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SENATE FILE 2313
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2253)

Passed Senate, Date 3-14-94 ^(p.656) Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved April 14, 1994

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 human
4 services and health care and providing for effective and
5 applicability dates.

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

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SF 2313

1 Section 1. FAMILY INVESTMENT PROGRAM. There is
2 appropriated from the general fund of the state to the
3 department of human services for the fiscal year beginning
4 July 1, 1994, and ending June 30, 1995, the following amount,
5 or so much thereof as is necessary, to be used for the purpose
6 designated:

7 For assistance under the family investment program under
8 chapter 239:
9 \$ 37,139,476

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

13 2. The department shall continue to contract for services
14 in developing and monitoring an entrepreneurial training
15 waiver program to provide technical assistance in self-
16 employment training to families which receive assistance under
17 the family investment program, contingent on federal approval
18 of the annual waiver renewal requests. The waiver program
19 shall be provided for the fiscal year beginning July 1, 1994,
20 and ending June 30, 1995, or for as long as federal approval
21 of the statewide program is granted.

22 3. The department shall continue the special needs program
23 under the family investment program.

24 4. Notwithstanding section 239.6, the department is not
25 required to reconsider eligibility of family investment
26 program recipients every six months if a federal waiver is
27 granted.

28 5. Notwithstanding any contrary provision of chapter 239,
29 the department shall continue to implement the family
30 investment program in accordance with the provisions of the
31 waiver request approved by the United States department of
32 health and human services pursuant to 1993 Iowa Acts, chapter
33 97, section 3.

34 6. The department may adopt emergency rules for the family
35 investment, food stamp, and medical assistance programs to

1 change or delete welfare reform initiatives that threaten the
2 integrity or continuation of the program or that are not cost-
3 effective. Prior to the adoption of rules, the department
4 shall consult with the welfare reform council, members of the
5 public involved in development of the policy established in
6 the 1993 session, and the chairpersons and ranking members of
7 the human resources committees of the senate and the house of
8 representatives.

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, 1994, and
12 ending June 30, 1995, 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 for homeless prevention programs:
16 \$ 1,767,500

17 The emergency assistance provided for in this section shall
18 be available beginning October 1 of the fiscal year and shall
19 be provided only if all other publicly funded resources have
20 been exhausted. The emergency assistance includes, but is not
21 limited to, assisting people who face eviction, potential
22 eviction, or foreclosure, utility shutoff or fuel shortage,
23 loss of heating energy supply or equipment, homelessness,
24 utility or rental deposits, or other specified crisis which
25 threatens family or living arrangements. The emergency
26 assistance shall be available to migrant families who would
27 otherwise meet eligibility criteria. The department may adopt
28 emergency rules to implement the program including eligibility
29 criteria and benefit levels. The department may contract for
30 the administration and delivery of the program. The program
31 shall be terminated when funds are exhausted.

32 Sec. 3. MEDICAL ASSISTANCE. There is appropriated from
33 the general fund of the state to the department of human
34 services for the fiscal year beginning July 1, 1994, and
35 ending June 30, 1995, the following amount, or so much thereof

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

2 For medical assistance, including reimbursement for
3 abortion services, which shall be available under the medical
4 assistance program only for those abortions which are
5 medically necessary:

6 \$344,490,351

7 1. Medically necessary abortions are those performed under
8 any of the following conditions:

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

11 b. The attending physician certifies that the fetus is
12 physically deformed, mentally deficient, or afflicted with a
13 congenital illness.

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

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

22 e. Any spontaneous abortion, commonly known as a
23 miscarriage, if not all of the products of conception are
24 expelled.

25 2. Notwithstanding section 8.39, the department may
26 transfer funds appropriated in this section to a separate
27 account established in the department's case management unit
28 for expenditures required to provide case management services
29 for mental health, mental retardation, and developmental
30 disabilities services under medical assistance which are
31 jointly funded by the state and county, pending final
32 settlement of the expenditures. Funds received by the case
33 management unit in settlement of the expenditures shall be
34 used to replace the transferred funds and are available for
35 the purposes for which the funds were appropriated in this

1 section.

