in this section.

2. The department shall continue to contract for services in developing and monitoring a demonstration waiver program to facilitate providing assistance in self-employment investment to aid to dependent children families. The demonstration waiver program shall be provided for the fiscal period beginning July 1, 1993, and ending June 30, 1994, or for as long as federal approval of the program continues for the 12 covered counties. Of the funds appropriated in this section, up to \$49,700 shall be used to provide technical assistance for aid to dependent children families seeking self-employment. The technical assistance may be provided through the department or through a contract with the division of job training of the Iowa department of economic development.

3. The department shall apply the self-employment investment demonstration waiver project statewide during the fiscal period delineated in the federal waiver submitted to operate the Iowa Self-employed Household Incentive Program (ISHIP) waiver project statewide, provided training is available to a recipient through a recognized self-employment training program. Of the funds appropriated in this section, up to \$49,700 shall be used to provide technical assistance for AFDC families seeking self-employment and to build the capacity of service providers statewide.

4. The department shall continue the special needs program under the aid to families with dependent children program.

5. Notwithstanding section 239.6, the department is not required to reconsider eligibility of aid to dependent children recipients every six months if a federal waiver is granted.

6. The department may transfer funds appropriated in this Act if any waiver request involving welfare reform is denied by the federal department of health and human services.

Sec. 2. EMERGENCY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and

ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For emergency assistance to families with dependent children under Title IV-A of the federal Social Security Act to match federal funding for homeless prevention programs:
..... \$ 883,750

The emergency assistance provided for in this section shall be available beginning October 1 and shall be provided only if all other publicly funded resources have been exhausted. The emergency assistance includes, but is not limited to, assisting people who face eviction, potential eviction, or foreclosure, utility shutoff or fuel shortage, loss of heating energy supply or equipment, homelessness, utility or rental deposits, or other specified crisis which threatens family or living arrangements. The emergency assistance shall be available to migrant families who would otherwise meet eligibility criteria.

Sec. 3. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:
..... \$342,058,555

1. Medically necessary abortions are those performed under any of the following conditions:

- a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

2. a. The county of legal settlement shall be billed for 50 percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization in accordance with the provision of sections 249A.26 and 249A.27, and for 100 percent of the nonfederal share of the cost of care which is reimbursed under a federally approved home and community-based waiver that would otherwise be approved for provision in an intermediate care facility for the mentally retarded, provided under the medical assistance program for persons with mental retardation, a developmental disability, or chronic mental illness. The state shall have responsibility for the remaining 50 percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization. For persons without a county of legal settlement, the state shall have responsibility for 100 percent of the nonfederal share of the cost of case management provided to adults, day treatment, partial hospitalization, and the home and community-based waiver services.

b. The state shall pay the entire nonfederal share of the costs for case management services provided to persons who are less than 18 years of age and are served under the medical assistance home and community-based waiver program for persons with mental retardation.

c. Medical assistance funding for case management services for eligible persons who are less than 18 years of age shall also be provided to persons residing in counties with decategorization projects, provided these projects have included these persons in their service plan and the decategorization project provides the nonfederal share of costs.

d. Notwithstanding section 8.39, the department may transfer funds appropriated in this section to a separate account established in the department's case management unit for expenditures required to provide case management services under medical assistance for persons with mental illness, mental retardation, or developmental disabilities services which are jointly funded by the state and county, pending final settlement of the expenditures. Funds received by the case management unit in settlement of the expenditures shall be used to replace the transferred funds and are available for the purposes which the funds were appropriated in this section.

3. If the department submits a report to the governor and the legislative fiscal committee which shows that adding a drug to the list of prescription drugs requiring prior authorization under the medical assistance program would maintain the level of quality and access to health care for recipients, the department may include that drug in the list of drugs requiring prior authorization. The report shall be submitted prior to adding a drug to the list and shall provide an analysis of the potential impact on recipient access to prescription drugs, cost offset to be realized from substitution of an alternative drug regimen for the drug proposed for prior authorization, and the potential impact on utilization of other institutional health care resources due to requiring the prior authorization of the drug. Drug selections shall be made by the department with the assistance of the Iowa medicaid drug utilization review commission and in

Veterans

consultation with representatives of consumers, health care providers, and other parties which may be affected by the prior authorization requirements. The department may adopt emergency rules in implementing the provisions of this subsection.

4. The department shall expand the list of over-the-counter drugs covered under the medical assistance program where it is anticipated that such expansion will result in savings to the medical assistance program. The department may adopt emergency rules in order to implement this change.

5. The department shall expand managed care programs within the medical assistance program to increase the enrollment of medical assistance recipients in managed care programs to the extent possible above the current enrollment. The department shall develop cost-effective reimbursement methodologies for the managed care providers under the medical assistance program. The department may adopt emergency rules in order to implement this change.

6. The department in coordination with the Iowa foundation for medical care and nursing facility providers shall develop criteria for medical assistance-eligible nursing facility residents to identify persons with special care needs and persons with minimal care needs. Effective July 1, 1993, nursing facilities shall receive, in addition to their regular medical assistance rate, \$4 per day for each day of care provided to medical assistance-eligible residents meeting special criteria. Additionally, notwithstanding their regular approved medical assistance rate, each nursing facility shall receive a \$4 per day rate reduction for medical assistance-eligible residents with minimal care needs. The department may use up to \$50,000 of the funds appropriated in this section in order to update the facility payment system, which will be necessary to implement this change. The department may adopt emergency rules to implement the provisions of this subsection.

7. The department shall revise the medical assistance payment policy for hospital emergency room services to provide a lower rate of reimbursement for nonemergency services when the referral has been made by a physician. The department may adopt emergency rules in order to implement this change.

8. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409. Of the moneys allocated in this subsection, not more than \$10,000 may be expended for administrative purposes.

9. The department of human services in cooperation with the judicial department shall review and make recommendations to the general assembly by January 1, 1994, regarding the feasibility of receiving additional federal funding under the medical assistance program for adult mental health and substance abuse treatment services.

10. The department shall not promote and shall not discourage the utilization of mail order purchasing of pharmaceuticals under the medical assistance program.

11. The department shall review all claims submitted under court-ordered services provided to juveniles pursuant to section 232.141 and the appropriation in this Act for that purpose to determine the claims' medical assistance eligibility. Any claims eligible for reimbursement under medical assistance shall be submitted for payment under medical assistance, and the nonfederal share of the payment shall be transferred from the appropriation in this Act for court-ordered services provided to juveniles.

12. The department shall determine the portion of the administrative costs associated with health care licensure which can be attributed to medical assistance. The Iowa department of public health shall identify the funds associated with health care provider licensure in an amount

necessary to qualify for matching federal medical assistance funding. Those costs which can be attributed shall be charged to medical assistance and the federal funds received shall be deposited with and used for the purposes of the appropriation made in this section, with the exception of \$115,000 of the funds received which shall be transferred to the child support recovery appropriation under this Act to be used for the purposes of the child support recovery program.

Sec. 4. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:
..... \$ 5,542,950

1. The department shall expand the contract with the Iowa foundation for medical care for drug utilization review under the medical assistance program and shall implement a program of prospective drug utilization review.

2. The department may use not more than \$50,000 of the funds appropriated in this section to contract for services necessary to develop and implement a new system for reimbursing hospitals for outpatient services. The department may adopt emergency rules in order to implement the new system.

3. The department shall continue the point-of-service claims transmission system through the medicaid management information system for the prescription drug component of the medical assistance program and shall seek to implement point-of-service claims processing systems for other components of the medical assistance program.

4. The department may use not more than \$62,500 of the funds appropriated in this section to contract for maximization of the health insurance premium payment (HIPP) program.

Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For state supplementary assistance:

..... \$ 18,792,860

The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement the provisions of this paragraph.