2 3. a. If a medical assistance recipient is receiving care
3 which is reimbursed under a federally approved home and
4 community-based services waiver but would otherwise be
5 approved for care in an intermediate care facility for the
6 mentally retarded, the recipient's county of legal settlement
7 shall reimburse the department on a monthly basis for the
8 portion of the recipient's cost of care which is not paid from
9 federal funds.

10 b. The department's admission requirements involving
11 medical assistance payment for an individual's placement in an
12 intermediate care facility for the mentally retarded shall
13 require, prior to the placement, referral of the individual
14 through an approved case management program. The case
15 management program shall identify any appropriate alternatives
16 to the placement and shall inform the individual of the
17 alternatives. The department may adopt emergency rules to
18 implement the provisions of this subsection.

19 c. The department shall conduct a study to determine the
20 feasibility of establishing a special classification of
21 nursing facility for persons with mental retardation or other
22 developmental disability whose ability to respond to active
23 treatment protocols is limited due to age or medical needs.
24 Participants in the study shall include representatives of the
25 department of inspections and appeals, Iowa state association
26 of counties, arc of Iowa, and the Iowa association of
27 residential and rehabilitation facilities.

28 4. a. The county of legal settlement shall be billed for
29 50 percent of the nonfederal share of the cost of case
30 management provided for adults, day treatment, and partial
31 hospitalization in accordance with sections 249A.26 and
32 249A.27, and 100 percent of the nonfederal share of the cost
33 of care which is reimbursed under a federally approved home
34 and community-based waiver that would otherwise be approved
35 for provision in an intermediate care facility for the

1 mentally retarded, provided under the medical assistance
2 program for persons with mental retardation, a developmental
3 disability, or chronic mental illness. The state shall have
4 responsibility for the remaining 50 percent of the nonfederal
5 share of the cost of case management provided for adults, day
6 treatment, and partial hospitalization. For persons without a
7 county of legal settlement, the state shall have
8 responsibility for 100 percent of the nonfederal share of the
9 cost of case management provided for adults, day treatment,
10 partial hospitalization, and the home and community-based
11 waiver services.

12 b. The state shall pay the entire nonfederal share of the
13 costs for case management services provided to persons 18
14 years of age or younger who are served in a medical assistance
15 home and community-based waiver program for persons with
16 mental retardation.

17 c. Medical assistance funding for case management services
18 for eligible persons 18 years of age and under shall also be
19 provided to persons residing in counties with child welfare
20 decategorization projects implemented in accordance with
21 section 232.188, provided these projects have included these
22 persons in their service plan and the decategorization project
23 county is willing to provide the nonfederal share of costs.

24 d. When paying the necessary and legal expenses of
25 intermediate care facilities for the mentally retarded
26 (ICFMR), the cost payment requirements of section 222.60 shall
27 be considered fulfilled when payment is made in accordance
28 with the medical assistance payment rates established for
29 ICFMRs by the department and the state or a county of legal
30 settlement is not obligated for any amount in excess of the
31 rates.

32 5. The department shall expand coverage of services to
33 children under medical assistance to include nutritional
34 counseling services for children not eligible for women,
35 infant and children (WIC) nutritional counseling services due

1 to exceeding the WIC age limit or who require services in
2 excess of those available under WIC. The department may adopt
3 emergency rules in order to implement this change.

4 6. Upon receipt of a federal waiver, the department may
5 adopt and implement emergency rules to establish a prepaid
6 mental health services plan for medical assistance patients.
7 The rules shall include but not be limited to defining the
8 structure of the program, establishing the scope of services
9 to be provided in the program, establishing client eligibility
10 for prepaid mental health services, establishing the basis and
11 rate of reimbursement for the program, defining the expected
12 outcome measures of the program, and defining a client appeal
13 process. Notwithstanding the provisions of subsection 4,
14 paragraph "a", of this section and section 249A.26, requiring
15 counties to pay all or part of the nonfederal share of certain
16 services provided to persons with disabilities under the
17 medical assistance program, the state shall pay 100 percent of
18 the nonfederal share of any services included in the plan
19 implemented pursuant to this subsection.

20 7. The department shall utilize not more than \$60,000 of
21 the funds appropriated in this section to continue the
22 AIDS/HIV health insurance premium payment program as
23 established in 1992 Iowa Acts, Second Extraordinary Session,
24 Chapter 1001, section 409, subsection 6. Of the funds
25 allocated in this subsection, not more than \$10,000 may be
26 expended for administrative purposes.

27 8. The department of human services shall seek a federal
28 waiver to implement a pilot project to allow up to 16 nursing
29 homes, as defined in section 155.1, to be operated under an
30 outcome-based alternative plan for regulatory compliance. The
31 waiver shall include a request for suspension of federal
32 regulations which the department identifies as more
33 restrictive than necessary to provide a safe and healthy
34 environment for residents of a nursing home. Following
35 approval of the waiver, the department shall establish a

1 request for proposal, or other research-based selection
2 process, and shall select up to 16 nursing homes to operate
3 under the alternative system, based upon criteria and
4 requirements which shall include but are not limited to all of
5 the following:

6 a. The department of inspections and appeals shall utilize
7 the regulations established for the pilot project for state
8 licensure survey purposes, except during adverse actions such
9 as fining and citation, conditional licensure or license
10 revocation proceedings, in which cases existing state
11 licensure rules shall be used. The department of inspections
12 and appeals shall investigate complaints registered against
13 homes involved in the pilot project utilizing the federal
14 regulations developed for those homes. State licensure rules
15 shall be utilized if adverse action results from a complaint
16 investigation. The nursing home shall comply with the
17 requirements of chapter 481 I.A.C. 61, applicable state law,
18 and applicable fire regulations.

19 b. The department shall adopt rules which establish the
20 minimum requirements for alternative nursing homes, and the
21 nursing homes shall comply with the minimum requirements
22 established.

23 c. The nursing homes shall develop and implement a written
24 plan of operation which is outcome-based and which establishes
25 goals for the home in meeting the outcomes identified. The
26 plan shall include an ongoing process for identifying and
27 attaining the outcomes identified. The plan shall also
28 include a method for evaluation of the effect of the
29 alternative form of operation on the quality of life of the
30 residents and the need for alternative methods of staff
31 development and service delivery.

32 d. The nursing homes shall provide for input from the
33 residents regarding the most appropriate environment and
34 services to the residents.

35 e. The nursing homes shall report annually to the

1 department regarding the success of the nursing homes in
2 reaching the goals established and regarding recommendations
3 for additional improvements in the structure and operation of
4 the nursing homes and the services provided the residents of
5 the homes.

6 f. The department shall annually report to the
7 chairpersons and ranking members of the joint appropriations
8 subcommittee on human services on the progress of the pilot
9 project and shall include in the report recommendations
10 regarding the use of alternatives to standard nursing homes.

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, 1994, and ending June
14 30, 1995, the following amount, or so much thereof as is
15 necessary, to be used for the purpose designated:

16 For medical contracts:

17 \$ 5,630,350

18 1. The department shall continue to contract for drug
19 utilization review under the medical assistance program.

20 2. The department shall determine, in consultation with
21 the drug utilization review commission, the feasibility of
22 assigning a unique identification number to each individual
23 pharmacist.

24 3. The department may use not more than \$60,000 of the
25 funds appropriated in this section to contract for services to
26 expand the point of service reimbursement system.

27 Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is
28 appropriated from the general fund of the state to the
29 department of human services for the fiscal year beginning
30 July 1, 1994, and ending June 30, 1995, the following amount,
31 or so much thereof as is necessary, to be used for the purpose
32 designated:

33 For state supplementary assistance:

34 \$ 19,315,000

35 The department shall increase the personal needs allowance

1 for residents of residential care facilities by the same
2 percentage and at the same time as federal supplemental
3 security income and federal social security benefits are
4 increased due to a recognized increase in the cost of living.
5 The department may adopt emergency rules to implement the
6 provisions of this paragraph.

7 Sec. 6. CHILD DAY CARE ASSISTANCE. 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, 1994, and
10 ending June 30, 1995, the following amount, or so much thereof
11 as is necessary, to be used for the purposes designated:

12 For protective child day care assistance and state child
13 care assistance:

14 \$ 7,397,259

15 1. Of the funds appropriated in this section, \$3,146,286
16 shall be used for protective child day care assistance.