Sec. 6. CHILD DAY CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For protective child day care assistance and state child care assistance:

..... \$ 7,680,962

1. Of the funds appropriated in this section \$3,107,695 shall be used for protective child day care assistance.

2. Of the funds appropriated in this section \$1,437,942 shall be used for state child care assistance.

3. a. The funds appropriated in this section for protective and state child care assistance shall be allocated to the department of human services regions and each region shall distribute the allocation to the counties within the region. If a region determines that a specified portion of the funds provided to a county in that region is sufficient to meet the county's current demand and projected growth, the region may transfer the excess amount of funds to another

county in that region. If the region determines that a specified portion of the funds provided to the region is sufficient to meet the region's current demand and projected growth for the remainder of the fiscal year, the excess amount may be transferred for use in another region.

b. For state child care assistance, eligibility shall be limited to children whose family income is equal to or less than 100 percent of the federal office of management and budget poverty guidelines. However, on or after October 1, 1993, the department may increase the income eligibility limit to be equal to or less than 75 percent of the Iowa median family income. Persons receiving child care assistance on June 30, 1993, shall not be cancelled in the succeeding fiscal year due to the reduction in income guideline from the guideline used in the fiscal year ending June 30, 1993.

c. The department may adopt emergency rules to comply with the federal child care development block grant and federal at-risk child care program; to streamline the existing day care program including but not limited to adopting definitions for units of service, payment rates, and eligibility for services; and to deliver the services within state and federal funds appropriated.

d. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the requirements of this section. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

e. Beginning July 1, 1993, the department shall terminate the use of the child care assistance waiting list established during the fiscal year beginning July 1, 1992. Families who were on the waiting list which continue to require child care assistance may reapply for assistance beginning July 1, 1993, and may receive services based upon the availability of

funding and based upon the prioritization schedule established by the department in descending order of prioritization as follows:

- (1) Families who are at or below 100 percent of the poverty level with a child under five years of age in which the parents are employed at least 35 hours per week.
- (2) Families who are participating in a JOBS program who have a child and who are not eligible for child care assistance under any other criteria.
- (3) Parents under the age of 21 and who are either employed full-time or part-time, or who are participating in an approved training program, or who are enrolled in an education program.
- (4) Families who are providing foster care.
- (5) Families who are at or below 155 percent of the poverty level who have a special needs child.
- (6) Families who are receiving ADC, who are participating in an approved training program, and who are named on the JOBS waiting list.
- (7) Families who are at or below 100 percent of the poverty level who have a child under five years of age and who are employed part-time.

The department may adopt emergency rules to implement the provisions of this lettered paragraph.

4. Of the funds appropriated in this section, \$633,931 is allocated for the statewide program for child day care resource and referral services under section 237A.26.

5. The department may use any of the funds appropriated in this section as matching funds to obtain federal grants for use in expanding child day care assistance and related programs.

6. a. Of the funds appropriated in this section \$350,962 shall be used for transitional child care assistance.

b. Notwithstanding section 239.21, the department of human services shall provide the transitional child care assistance

in accordance with the federal Family Support Act of 1988, Pub. L. No. 100-485, § 302, and applicable federal regulations. Reimbursement for services shall be limited to registered or licensed child day care providers and programs providing care, supervision, or guidance of a child which is excluded under the definition of "child day care" pursuant to section 237A.1, subsection 4.

7. Of the funds appropriated in this section, the department shall use up to \$233,735 to increase the department's staff as necessary to meet federal requirements.

8. During the 1993-1994 fiscal year, the department shall utilize the moneys deposited in the child day care credit fund, created in this Act, in descending order of priority as follows:

(1) If a federal waiver is granted, to extend transitional child care assistance in accordance with federal requirements and section 239.21, to a period of 24 months from the current period of 12 months.

(2) To expand the number of children receiving assistance under the state child care assistance program in accordance with the provisions of subsection 3.

(3) To expand the eligibility limit for state child care assistance to be equal to or less than 75 percent of the Iowa median family income as provided in subsection 3, paragraph "b".

Sec. 7. JOBS PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the federal-state job opportunities and basic skills (JOBS) program, food stamp employment and training program, family development and self-sufficiency grants, and implementing agreements between the department and recipients of aid to dependent children, in accordance with this section:

..... \$ 7,718,000

- 1. Of the funds appropriated in this section, \$4,580,701 is allocated for the JOBS program.
- 2. Of the funds appropriated in this section, \$129,985 is allocated for the food stamp employment and training program.
- 3. The department shall work with family development and self-sufficiency grantees and the state's community action agencies to develop an administrative process for initiatives which generate local funds to match federal funds under the JOBS program in order to expand or to develop additional family development program initiatives.
- 4. Of the funds appropriated in this section, \$779,314 is allocated to the family development and self-sufficiency grant program as provided under section 217.12.
 - a. Not more than 5 percent of the funds allocated in this subsection shall be used for the administration of the grant program.
 - b. Federal funding matched by state, county, or other funding which is not appropriated in this section shall be deposited in the department's JOBS account. If the matching funds are generated by a family development and self-sufficiency grantee, the federal funding received shall be used exclusively to expand the family development and self-sufficiency grant program. If the match funding is generated by another source, the federal funding received shall be used to expand the grant program or the JOBS program. The department may adopt emergency rules to implement the provisions of this paragraph.
 - c. Based upon the annual evaluation report concerning each grantee funded by this allocation, the family development and self-sufficiency council may use funds allocated to renew grants.
- 5. Of the funds appropriated in this section, \$2,228,000 shall be used to implement agreements between the department and recipients of aid to dependent children as a component of a welfare reform initiative.

Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 4,307,709

- 1. The director of human services, within the limitations of the funds appropriated in this section, or funds transferred from the aid to families with dependent children program for this purpose, shall establish new positions and add additional employees to the child support recovery unit if the director determines that the current and additional employees, combined, can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level. If the director adds additional employees, the department shall demonstrate the cost-effectiveness of the current and additional employees by reporting to the joint appropriations subcommittee on human services the ratio of the total amount of administrative costs for child support recoveries to the total amount of the child support recovered.
- 2. Moneys received by the child support recovery program through a transfer of federal funds received through the attribution to medical assistance of administrative costs associated with health care licensure, are appropriated and shall be used for the purposes of the child support recovery program. The director of human services may add additional positions if moneys transferred are sufficient to pay the salaries and support for the positions. The director shall report any new positions added pursuant to this subsection to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

3. The director of human services, in consultation with the department of management and the legislative fiscal committee, may receive and deposit state child support incentive earnings in the manner specified under applicable federal requirements.

4. The director of human services may establish new positions and add additional state employees to the child support recovery unit if the director determines the employees are necessary to replace county-funded positions eliminated due to termination, reduction, or nonrenewal of a chapter 28E contract. However, the director must also determine that the resulting increase in the state share of child support recovery incentives exceeds the cost of the positions, the positions are necessary to ensure continued federal funding of the program, or the new positions can reasonably be expected to recover more than twice the amount of money to pay the salaries and support for the new positions.

5. The child support recovery unit shall, in cooperation with the judicial department, determine the feasibility of a pilot project utilizing a court-appointed referee for judicial determinations on child support matters. The provisions of this subsection shall apply only if the 75th General Assembly, 1993 Session, enacts legislation allowing for the court appointment of a referee for child support matters, and if funding can be identified through existing appropriations or nonstate general fund sources. If these conditions are met, a pilot project may be implemented during the 1993-1994 fiscal year. The extent and location of any pilot project shall be jointly developed by the judicial department and the child support recovery unit.

6. Funding is provided within this appropriation for expenses relating to a child support public awareness campaign. The department shall transfer \$50,000 to the office of the attorney general and the department and the attorney general shall cooperate as necessary for continuation of the campaign.

Sec. 9. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the operation of the state training school and the Iowa juvenile home, including salaries, support, maintenance, and miscellaneous purposes:

For the state juvenile institutions:
..... \$ 12,615,714

1. The following amount of the funds appropriated in this section is allocated for the Iowa juvenile home at Toledo:
..... \$ 4,683,351

2. The following amount of the funds appropriated in this section is allocated for the state training school at Eldora:
..... \$ 7,932,363

3. During the fiscal year beginning July 1, 1993, the population levels at the state juvenile institutions shall not exceed the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21.

4. Each state juvenile institution shall apply for adolescent pregnancy prevention grants.

5. Within the funds appropriated in this section, the department may reallocate funds as necessary to fulfill the needs of the institutions provided for in this appropriation.

6. The department shall report to the legislative fiscal bureau, on or before the twentieth day of each month, the department's current expenditures for the institutions receiving allocations under this appropriation. The report shall include a comparison of actual to budgeted expenditures for each institution.