17 2. Of the funds appropriated in this section, \$2,430,934
18 shall be used for state child care assistance.

19 3. Based upon the availability of the funding provided in
20 subsection 2 the department shall establish waiting lists for
21 state child care assistance in descending order of
22 prioritization as follows:

23 a. Families who are at or below 100 percent of the federal
24 poverty level and are employed at least 30 hours a week.

25 b. Parents under the age of 21 who are employed full-time
26 or part-time or who are participating in an approved training
27 program or who are enrolled in an education program.

28 c. Families who are at or below 155 percent of the federal
29 poverty level who have a special needs child.

30 d. Families who are at or below 100 percent of the federal
31 poverty level who are employed part-time at least 20 hours per
32 week.

33 4. a. The funds allocated in this section for protective
34 and state child care assistance shall be allocated to the
35 department of human services regions and each region shall

1 distribute the allocation to the counties within the region.
2 If a region determines that a specified portion of the funds
3 provided to a county in that region is sufficient to meet the
4 county's current demand and projected growth, the region may
5 transfer the excess amount of funds to another county in that
6 region. If the region determines that a specified portion of
7 the funds provided to the region is sufficient to meet the
8 region's current demand and projected growth for the remainder
9 of the fiscal year, the excess amount may be transferred for
10 use in another region.

11 b. For state child care assistance, eligibility shall be
12 limited to children whose family income is equal to or less
13 than 100 percent of the federal office of management and
14 budget poverty guidelines. However, on or after October 1,
15 1994, the department may increase the income eligibility limit
16 to be equal to or less than 75 percent of the Iowa median
17 family income.

18 c. The department may adopt emergency rules to comply with
19 the federal child care development block grant and federal at-
20 risk child care program; to streamline the existing day care
21 program; and to deliver the services within state and federal
22 funds appropriated.

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

30 5. Of the funds appropriated in this section, \$640,270 is
31 allocated for the statewide program for child day care
32 resource and referral services under section 237A.26.

33 6. The department may use any of the funds appropriated in
34 this section as a match to obtain federal funds for use in
35 expanding child day care assistance and related programs.

1 7. a. Of the funds appropriated in this section,
2 \$1,179,769 shall be used for transitional child care
3 assistance.

4 b. Notwithstanding section 239.21, the department of human
5 services shall provide the transitional child care assistance
6 in accordance with the federal Family Support Act of 1988,
7 Pub. L. No. 100-485, § 302, and applicable federal
8 regulations.

9 Sec. 7. JOBS PROGRAM. There is appropriated from the
10 general fund of the state to the department of human services
11 for the fiscal year beginning July 1, 1994, and ending June
12 30, 1995, the following amount, or so much thereof as is
13 necessary, to be used for the purposes designated:

14 For the federal-state job opportunities and basic skills
15 (JOBS) program, food stamp employment and training program,
16 family development and self-sufficiency grants, and
17 implementing family investment agreements, in accordance with
18 this section:

19 \$ 12,071,270

20 1. Of the funds appropriated in this section, \$11,161,970
21 is allocated for the JOBS program.

22 2. Notwithstanding any contrary provisions of chapter
23 249C, the department shall implement work and training
24 programs in accordance with the waiver request approved by the
25 United States department of health and human services pursuant
26 to 1993 Iowa Acts, chapter 97, section 3.

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

29 4. Of the funds appropriated in this section, \$779,315 is
30 allocated to the family development and self-sufficiency grant
31 program as provided under section 217.12.

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

35 b. Federal funding matched by state, county, or other

1 funding which is not appropriated in this section shall be
2 deposited in the department's JOBS account. If the match
3 funding is generated by a family development and self-
4 sufficiency grantee, the federal funding received shall be
5 used to expand the family development and self-sufficiency
6 grant program. If the match funding is generated by another
7 source, the federal funding received shall be used to expand
8 the grant program or the JOBS program. The department may
9 adopt emergency rules to implement the provisions of this
10 paragraph.

11 c. Based upon the annual evaluation report concerning each
12 grantee funded by this allocation, the family development and
13 self-sufficiency council may use funds allocated to renew
14 grants.

15 Sec. 8. CHILD SUPPORT RECOVERY. 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, 1994, and
18 ending June 30, 1995, the following amount, or so much thereof
19 as is necessary, to be used for the purposes designated:

20 For child support recovery, including salaries, support,
21 maintenance, and miscellaneous purposes:
22 \$ 4,951,546

23 1. The director of human services, within the limitations
24 of the funds appropriated in this section, or funds
25 transferred from the family investment program for this
26 purpose, shall establish new positions and add employees to
27 the child support recovery unit if the director determines
28 that both the current and additional employees together can
29 reasonably be expected to maintain or increase net state
30 revenue at or beyond the budgeted level. If the director adds
31 employees, the department shall demonstrate the cost-
32 effectiveness of the current and additional employees by
33 reporting to the joint appropriations subcommittee on human
34 services the ratio of the total amount of administrative costs
35 for child support recoveries to the total amount of the child

1 support recovered.

2 2. Nonpublic assistance application and user fees received
3 by the child support recovery program are appropriated and
4 shall be used for the purposes of the child support recovery
5 program. The director of human services may add positions if
6 fees collected relating to the new positions are sufficient to
7 pay the salaries and support for the positions. The director
8 shall report any positions added pursuant to this subsection
9 to the chairpersons and ranking members of the joint
10 appropriations subcommittee on human services and the
11 legislative fiscal bureau.

12 3. The director of human services, in consultation with
13 the department of management and the legislative fiscal
14 committee, is authorized to receive and deposit state child
15 support incentive earnings in the manner specified under
16 applicable federal requirements.

17 4. The director of human services may establish new
18 positions and add state employees to the child support
19 recovery unit if the director determines the employees are
20 necessary to replace county-funded positions eliminated due to
21 termination, reduction, or nonrenewal of a chapter 28E
22 contract. However, the director must also determine that the
23 resulting increase in the state share of child support
24 recovery incentives exceeds the cost of the positions, the
25 positions are necessary to ensure continued federal funding of
26 the program, or the new positions can reasonably be expected
27 to recover more than twice the amount of money to pay the
28 salaries and support for the new positions.

29 5. The child support recovery unit shall continue to work
30 with the judicial department to determine the feasibility of a
31 pilot project utilizing a court-appointed referee for judicial
32 determinations on child support matters. The extent and
33 location of any pilot project shall be jointly developed by
34 the judicial department and the child support recovery unit.

35 6. Funding is provided within this appropriation for

1 expenses relating to a child support public awareness
2 campaign. The department shall transfer \$50,000 to the office
3 of the attorney general and the department and the attorney
4 general shall cooperate as necessary for continuation of the
5 campaign.

6 7. Of the funds appropriated in this section the
7 department shall use up to \$30,000 to establish a pilot
8 program option in not more than ten counties within one
9 judicial district to provide and supervise a community service
10 pilot project for absent parents who are ordered by the court
11 to perform community service for failure to pay child support
12 pursuant to section 598.23A. Funding shall be provided for
13 the administration of the pilot project which shall include
14 reimbursement for the services of an attorney employed by the
15 office of the attorney general, office equipment,
16 transportation costs of the attorney, service fees for
17 contempt of court actions, contracting fees for an agency to
18 provide and supervise the community service pilot project, and
19 transportation costs for community service participants.

20 Sec. 9. JUVENILE INSTITUTIONS. There is appropriated from
21 the general fund of the state to the department of human
22 services for the fiscal year beginning July 1, 1994, and
23 ending June 30, 1995, the following amount, or so much thereof
24 as is necessary, to be used for the purposes designated:

25 For the operation of the state training school and the Iowa
26 juvenile home, including salaries, support, maintenance, and
27 miscellaneous purposes:

28 For the state juvenile institutions:

29 \$ 12,937,878

30 1. The following amounts of the funds appropriated in this
31 section are allocated for the Iowa juvenile home at Toledo:

32 \$ 4,799,897

33 2. The following amounts of the funds appropriated in this
34 section are allocated for the state training school at Eldora:

35 \$ 8,137,981

1 3. During the fiscal year beginning July 1, 1994, the
2 population levels at the state juvenile institutions shall not
3 exceed the population guidelines established under 1990 Iowa
4 Acts, chapter 1239, section 21.