Sec. 10. JUVENILE DETENTION HOMES -- FISCAL YEAR 1994. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning

July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For reimbursement of counties for juvenile detention homes in accordance with the provisions of this section:
..... \$ 170,000

Notwithstanding sections 8.33 and 8.39, of the funds appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, for reimbursement of counties for juvenile detention homes, pursuant to 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 408, \$330,000 shall not revert to the general fund of the state on June 30, 1993, but shall remain available in the fiscal year beginning July 1, 1993, and shall be used in addition to the funds appropriated in this section for state payment of financial aid of ten percent of the total cost of county or multicounty juvenile detention homes in accordance with the provisions of section 232.142, subsection 3. However, if the funds designated in this section are insufficient to pay ten percent of the total cost of the homes, notwithstanding section 232.142, subsection 3, the state payment shall be less than ten percent and the department shall prorate the state payment as necessary to keep expenditures within the funds designated in this section.

Sec. 11. CHILD AND FAMILY SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:
..... \$ 67,538,435

1. Upon receipt of federal approval, the department shall add family-centered services, family preservation, treatment foster care, and group care services to the medicaid state

plan, utilizing the early and periodic screening, diagnosis, and treatment (EPSDT) authority provided by the federal government. The department may transfer moneys appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under medical assistance which are provided to children who would otherwise receive services paid under this appropriation. The department may adopt emergency rules to implement the provisions of this subsection. The rules may include, but are not limited to, the development of program descriptions, provider certification standards, cost principles, rate-setting, contract requirements, clinical assessment and consultation team standards, service necessity criteria, claims submission requirements, and program accountability standards for program components included in the medical assistance state plan and for program components not eligible for medical assistance funding. The department shall work with affected parties in developing the rules authorized by this subsection.

2. The department may transfer funds appropriated in this section to the appropriations in this Act for general administration and to field operations for resources necessary to develop, implement, and operate the initiative in subsection 1.

3. The department may adopt emergency rules if the department secures additional nonstate funding for child and family services for which a state appropriation is provided. If the funding is available, the department may transfer moneys appropriated in this Act as necessary to pay the nonfederal share of the costs of services reimbursed under a federal program which are provided to children who would otherwise receive services paid under this appropriation.

4. Of the funds appropriated in this section, up to \$629,918 may be used to develop and maintain the state's implementation of the national adoption and foster care information system pursuant to the requirements of Pub. L. No.

99-509. In developing the system the department shall involve representatives of the court, service providers, advocates, and other persons interested in the adoption and foster care process. The department may transfer funds as necessary to implement this subsection to the appropriations in this Act for field operations and general administration.

5. The department shall draw from the reasonable efforts model court project in continuing training seminars for child welfare practitioners throughout the state on the use of reasonable efforts to prevent or eliminate the need for removal of a child from the child's home. In addition, the department shall draw upon the reasonable efforts model court project in working with the supreme court to provide ongoing instruction and technical assistance in selected counties in the state concerning application of reasonable efforts. Counties shall be selected by targeting those with a high rate of placement of children outside the children's homes. The recipients of technical assistance shall include court officials, department of human services referral workers, and child welfare service providers. Trainers shall include respected peers and colleagues of the training recipients. The department shall use up to \$49,922 of the funds appropriated in this section for the contract. The department shall seek assistance from the national conference of state legislatures and private foundations in implementing the provisions of this subsection.

6. The department shall incorporate family-centered approaches to serving families into the department's general child welfare training for all child welfare workers. The training shall include an introduction to family preservation and family-centered services and these services' usages as alternatives to out-of-home care. In addition, the department shall develop specific training concerning these services for workers who are involved with referrals of children to foster care. The department shall work with the judicial department

to make the training applicable and available to court officers involved with referrals of children to foster care. In developing the training, the department shall seek assistance from the child welfare league of America and the national association of family-based services and shall draw from successful initiatives used in other states. In implementing the provisions of this subsection, the department may use up to \$87,364 of the funds appropriated in this section.

7. Of the funds appropriated in this section, not more than \$3,000,000 may be used for services to families of children with mental retardation or other developmental disabilities, who would otherwise enter or continue group foster care.

8. a. Of the funds appropriated in this section, up to \$21,161,299 is allocated for group foster care maintenance and services. For the fiscal year beginning July 1, 1993, the statewide target, as provided for in section 232.143, for the average number of children placed in group foster care on any day of the fiscal year which are a charge upon or are paid for by the state, shall be 1,350. Notwithstanding the statewide target established in this subsection and sections 232.52, 232.102, 232.117, 232.127, and 232.182, a target established in a region's group foster care plan pursuant to section 232.143 may be exceeded, a group foster care placement may be ordered, and state payment may be made if a clinical assessment and consultation team finds that the placement is necessary to meet the child's service needs. If the daily average target established in a region's group foster care plan is exceeded, the department and courts in that region shall refer at least five percent of the region's group foster care placements to a clinical assessment and consultation team to determine if an alternative service would meet the child's service needs and to assist the region in reducing the number of children in group foster care to the regional target within

45 days from the date the target was exceeded. The department and the courts shall work together to ensure that a region's group foster care expenditures shall not exceed the funds allocated to the region for group foster care in the 1993-1994 fiscal year. The department may adopt emergency rules in order to implement the provisions of this paragraph.

b. Notwithstanding the formula specified in section 232.143, subsection 1, the department and the judicial department shall develop a formula for allocating a portion of the statewide target to each of the department's regions based on factors determined by the department and the judicial department which may include but are not limited to historical usage of group foster care beds and indicators of need for group foster care placements. The formula shall be established by May 1, 1993. The department may adopt emergency rules in order to implement the provisions of this paragraph.

c. The department shall report quarterly to the legislative fiscal bureau concerning the status of each region's efforts to limit the number of group foster care placements in accordance with the regional plan established pursuant to section 232.143.

d. The reimbursement rates paid for placement of children out-of-state shall not exceed the maximum reimbursement rate established by the general assembly for group foster care placements in this state unless the director determines that appropriate care cannot be provided within the state. The department shall adopt emergency rules defining the criteria and process for making the determination of need for out-of-state care.

e. The plans developed by the department and the juvenile court pursuant to section 232.143 for containing the number of children placed in group foster care shall ensure that, effective November 1, 1993, all potential group foster care referrals are reviewed by a clinical assessment and

consultation team prior to submission of a recommendation for group foster care placement to the court. Prior to November 1, 1993, all group foster care referrals shall be reviewed jointly by a team that includes representatives appointed by the department and the juvenile court.

9. Not more than 25 percent of the children placed in foster care funded under the federal Social Security Act, Title IV-E, shall be placed in foster care for a period of more than 24 months.

10. The department shall continue to contract for a statewide system for recruiting, retaining, and supporting foster care families consistent with the recommendation of the department's family foster care advisory committee. The department may continue the contract initiated in the fiscal year beginning July 1, 1992, if defined goals have been achieved. The department shall involve the family foster care advisory committee in overseeing the work of the contractor, and further defining needs in the system. The department shall also involve the committee in seeking new financial support for enhancing the family foster care system, including government and foundation grants.

11. In accordance with the provisions of section 232.188, the department shall continue the demonstration program to decategorize child welfare services in the five counties in which the program has commenced. The department may approve additional applications from a county or cluster of counties to initiate a demonstration program provided the department, the boards of supervisors in the counties, and the affected judicial districts agree to implement the program. The schedule for implementing the demonstration program in additional counties shall provide that the program be implemented on or after January 1, 1994. The department shall establish for the demonstration program counties a child welfare fund composed of all or part of the amount that would otherwise be expected to be used for residents of the counties

for foster care, child and family services, family-centered services, subsidized adoption, child day care, local purchase portion of the mental health, mental retardation, developmental disabilities, and brain injury community services appropriated in this Act, state juvenile institution care, mental health institute care, state hospital-school care, juvenile detention, department-direct services, and court-ordered evaluation and treatment of juvenile services. Notwithstanding any other provision of law, the fund shall be considered encumbered for purposes of section 8.33. Notwithstanding other service funding provisions in law, the department shall establish the fund by transferring funds from the budgets affected, except for the funds appropriated for the state mental health institutes, the state hospital-schools, the state training school, and the Iowa juvenile home which shall remain on account for the county at these institutions. By June 15 preceding the fiscal year, the department shall inform each demonstration program county of the estimated amount that will be available in the county's child welfare fund and on account at the institutions for that county during the ensuing fiscal year. The department shall confirm each county's budgeted amount by October 1 of the fiscal year. A limited amount of the fund may be used to support services and reimbursement rates not allowable within historical program or service categories and administrative rules. In addition, a limited amount of the child welfare fund may be used for emergency family assistance to provide resources for a family to remain together or to be unified. The demonstration program shall be designed to operate in a county for a three-year period. The three-year time period for a decategorization project shall be considered to begin on January 1 in the first year following the year in which the county's decategorization project was approved by the department.