5 4. Each state juvenile institution shall apply for
6 adolescent pregnancy prevention grants for the fiscal year
7 beginning July 1, 1994.

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

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

18 Sec. 10. CHILD AND FAMILY SERVICES. 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, 1994, and
21 ending June 30, 1995, the following amount, or so much thereof
22 as is necessary, to be used for the purpose designated:

23 For child and family services:
24 \$ 74,600,612

25 1. The department may transfer moneys appropriated in this
26 section as necessary to pay the nonfederal costs of services
27 reimbursed under medical assistance or the family investment
28 program which are provided to children who would otherwise
29 receive services paid under the appropriation in this section.
30 The department may transfer funds appropriated in this section
31 to the appropriations in this Act for general administration
32 and for field operations for resources necessary to implement
33 and operate the services funded in this section.

34 2. a. Of the funds appropriated in this section, up to
35 \$23,309,136 is allocated for group foster care maintenance and

1 services. For the fiscal year beginning July 1, 1994, the
2 statewide target, as provided in section 232.143, for the
3 average number of children placed in group foster care
4 services in any day of the fiscal year which are a charge upon
5 or paid for by the state shall be 1,350. Notwithstanding the
6 statewide target established in this subsection and sections
7 232.52, 232.102, 232.117, 232.127, and 232.182, a target
8 established in a region's group foster care plan developed
9 pursuant to section 232.143 may be exceeded, a group foster
10 care placement may be ordered, and state payment may be made
11 if a clinical assessment and consultation team finds that the
12 placement is necessary to meet the child's needs. If the
13 daily average target established in a region's group foster
14 care plan is exceeded, the department and courts in that
15 region shall refer at least five percent of the region's group
16 foster care placements to a clinical assessment and
17 consultation team to determine if alternative services would
18 meet the child's service needs and to assist the region in
19 reducing the number of children in group foster care
20 placements in the regional target within 45 days from the date
21 the target was exceeded. The department and the courts shall
22 work together to ensure that a region's group foster care
23 expenditures shall not exceed the funds allocated to the
24 region for group foster care placements in the 1994-1995
25 fiscal year. The department may adopt emergency rules to
26 implement the provisions of this paragraph.

27 b. In each quarter of the fiscal year, the department
28 shall compare the actual number of group foster care
29 placements in a region and the targets allocated to the region
30 for that quarter. The department shall develop a methodology
31 to provide, within the funds allocated in this subsection,
32 fiscal incentives to regions which have reduced the number or
33 length of group foster care placements.

34 c. The department shall report quarterly to the
35 legislative fiscal bureau concerning the status of each

1 region's efforts to limit the number of group foster care
2 placements in accordance with the regional plan established
3 pursuant to section 232.143.

4 d. Notwithstanding the formula specified in section
5 232.143, subsection 1, the department and the judicial
6 department shall develop a formula for allocating a portion of
7 the statewide target to each of the department's regions based
8 on factors determined by the department and the judicial
9 department which may include but are not limited to historical
10 usage of group foster care beds and indicators of need for
11 group foster care placements. The formula shall be
12 established by May 1, 1994. The department may adopt
13 emergency rules to implement the provisions of this paragraph.

14 e. The reimbursement rates paid for placement of children
15 out-of-state shall be calculated according to the same rate-
16 setting principles as those used for in-state providers,
17 unless the director determines that appropriate care cannot be
18 provided within the state.

19 3. Not more than 25 percent of the children placed in
20 foster care funded under the federal Social Security Act,
21 Title IV-E, shall be placed in foster care for a period of
22 more than 24 months.