12. Of the funds appropriated in this section, up to \$520,324 is allocated for continued foster care services to a child who is 18 years of age or older in accordance with the provisions of section 234.35, subsection 4, paragraph "c". The department shall distribute the moneys allocated in this subsection to the departmental regions based on each region's proportion of the total number of children placed in foster care on March 31 preceding the beginning of the fiscal year, who, during the fiscal year would no longer be eligible for foster care due to age. The department may adopt administrative rules to implement the provisions of this subsection.

13. The provisions of this section continue a significant change in state policy involving child welfare. In order to determine whether the change in policy has the intended effect and to provide information for future decision making, adequate information is required. During the fiscal period of this appropriation, the department, in coordination with the legislative fiscal bureau and the judicial department, shall continue to track those out-of-home placements of children in which the state or a county is financially involved. The tracking information shall be submitted quarterly to the governor, the chairpersons and ranking members of the joint appropriations subcommittee on human services, and the legislative fiscal bureau and shall include all of the following information:

a. The number of placements of children within each of the following age ranges: 0 through 5; 6 through 10; 11 through 15; and 16 through 21.

b. The number of children placed in each of the following: family foster care, group foster care, state training school, Iowa juvenile home, psychiatric medical institutions for children (PMICs), residential substance abuse treatment programs, hospitals for acute psychiatric care, state mental health institutes, shelter care, juvenile detention, adult

correctional facilities, state hospital-schools, intermediate care facilities for the mentally retarded (ICF/MR), and residential care facilities for the mentally retarded (RCF/MR).

14. The amount of the appropriation made in this section available for foster care is based upon expansion of the number of children in foster care who are eligible for federal supplemental security income (SSI). The department may use up to \$300,000 of this appropriation to enter into a performance-based contract to secure SSI benefits for children placed in foster care. The contract shall include provisions for training of department of human services and juvenile court staff, completion of applications, tracking of application results, and representation during the appeals process whenever an appeal is necessary to secure SSI benefits. Notwithstanding section 217.30 and section 232.2, subsection 11, and any other provision of law to the contrary, the custodian of a child in foster care may release medical, mental health, substance abuse, or any other information necessary only to determine the child's eligibility for SSI benefits, and may sign releases for the information. In any release of information made pursuant to this subsection, confidentiality shall be maintained to the maximum extent possible.

15. A limited amount of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project to stay together or to be reunified.

16. Notwithstanding section 234.35, subsection 1, state funding for shelter care paid pursuant to section 234.35, subsection 1, shall be limited to \$6,889,756. The department may adopt emergency rules to implement the provisions of this subsection.

17. Of the funds appropriated in this section, up to \$720,213 may be used as determined by the department for any of the following purposes:

a. For general administration of the department to improve staff training efforts.

b. For oversight of termination of parental rights and permanency planning efforts on a statewide basis on the condition that regular reports regarding the statewide program efforts shall be provided to the legislative fiscal bureau.

c. For use by the department in general administration to promote innovative treatment programs, write grants to obtain federal and private funding, and promote public and private efforts to treat and prevent child abuse.

d. For personnel, assigned by the attorney general, to provide additional services relating to termination of parental rights and child in need of assistance cases.

e. For funding of the state multidisciplinary team to assist with difficult cases within the child abuse and foster care system and with respect to child protective investigation and initial case planning and to develop and coordinate local multidisciplinary teams.

f. For use by the department in conducting outcome-oriented evaluations of child protection, prevention, and treatment programs.

g. For specialized foster care permanency planning field operations staff.

18. Moneys appropriated in 1992 Iowa Acts, chapter 1241, section 12, subsection 12, for wrap-around services remaining unexpended on June 30, 1993, shall be considered encumbered for purposes of section 8.33, and shall be used to provide wrap-around services or support funds as provided in this subsection in fiscal year 1993-1994. The moneys shall be used by each region to reduce the number or length of group foster care placements from that region. For the purposes of this subsection, "wrap-around services or support funds" means

individualized and community-based services or support funds for children and families which enable group foster care placement to be prevented or the length of stay reduced. The department shall establish flexible approval and payment mechanisms for this pilot project. Notwithstanding section 232.187, each department region shall establish procedures for developing and approving the use of wrap-around services or support funds. The department may adopt emergency rules to implement the provisions of this subsection.

19. The department shall develop at least 30 contract family foster care homes for children who present severe emotional or behavioral management problems who might otherwise be placed in group foster care. The funding for the development and implementation of these homes shall include up to \$750,000 of the funds encumbered under 1992 Iowa Acts, chapter 1241, section 12, subsection 9, which for purposes of section 8.33 shall remain available for expenditure during the 1993-1994 fiscal year. Contracts shall provide that the family receives a certain fixed payment regardless of placements, and shall specify that at least one parent shall generally be available in the home 24 hours a day in order to provide intensive and consistent structure and therapeutic intervention, and to respond to crises. Each home shall serve a maximum of three children.

Sec. 12. COMMUNITY-BASED PROGRAMS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For community-based programs, on the condition that family planning services are funded, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 1,624,226

1. Of the funds appropriated in this section, \$652,451 shall be used for adolescent pregnancy prevention grants. The

department may use a limited amount of the funds appropriated in this subsection for administrative costs.

2. Of the funds appropriated in this section, \$532,789 shall be used by the department for child abuse prevention grants.

Sec. 13. COURT-ORDERED SERVICES PROVIDED TO JUVENILES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

Payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141, subsection 4:
..... \$ 3,590,000

1. Notwithstanding section 232.141 or any other provision of law, the funds appropriated in this section shall be allocated to the judicial districts as determined by the state court administrator. The state court administrator shall make the determination on the allocations on or before June 15 of each fiscal year.

2. a. Each judicial district shall continue the planning group for the court-ordered services for juveniles provided in that district which was established pursuant to 1991 Iowa Acts, chapter 267, section 119. A planning group shall continue to perform its duties as specified in that law. Reimbursement rates for providers of court-ordered evaluation and treatment services paid under section 232.141, subsection 4, shall be negotiated with providers by each judicial district's planning group.

b. Each district planning group shall submit an annual report in January to the state court administrator and the department of human services. The report shall cover the preceding fiscal year and shall include a preliminary report on the current fiscal year. The administrator and the

department shall compile these reports and submit the reports to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

3. The department of human services shall develop policies and procedures to ensure that the funds appropriated in this section are spent only after all other reasonable actions have been taken to utilize other funding sources and community-based services. The policies and procedures shall be designed to achieve the following objectives relating to services provided under chapter 232:

- a. Maximize the utilization of funds which may be available from the medical assistance program including usage of the early and periodic screening, diagnosis, and treatment (EPSDT) program.
- b. Recover payments from any third-party insurance carrier which is liable for coverage of the services, including health insurance coverage.
- c. Pursue development of agreements with regularly utilized out-of-state service providers which are intended to reduce per diem costs paid to those providers.

4. The department of human services, in consultation with the state court administrator and the judicial district planning groups, shall compile a monthly report describing spending in the districts for court-ordered services for juveniles, including the utilization of the medical assistance program. The reports shall be submitted on or before the twentieth day of each month to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

5. Notwithstanding chapter 232 or any other provision of law, a district or juvenile court in a department of human services region shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered services funds available in the

regional allocation to pay for the service. The chief juvenile court officer in cooperation with the judicial district planning group shall encourage use of the funds appropriated in this section such that there are sufficient funds to pay for all court-related services during the entire year. The eight chief juvenile court officers shall attempt to anticipate potential surpluses and shortfalls in the allocations and shall cooperatively request the state court administrator to transfer funds between the districts' allocations, as prudent.

6. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

7. Of the funds appropriated in this section, up to \$200,000 may be used by the judicial department for administration of the requirements under this section and for travel associated with court-ordered placements which are a charge upon the state pursuant to section 232.141, subsection 4.

8. The department of human services shall identify services funded under the appropriation which are eligible for funding under medical assistance pursuant to the early and periodic screening, diagnosis, and treatment initiative implemented in the appropriation in this Act for child and family services. Identified services shall be included in the initiative and moneys appropriated in this section may be transferred as necessary to pay the nonfederal share of the costs of the services.

Sec. 14. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the state mental health institutes for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 42,043,149

1. The funds appropriated in this section are allocated as follows:

a. State mental health institute at Cherokee:

..... \$ 14,251,852

b. State mental health institute at Clarinda:

..... \$ 5,987,667

c. State mental health institute at Independence:

..... \$ 16,976,476

d. State mental health institute at Mount Pleasant:

..... \$ 4,827,154

2. The department may reallocate funds appropriated in this section as necessary to fulfill the needs of the institutions provided for in this appropriation.

3. The department shall report to the legislative fiscal bureau, on or before the twentieth day of each month, the department's current expenditures for the institutions receiving allocations in this appropriation. The report shall include a comparison of actual to budgeted expenditures for each institution.

4. As part of the discharge planning process at the state mental health institutes, the department shall provide assistance to patients being discharged in obtaining eligibility for federal supplemental security income (SSI).

Sec. 15. HOSPITAL-SCHOOLS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the state hospital-schools, for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 66,254,348

1. The funds appropriated in this section are allocated as follows:

a. State hospital-school at Glenwood:

..... \$ 35,798,473

b. State hospital-school at Woodward:

..... \$ 30,455,875

2. The department may reallocate funds appropriated in this section as necessary to fulfill the needs of the institutions provided for in this appropriation.

3. The department shall report to the legislative fiscal bureau, on or before the twentieth day of each month, the department's current expenditures for the institutions receiving allocations under this appropriation. The report shall include a comparison of actual to budgeted expenditures for each institution.

Sec. 16. MENTAL HEALTH -- MENTAL RETARDATION -- DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health, mental retardation, and developmental disabilities special services:

..... \$ 370,069

1. The department and the Iowa finance authority shall develop methods to implement the financing for existing community-based facilities and to implement financing for small community-based facilities, including those facilities which may be developed under a federally approved home and community-based waiver for services provided under the medical assistance program. The department shall develop criteria for these facilities which may include provisions to restrict placements to current state hospital-school clients or to avert the placement of persons in a state hospital-school.

The department shall assure that clients are referred to these facilities upon development of the facilities.

2. Of the funds appropriated in this section, \$248,862 is allocated to provide supplemental per diems to community-based residential care facilities and community living arrangements. The per diem is restricted to clients placed from the state hospital-schools and persons averted from placement in a state hospital-school who meet the appropriate level of functioning for this type of care.

3. Of the funds appropriated in this section, \$121,207 is allocated to provide funds for construction and start-up costs to develop community living arrangements for persons who are mentally ill and homeless. The funds may be used to match federal Stewart B. McKinney Homeless Assistance Act grant funds.

Sec. 17. FAMILY SUPPORT SUBSIDY PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program:
..... \$ 1,050,000

Sec. 18. SPECIAL NEEDS GRANTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To provide special needs grants to families with a family member at home who has a developmental disability or to a person with a developmental disability:
..... \$ 53,212

Grants must be used by a family to defray special costs of caring for the family member to prevent out-of-home placement of the family member or to provide for independent living

costs. A grant may provide up to \$5,000 per person for costs associated with an assistive animal. The grants may be administered by a private nonprofit agency which serves people statewide provided that no administrative costs are received by the agency. Regular reports regarding the special needs grants with the family support subsidy program and an annual report concerning the characteristics of the grantees shall be provided to the legislative fiscal bureau.

Sec. 19. MI/HR/DD STATE CASES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purchase of local services for persons with mental illness, mental retardation, and developmental disabilities where the client has no established county of legal settlement:
..... \$ 4,031,891

Sec. 20. MENTAL ILLNESS -- MENTAL RETARDATION -- DEVELOPMENTAL DISABILITIES -- BRAIN INJURY -- COMMUNITY SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental illness, mental retardation, developmental disabilities, and brain injury community services in accordance with the provisions of this Act:
..... \$ 28,708,109

1. Of the funds appropriated in this section, \$15,639,333 shall be allocated to counties for funding of community-based mental illness, mental retardation, developmental disabilities, and brain injury services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county's proportion of the state's general population.

2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with mental illness, mental retardation, developmental disability, and brain injury. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. For each fiscal year, a county shall use at least 50 percent of the funding the county receives pursuant to subsection 1 for the contemporary services.

c. The mental health and mental retardation commission shall adopt rules pursuant to chapter 17A describing the contemporary services. The commission may adopt emergency rules to implement this subsection.

3. Of the funds appropriated in this section, \$30,000 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4. The department shall submit an annual report concerning each population served and each service funded in this section to the chairpersons and ranking members of the joint appropriations subcommittee on human services and the legislative fiscal bureau.

5. a. Provision of funding under subsection 1 is contingent upon a county participating in the county's mental illness, mental retardation, developmental disabilities, and brain injury (MI/MR/DD/BI) planning councils established pursuant to 1992 Iowa Acts, chapter 1241, section 25, subsection 4. However, a planning council's planning area shall utilize the borders of the county clusters established

by the department in accordance with section 217.42 or include a population of at least 40,000 and include counties with a historical pattern of cooperation in providing MI/MR/DD/BI services.

b. A planning council shall develop plans for the provision of services for the fiscal year beginning July 1, 1994, for persons with MI/MR/DD/BI in the county or counties comprising the planning council.

c. County MI/MR/DD/BI expenditure reports for the prior fiscal year are due to the department on October 15 of each year. The county MI/MR/DD/BI plan for the fiscal year beginning July 1, 1994, is due to the department April 1, 1994.

d. If a county has not established or is not affiliated with a community mental health center under chapter 230A, the county shall expend a portion of the money received under this appropriation to contract with a community mental health center to provide mental health services to the county's residents. If such a contractual relationship is unworkable or undesirable, the mental health and mental retardation commission may waive the expenditure requirement. However, if the commission waives the requirement, the commission shall address the specific concerns of the county and shall attempt to facilitate the provision of mental health services to the county's residents through an affiliation agreement or other means. The mental health and mental retardation commission shall adopt emergency rules to implement the provisions of this section.

e. (1) A county is entitled to receive moneys under this appropriation if the county raised by county levy and expended for mental health, mental retardation, and developmental disabilities services, in the preceding fiscal year, an amount at least equal to the amount so raised and expended for those purposes during the fiscal year beginning July 1, 1980. The mental health and mental retardation commission shall adopt emergency rules to implement the provisions of this section.

(2) With reference to the fiscal year beginning July 1, 1980, money "raised by county levy and expended for mental health, mental retardation, and developmental disabilities services" means the county's maintenance of effort determined by using the general allocation application for the state community mental health and mental retardation services fund under section 225C.10, subsection 1, Code 1993. The department, with the agreement of each county, shall establish the actual amount expended by each county for persons with mental illness, mental retardation, or a developmental disability in the fiscal year beginning July 1, 1980, and this amount shall be deemed each county's maintenance of effort.

6. a. Of the funds appropriated in this section, \$13,038,776 is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with eligibility guidelines established in the department's rules outlining general provisions for service administration. Services eligible for payment with funds allocated in this subsection are limited to any of the following which are provided in accordance with the department's administrative rules for the services: community supervised apartment living arrangements, residential services for adults, sheltered work, supported employment, supported work training, transportation, work activity, administrative support for volunteers, adult day care, adult support, and family-centered services. The department may adopt emergency rules to increase the eligibility guidelines by the same percentage and at the same time as federal social security benefits are increased due to a recognized increase in the cost of living.

c. In purchasing services with funds allocated in this subsection, a county shall designate a person to provide for eligibility determination and development of a case plan for

individuals for whom the services are purchased. The designated person shall be a medical assistance case manager serving the person's county of residence. If an individual does not have a case manager, the individual's eligibility shall be determined by a social services caseworker of the department serving the individual's county of residence. The case plan shall be developed in accordance with the department's rules outlining general provisions for service administration.

d. Services purchased with funds allocated in this subsection must be the result of a referral by the person who identified the services in developing the individual's case plan.

e. Services purchased with funds allocated in this subsection must be under a purchase of service contract established in accordance with the department's administrative rules for purchase of service.

f. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase services in the preceding fiscal year.