23 4. The department shall continue to contract for a
24 statewide system for recruiting, retaining, and supporting
25 foster care families consistent with the recommendation of the
26 department's family foster care advisory committee. The
27 department may continue the contract for this purpose which
28 was initiated in the fiscal year beginning July 1, 1993, if
29 defined goals have been achieved. The department shall
30 involve the family foster care advisory committee in
31 overseeing the work of the contractor, and further defining
32 needs in the system.

33 5. In accordance with the provisions of section 232.188,
34 the department shall continue the demonstration program to
35 decategorize child welfare services in the five counties in

1 which the program has commenced. The department may approve
2 additional applications from a county or cluster of counties
3 to initiate a demonstration program provided the department,
4 the boards of supervisors in the counties, and the affected
5 judicial districts agree to implement the program. The
6 schedule for implementing the demonstration program in
7 additional counties shall provide that the program be
8 implemented on or after January 1, 1995. The department shall
9 establish, for the demonstration program counties, a child
10 welfare fund composed of all or part of the amount that would
11 otherwise be expected to be used for residents of the counties
12 for foster care, child and family services, family-centered
13 services, subsidized adoption, child day care, local purchase
14 portion of the mental health, mental retardation,
15 developmental disabilities, and brain injury community
16 services appropriated in this Act, state juvenile institution
17 care, mental health institute care, state hospital-school
18 care, juvenile detention, department-direct services, and
19 court-ordered evaluation and treatment of juvenile services.
20 Notwithstanding any other provision of law, the fund shall be
21 considered encumbered for the purposes of section 8.33.
22 Notwithstanding other service funding provisions in law, the
23 department shall establish the fund by transferring funds from
24 the budgets affected, except for the funds appropriated for
25 the state mental health institutes, the state hospital-
26 schools, the state training school, and the Iowa juvenile home
27 which shall remain on account for the county at these
28 institutions. By June 15 preceding the beginning of the next
29 fiscal year, the department shall inform each demonstration
30 program county of the estimated amount that will be available
31 in the county's child welfare fund and on account at the
32 institutions for that county during the ensuing fiscal year.
33 The department shall confirm each county's budgeted amount by
34 October 1 of the fiscal year. A limited amount of the fund
35 may be used to support services and reimbursement rates not

1 allowable within historical program or service categories and
2 administrative rules. In addition, a limited amount of the
3 child welfare fund may be used for emergency family assistance
4 to provide resources for a family to remain together or to be
5 unified. The demonstration program shall be designed to
6 operate in a county for a three-year period. The three-year
7 time period for a decategorization project shall be considered
8 to begin on January 1 in the first year following the year in
9 which the county's decategorization project was approved by
10 the department.

11 6. Of the funds appropriated in this section, up to
12 \$92,009 is allocated for continued foster care services to a
13 child who is 18 years of age or older in accordance with the
14 provisions of section 234.35, subsection 4, paragraph "c".
15 However, if funding in this appropriation would remain
16 unobligated at the end of the fiscal year, the allocation in
17 this subsection may be exceeded to the extent necessary to
18 provide the continued foster care services. The department
19 shall distribute the moneys allocated in this subsection to
20 the departmental regions based on each region's proportion of
21 the total number of children placed in foster care on March 31
22 preceding the beginning of the fiscal year, who, during the
23 fiscal year would no longer be eligible for foster care due to
24 age.

25 7. During the fiscal period of this appropriation, the
26 department, in coordination with the legislative fiscal bureau
27 and the judicial department, shall continue to track those
28 out-of-home placements of children in which the state or a
29 county is financially involved. The tracking information
30 shall be submitted quarterly to the governor, the chairpersons
31 and ranking members of the joint appropriations subcommittee
32 on human services, and the legislative fiscal bureau and shall
33 include all of the following information:

34 a. The number of placements of children within each of the
35 following age ranges: 0 through 5; 6 through 10; 11 through

1 15; and 16 through 21.

2 b. The number of children placed in each of the following:
3 family foster care, group foster care, state training school,
4 Iowa juvenile home, psychiatric medical institutions for
5 children (PMICs), residential substance abuse treatment
6 programs, hospitals for acute psychiatric care, state mental
7 health institutes, shelter care, juvenile detention, adult
8 correctional facilities, state hospital-schools, intermediate
9 care facilities for the mentally retarded (ICF/MR), and
10 residential care facilities for the mentally retarded
11 (RCF/MR).