The mental health and mental retardation commission may adopt emergency rules to implement the provisions of this lettered paragraph.

g. Each county shall submit to the department a plan for funding of the services eligible for payment under this subsection. The plan may provide for allocation of the funds for one or more of the eligible services. The plan shall identify the funding amount the county allocates for each service and the time period for which the funding will be

available. Only those services which have funding allocated in the plan are eligible for payment with funds provided in this subsection.

h. A county shall provide advance notice to the individual receiving services, the service provider, and the person responsible for developing the case plan of the date the county determines that funding will no longer be available for a service.

i. Moneys allocated to a county pursuant to paragraph "f" shall be provided to the county as claims are submitted to the state.

j. The moneys provided in this subsection do not establish an entitlement to the services funded in this subsection.

7. The department shall apply for grants to establish pilot projects for placements of geriatric patients who have a mental illness. Any grant received may be used by the department to fund a coordinator to work with hospitals and nursing homes concerning placements of geriatric patients who have a mental illness.

Sec. 21. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 35,980,389

1. The general assembly finds the following concerning department of human services' field staff casework factors used to measure the number and difficulty of cases assigned to individual social workers and income maintenance workers:

a. If workers carry a casework factor which is too high, the workers will be unable to do their jobs effectively. A high casework factor indicates that a worker is likely to be overworked and will not have time to deal with a client's needs beyond the task of completing necessary paperwork.

b. Clients present serious problems which require sensitivity, time, and experience to adequately address. The problems encountered by workers include family violence, child abuse, neglect, incest, isolation and illness, homelessness, and disabilities. Workers are expected to effectively relate to persons of all ages, incomes, and backgrounds. A worker's ability to effectively respond to clients and client problems is adversely affected by an excessive casework level.

c. Excessive casework factor levels contribute to high turnover in the field staff positions and to administrative delays in replacing vacant positions, resulting in further increases in casework factors.

d. Excessive casework factor levels may create delays in service delivery causing clients to seek services from counties under general relief in order to receive assistance in a timely manner. Increases in general relief result in additional demands upon property taxes.

e. Beginning with the 1989-1990 fiscal year, the general assembly has appropriated funding and authorized full-time equivalent positions for field staff based upon casework factor levels stated in statute. Funding was appropriated in each of the years in order that sufficient staff persons were to be employed to achieve the stated casework factor levels. However, in each fiscal year in which the casework factor levels were stated, insufficient numbers of persons were employed and as a result the stated casework factor levels were not met.

f. As of February 1993, the casework factor levels for income maintenance workers and social workers exceed the levels stated in statute and the funding appropriated to achieve the stated levels has not been expended as intended. As a result, the casework factor levels have become too high for workers to effectively perform their duties.

2. The general assembly finds that the optimum casework levels for department of human services' field staff according

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to the last comprehensive analysis of the levels, is 145 for income maintenance workers and 130 for social workers. Federal courts have mandated in other states the maximum number of cases per foster care field worker the state government agencies are allowed to manage. In addition, the child welfare league of America (CWLA) has published guidelines for caseloads for various field service positions. Both the court-ordered caseloads and the CWLA guideline caseloads are lower than those caseloads borne by comparable positions in this state.

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3. The departments of human services, management, and personnel shall take every action necessary to fill vacant positions in a manner so as to reduce department of human services' field staff caseweight factor levels closer to the optimum levels. The actions shall include, but are not limited to, expedited hiring and training processes and restructuring jobs and workloads to improve the manageability of caseloads.

Sec. 22. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 9,097,174

Of the funds appropriated in this section, \$57,094 shall be transferred to the prevention of disabilities policy council established in section 225B.3.

Sec. 23. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

..... \$ 85,793

Sec. 24. "X-PERT" PUBLIC ASSISTANCE BENEFIT ELIGIBILITY DETERMINATION SYSTEM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the development costs of the "X-PERT" knowledge-based computer software package for public assistance benefit eligibility determination, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 774,645

Sec. 25. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. For the fiscal year beginning July 1, 1993, the department of human services may allocate any increases for durable medical products and supplies so that equipment and supplies which have greater wholesale cost increases may be reimbursed at a higher rate and those which have a lower or no wholesale cost increase may be reimbursed at a lower rate or have no increase.

b. For the fiscal year beginning July 1, 1993, providers of obstetric services when provided by physicians or certified nurse-midwives shall have their medical assistance reimbursement rates increased by 10 percent over the rates in effect on June 30, 1993.

c. For the fiscal year beginning July 1, 1993, early and periodic screening, diagnosis, and treatment reimbursements for screening services under the medical assistance programs shall be increased by 50 percent over the rates in effect on June 30, 1993.

d. For the fiscal year beginning July 1, 1993, facilities certified as skilled nursing facilities pursuant to the federal medicare repayments shall have their medical

assistance rates increased by 4.33 percent over the rate in effect on June 30, 1993.

e. The dispensing fee for pharmacists shall remain at the rate in effect on June 30, 1993. The reimbursement policy for drug product costs shall be in accordance with federal requirements.

f. Reimbursement rates for in-patient hospital services shall be increased by an average of 5.5 percent over the rates in effect on June 30, 1993, in conjunction with the rebasing and recalibration of the diagnosis-related groups. Reimbursement rates for out-patient services shall remain according to the federal Medicare methodology until implementation of the new methodology referenced in the appropriation in this Act for medical contracts.

g. Reimbursement rates for rural health clinics shall be increased in accordance with increases under the federal medicare program.

h. Home health agencies certified for the federal medicare program, hospice services, and acute care mental hospitals shall be reimbursed for their current federal Medicare audited costs.

i. The basis for establishing the maximum medical assistance reimbursement rate for nursing facilities shall be the 69th percentile of facility costs as calculated from the June 30, 1993, unaudited compilation of cost and statistical data. However, to the extent funds are available within the amount projected for reimbursement of nursing facilities within the appropriation for medical assistance in this Act, the department may adjust the maximum medical assistance reimbursement for nursing facilities, not to exceed the 70th percentile, as calculated from the December 31, 1993, unaudited compilation of cost and statistical data and the adjustment shall take effect January 1, 1994.

j. The department may revise the fee schedule used for physician reimbursement.

k. Federally qualified health centers shall be reimbursed at 100 percent of reasonable costs as determined by the department in accordance with federal requirements.

1. The department shall review and utilize small area analysis to identify differences in utilization of physician and hospital services. In addition, the department shall identify incentives to reward efficient, effective, and quality care.

2. a. For the fiscal year beginning July 1, 1993, the maximum cost reimbursement rate for residential care facilities reimbursed by the department under the appropriation in this Act for state supplementary assistance shall be \$19.82 per day. The flat reimbursement rate for facilities electing not to file semiannual cost reports shall be \$14.17 per day.

b. For the fiscal year beginning July 1, 1993, the maximum cost reimbursement rate for residential care facilities reimbursed by the department which are not subject to paragraph "a" shall be \$19.62 per day. The flat reimbursement rate for facilities electing not to file semiannual cost reports shall be \$14.03 per day. For the fiscal year beginning July 1, 1993, the maximum reimbursement rate for providers reimbursed under the in-home health-related care program shall be \$390.15 per month.

3. If the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 1992.

4. For the fiscal year beginning July 1, 1993, the foster family basic monthly maintenance rate for children ages 0 through 5 years shall be \$308, the rate for children ages 6 through 11 years shall be \$322, the rate for children ages 12 through 15 years shall be \$359, and the rate for children ages 16 and older shall be \$382. Effective January 1, 1994, the

department shall increase the monthly allowance for children in independent living from \$400 to \$441. Effective January 1, 1994, the department shall increase the maximum basic monthly adoption subsidy for children ages 0 through 5 years to \$308, for children ages 6 through 11 years to \$322, for children ages 12 through 15 to \$359, and for children ages 16 and older to \$382.

5. For the fiscal year beginning July 1, 1993, the maximum reimbursement rates for social service providers shall be the same as the rates in effect on June 30, 1993, except under any of the following circumstances:

a. If a new service was added after June 30, 1993, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

c. For group foster care and shelter care providers reimbursed through the purchase of service system, the maximum reimbursement rate shall be \$76.61 per day.

d. On July 1, 1993, subject to the maximum reimbursement rate established in paragraph "c", the following service providers reimbursed under the appropriation in this Act for child and family services and psychiatric medical institutions for children shall have their reimbursement rates increased by 2 percent over the rates in effect on June 30, 1993, as an adjustment for increases in the cost of living: group foster care, purchased family foster care, shelter care, family-centered services, family preservation services, and independent living services.

e. The increase in rates provided in paragraph "d" shall apply to shelter care and independent living services through

June 30, 1994. However, effective November 1, 1993, the reimbursement rates for group foster care, purchased family foster care, family-centered services, and family preservation services shall be established by the department in accordance with the rules adopted for this purpose pursuant to section 11, subsection 1, relating to the provision of certain child and family services under medical assistance. When the department establishes the rates, the department may also adjust the rates for group foster care maintenance and establish the maximum reimbursement rates for group foster care service and maintenance. Under the new reimbursement rates, the reimbursement rate paid to a group foster care provider for combined service and maintenance shall be at least the reimbursement rate in effect for that provider on October 31, 1993, or \$76.61 per day, whichever is less.

f. The rate used by the department for reimbursement of any group foster care provider in the fiscal period beginning July 1, 1993, and ending October 31, 1993, shall be equal to the provider's actual and allowable costs. However, if the provider's costs are equal to or greater than \$76.61 per day, the provider's reimbursement rate shall be equal to \$76.61 per day.

g. Child day care providers reimbursed by the department under the certificate program or under a purchase of service contract during the 1992-1993 fiscal year, shall have their reimbursement rates increased by 1 percent over the rates in effect on June 30, 1993. However, the department may revise the adjusted rates on or after October 1, 1993, pursuant to the rule changes made by the department in accordance with the provisions of the appropriation in this Act for child day care assistance.

6. The department may adopt emergency rules to implement the provisions of this section.

Sec. 26. ASSISTANCE TO GAMBLERS. There is appropriated from the general fund of the state to the department of human

services for the fiscal year beginning July 1, 1993, and ending June 30, 1994, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the gamblers assistance program:

..... \$ 250,000

The Iowa lottery board and the state racing and gaming commission shall cooperate with the gamblers assistance program to incorporate information regarding the gamblers assistance program and its toll-free telephone number in printed materials distributed by the board and commission. The commission may require licensees to have the information available in a conspicuous place as a condition of licensure.

Sec. 27. STATE INSTITUTIONS -- CLOSINGS AND REDUCTIONS.

If a state institution administered by the department of human services is to be closed or reduced in size, prior to the closing or reduction, the department shall initiate and coordinate efforts in cooperation with the Iowa department of economic development to develop new jobs in the area in which the state institution is located.

Sec. 28. MORATORIUM -- CERTIFICATE OF NEED -- INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED. Beginning July 1, 1993, and ending June 30, 1995, the Iowa department of public health shall not process applications for and shall not issue a certificate of need based upon an application for a new institutional health service or changed institutional health service for which a letter of intent was received after April 1, 1993, and for which an application was not received by June 30, 1993, for an intermediate care facility for the mentally retarded.

Sec. 29. Section 135H.4, Code 1993, is amended to read as follows:

135H.4 LICENSURE.

A person shall not establish, operate, or maintain a psychiatric medical institution for children unless the person obtains a license for the institution under this chapter and

holds a license under section 237.3, subsection 2, paragraph "a";-subparagraph-~~3~~.

Sec. 30. Section 135H.6, subsection 6, Code 1993, is amended to read as follows:

6. The proposed psychiatric institution is under the direction of an agency which has operated a facility licensed under section 237.3, subsection 2, paragraph "a", subparagraph ~~3~~; for three years or of an agency which has operated a facility for three years providing psychiatric services exclusively to children or adolescents and the facility meets or exceeds requirements for licensure under section 237.3, subsection 2, paragraph "a";-subparagraph-~~3~~.

Sec. 31. Section 225C.20, Code 1993, is amended to read as follows:

225C.20 RESPONSIBILITIES OF COUNTIES FOR INDIVIDUAL CASE MANAGEMENT SERVICES.

Individual case management services funded under medical assistance shall be provided by the department except when a county or a consortium of counties contracts with the department to provide the services. A county or consortium of counties may contract to be the provider at any time and the department shall agree to the contract so long as the contract meets the standards for case management adopted by the department. The county or consortium of counties may subcontract for the provision of case management services so long as the subcontract meets the same standards. A ~~mental health, mental-retardation, and developmental-disabilities~~ coordinating county board of supervisors may change the provider of individual case management services at any time. If the current or proposed contract is with the department, the coordinating county board of supervisors shall provide written notification of a proposed change to the department on or before August 15 and written notification of an approved change on or before ~~October~~ November 15 in the fiscal year which precedes the fiscal year in which the change will take effect.

Sec. 32. Section 232.71, subsections 3 and 6, Code 1993, are amended to read as follows:

3. The investigation may, with the consent of the parent or guardian, include a visit to the home of the child named in the report and an interview or observation of the child may be conducted. If permission to enter the home to interview or observe the child is refused, the juvenile court or district court upon a showing of probable cause may authorize the person making the investigation to enter the home and interview or observe the child. ~~The department may utilize a multidisciplinary team in investigations of child abuse.~~

6. The investigation may include a visit to a facility providing care to the child named in the report or to any public or private school subject to the authority of the department of education where the child named in the report is located. The administrator of a facility, or a public or private school shall cooperate with the investigator by providing confidential access to the child named in the report for the purpose of interviewing the child, and shall allow the investigator confidential access to other children for the purpose of conducting interviews in order to obtain relevant information. The investigator may observe a child named in a report in accordance with the provisions of section 232.68, subsection 3, paragraph "b". A witness shall be present during an observation of a child. Any child age ten years of age or older can terminate contact with the investigator by stating or indicating the child's wish to discontinue the contact. The immunity granted by section 232.73 applies to acts or omissions in good faith of such administrators and their facilities or school districts for cooperating in an investigation and allowing confidential access to a child. ~~The department may utilize a multidisciplinary team to conduct investigations of child abuse involving employees or agents of a facility providing care for a child.~~

Sec. 33. Section 232.71, subsection 17, Code 1993, is amended by striking the subsection.

Sec. 34. Section 232.141, subsection 8, Code 1993, is amended by striking the subsection.

Sec. 35. Section 232.147, subsection 3, paragraph g, Code 1993, is amended by striking the paragraph.

Sec. 36. Section 232.183, subsection 7, Code 1993, is amended to read as follows:

7. A dispositional hearing is not required if the court has approved either the local citizen foster care review board review ~~or the department's administrative review procedure as defined under section 234.42~~, and all parties agree. This provision does not eliminate the initial judicial determination required under section 232.182.

Sec. 37. Section 234.35, subsection 3, Code 1993, is amended by striking the subsection.

Sec. 38. Section 235A.13, subsection 7, Code 1993, is amended by striking the subsection.

Sec. 39. Section 235A.15, subsection 2, paragraph b, subparagraph (4), Code 1993, is amended by striking the subparagraph and renumbering the succeeding paragraph.

Sec. 40. Section 237.3, subsection 2, paragraph a, Code 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

a. Types of facilities which include but are not limited to group foster care facilities and family foster care homes.

Sec. 41. Section 237.13, subsection 6, Code 1993, is amended to read as follows:

6. The fund is not liable for the first ~~one-hundred-fifty~~ seventy-five dollars of any claim based on a single occurrence. ~~Claims may not be aggregated or accumulated to avoid payment of this deductible.~~ The fund is not liable for damages in excess of three hundred thousand dollars for a single foster home for all claims arising out of one or more occurrences during a calendar year.

Sec. 42. NEW SECTION. 237A.28 CHILD DAY CARE CREDIT FUND.

A child day care credit fund is created in the state treasury under the authority of the department of human services. The moneys in the fund shall consist of moneys deposited pursuant to section 422.100 and shall be used for child day care services as annually directed by the general assembly.

Sec. 43. Section 249A.26, subsection 2, Code 1993, is amended to read as follows:

2. The county of legal settlement shall be billed for fifty percent of the nonfederal share of the cost of case management provided to adults, day treatment, and partial hospitalization provided under the medical assistance program for persons with mental retardation, a developmental disability, or chronic mental illness. For purposes of this section, ~~chronic-mental-illness-does-not-include-organic-mental-disorders~~ persons with mental disorders resulting from Alzheimer's disease or substance abuse shall not be considered chronically mentally ill.

Sec. 44. Section 422.12C, subsection 1, paragraphs f, g, and h, Code 1993, are amended by striking the paragraphs and inserting in lieu thereof the following:

f. For a taxpayer with net income of forty thousand dollars or more, zero percent.

Sec. 45. NEW SECTION. 422.100 ALLOCATION TO THE CHILD DAY CARE CREDIT FUND.

The treasurer of state shall credit during the first month of each quarter of each fiscal year to the child day care credit fund created in section 237A.28 the sum of six hundred fifty thousand dollars from the individual income tax withholding receipts.

Sec. 46. MI/MR/DD/BI TASK FORCE CONTINUED. The legislative council shall authorize \$4,000 for consultant services and other expenses associated with continuation of

the MI/MR/DD/BI service delivery system restructuring task force created in 1992 Iowa Acts, chapter 1241, section 26. The task force shall submit to the governor and general assembly on or before January 15, 1994, a five-year plan providing financing options for the MI/MR/DD/BI service delivery system. The plan shall be consistent with the provisions of the task force report submitted to the governor and general assembly in January 1993. In addition, the plan shall incorporate any task force recommendations concerning issues of legal settlement, mandated services, MI/MR/DD/BI planning councils, and other pertinent issues developed through June 30, 1993. Staffing services for the task force shall be provided by the legislative service bureau and the legislative fiscal bureau.

Sec. 47. WAIVER -- NURSING HOME PILOT PROJECT.

1. The department of human services shall submit a waiver request to the United States department of health and human services as necessary for federal authorization to implement a pilot project to allow two nursing homes, as defined in section 155.1, selected through a request for proposals process to be operated under an alternative plan of operation which is outcome-based and which to the greatest extent possible provides the least restrictive environment for the residents of the nursing home. The waiver shall include a request for suspension of federal regulations which the department identifies as more restrictive than necessary in order to provide a safe and healthy environment for the residents of a nursing home. Following receipt of a waiver, the department of human services shall establish a request for proposals process and shall select two nursing homes to operate under an alternative system based upon criteria and requirements which shall include but are not limited to all of the following:

a. The nursing home shall not be subject to the requirements of chapter 135C.

b. The department shall adopt rules which establish the minimum requirements for an alternative nursing home including but not limited to the physical structure and services to be provided and the nursing home shall comply with the minimum requirements established.

c. The nursing home shall be constructed in compliance with applicable local building code requirements and the rules adopted for the alternative type of facility by the state fire marshal in accordance with the concept of the least restrictive environment for the facility residents.

d. The nursing home shall develop and implement a written plan of operation which is outcome-based and which establishes goals for the facility in meeting the outcomes identified. The plan shall include an ongoing process for identifying and attaining the outcomes identified. The plan shall also include a method for evaluation of the effect of the alternative form of operation on the quality of life of the residents and the need for alternative methods of staff development and service delivery.

e. The nursing home shall provide for input from the residents regarding the most appropriate environment and services to the residents.

f. The nursing home shall report annually to the department regarding the success of the nursing home in reaching the goals established and regarding recommendations for additional improvements in the structure and operation of the nursing home and the services provided the residents of the facility.

2. The department of human services shall annually report to the senate and house of representatives standing committees on human resources, on the progress of the pilot project and shall include in the report recommendations regarding the use of alternatives to standard nursing homes.

Sec. 48. REPEAL. Sections 232.187 and 234.42, Code 1993, are repealed.

Sec. 49. Section 252.43, Code 1993, is repealed.

Sec. 50. TRANSFER OF FUNCTIONS. If the department of human services determines that the functions required to be performed by any of the following entities can be performed by another entity under the authority of the department, notwithstanding the indicated section of the Code, if agreed to in writing and filed with the governor and the general assembly by each of the appointing authorities specified in statute for the entity, the function shall be performed by the entity identified by the department:

1. A multidisciplinary team assisting the department in the assessment, diagnosis, and disposition of a child abuse report pursuant to section 232.71 and permitted access to child abuse information pursuant to section 235A.15.

2. A regional out-of-state placement committee jointly established by the department of human services and the judicial department pursuant to section 232.187.

3. A foster care review committee created by the department of human services pursuant to section 234.42.

Sec. 51. ADOPTION AND FOSTER CARE INFORMATION SYSTEM. Moneys allocated to develop and maintain the state's implementation of the national adoption and foster care information system in 1992 Iowa Acts, chapter 1241, section 12, subsection 6, shall be considered encumbered for purposes of section 8.33.

Sec. 52. JUVENILE DETENTION HOMES -- FISCAL YEAR 1993.

1. Of the funds appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1992, for reimbursement of counties for juvenile detention homes, pursuant to 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 408, \$520,000, or so much thereof as is necessary, shall be used in the fiscal year beginning July 1, 1992, and ending June 30, 1993, for state payment of financial aid of ten percent of the total cost of county or multicounty juvenile detention homes in accordance with the provisions of section 232.142, subsection

3 and are in addition to the funds provided to counties for this purpose pursuant to 1992 Iowa Acts, chapter 1241, section 12. However, if the funds designated by this section are insufficient to pay ten percent of the total cost of the homes, notwithstanding section 232.142, subsection 3, the state payment shall be less than ten percent and the department shall prorate the state payment as necessary to keep expenditures within the funds designated by this section.

2. The provisions of 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 408, requiring reimbursement of a county if a child has been adjudicated delinquent and remains in a county detention home awaiting placement for more than 72 hours after adjudication, shall apply only to the period beginning July 1, 1992, and ending September 30, 1992, and shall not apply for the remainder of the 1992-1993 fiscal year following September 30, 1992.

Sec. 53. USE OF CERTAIN FUNDS. Of the funds appropriated pursuant to 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 412, subsection 1, \$290,000 shall be used during the 1992-1993 fiscal year for services provided under the appropriation for community-based programs in 1992 Iowa Acts, chapter 1241, section 15.

Sec. 54. CLEAN AIR ACT -- APPLICATION TO CAPITOL BUILDING. The capitol building shall be considered a public place pursuant to section 142B.1 and the rotunda area between the chambers of the house of representatives and the senate shall not be designated a smoking area pursuant to section 142B.2. A person who violates the provisions of this section is subject to the penalty provisions of section 142B.6.

Sec. 55. EMERGENCY RULES. If specifically authorized by a provision of this Act, the department of human services or the mental health and mental retardation commission may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions, the rules shall become effective immediately upon

filing, unless a later effective date is specified in the rules, and the rules shall be in effect for a period of 180 days following the date the rules take effect. In addition, the department may adopt administrative rules in accordance with the provisions of this section as necessary to comply with federal requirements or to adjust to a change in the level of federal funding which affect refugee programs during the fiscal biennium beginning July 1, 1993, and ending June 30, 1995. Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 56. EFFECTIVE DATES.

1. Section 10 of this Act, relating to juvenile detention homes, and section 11, subsection 18 of this Act, relating to wrap-around services, take effect June 30, 1993.

2. Section 11, subsection 1, relating to provisions of various child and family services under the medical assistance program, subsection 8, relating to the cap on group foster care placements, and subsection 11, relating to the demonstration program to decategorize child welfare services, and section 13, subsection 1, relating to a determination of allocations by the state court administrator, and section 51, relating to moneys allocated for the adoption and foster care information system, being deemed of immediate importance, take effect upon enactment.

3. Sections 32, 33, 35 through 39 and 48 of this Act, take effect July 1, 1994.

4. Section 44 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to January 1, 1993, for tax years beginning on or after that date.

5. Section 52 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1992.

6. Section 11, subsection 19 of this Act, relating to contract family foster care homes, takes effect June 30, 1993.

7. Section 53 of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 1992.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 518, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Item vetoed
Approved 4/26, 1993

HF 518

TERRY E. BRANSTAD
Governor