12 8. Notwithstanding section 232.142, subsection 3, the
13 financial aid paid by the state for the establishment,
14 improvements, operation, and maintenance of county or
15 multicounty juvenile detention homes in the fiscal year
16 beginning July 1, 1994, shall be limited to \$510,000. Funds
17 allocated in this subsection shall be prorated among eligible
18 detention homes.

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

1 made pursuant to this subsection, confidentiality shall be
2 maintained to the maximum extent possible.

3 10. A limited amount of the funds appropriated in this
4 section may be used for emergency family assistance to provide
5 other resources required for a family participating in a
6 family preservation or reunification project to stay together
7 or to be reunified.

8 11. Notwithstanding section 234.35, subsection 1, state
9 funding for shelter care paid pursuant to section 234.35,
10 subsection 1, paragraph "h", shall be limited to \$6,710,720
11 for the fiscal year beginning July 1, 1994. The department
12 may adopt emergency rules to implement the provisions of this
13 subsection.

14 12. Of the funds appropriated in this section, not more
15 than \$500,297 may be used to develop and maintain the state's
16 implementation of the national adoption and foster care
17 information system pursuant to the requirements of Pub. L. No.
18 99-509. The department may transfer funds as necessary from
19 the appropriations in this Act for field operations and
20 general administration to implement this subsection. Moneys
21 allocated in accordance with this subsection shall be
22 considered encumbered for the purposes of section 8.33.

23 13. The department shall continue training seminars
24 throughout the state on the use of reasonable efforts to
25 prevent or eliminate the need for removal of a child from the
26 child's home, and on family-centered approaches to serving
27 children and families. The department shall work with the
28 judicial department to make the training applicable and
29 available to court officers involved with referrals of
30 children to foster care. In addition, the department shall
31 work with the supreme court to provide ongoing instruction and
32 technical assistance in selected counties in the state
33 concerning application of reasonable efforts. Counties shall
34 be selected by targeting those with a high rate of placement
35 of children outside the children's homes. The recipients of

1 technical assistance shall include court officials, department
2 of human services referral workers, and child welfare service
3 providers. Trainers shall include respected peers and
4 colleagues of the training recipients. The department shall
5 also incorporate family-centered approaches to serving
6 families into the department's general child welfare training
7 for child welfare workers. The department shall use not more
8 than \$132,006 of the funds appropriated in this section for
9 the contract. The department shall seek assistance from the
10 reasonable efforts model court project, the child welfare
11 league of America, the national association of family-based
12 services, the national conference of state legislatures, and
13 private foundations; and shall draw from successful
14 initiatives used in other states in implementing the
15 provisions of this subsection.

16 14. Of the funds appropriated in this section, not more
17 than \$1,036,680 may be used for respite services to families
18 of children with mental retardation or other developmental
19 disabilities, who would otherwise enter or continue group care
20 placement.

21 15. Of the funds appropriated in this section, up to
22 \$682,766 may be used as determined by the department for any
23 of the following purposes:

24 a. For general administration of the department to improve
25 staff training efforts.

26 b. For oversight of termination of parental rights and
27 permanency planning efforts on a statewide basis.

28 c. For personnel, assigned by the attorney general, to
29 provide additional services relating to termination of
30 parental rights and child in need of assistance cases.

31 d. For specialized permanency planning field operations
32 staff.

33 16. The department shall continue to contract for family
34 foster care homes developed for children who present severe
35 emotional or behavioral management problems who might

1 otherwise be placed in group foster care. Contracts shall
2 provide that the family receives a certain fixed payment
3 regardless of placements, and shall specify that at least one
4 parent shall generally be available in the home 24 hours per
5 day in order to provide intensive and consistent structure and
6 therapeutic intervention, and to respond to crises. Each home
7 shall serve a maximum of three children.

8 17. Upon receipt of federal approval, the department shall
9 utilize the federal emergency assistance program to fund
10 approved children and family services under this section and
11 other programs providing emergency services to families and
12 children. The department may transfer moneys appropriated in
13 this section, as necessary, to pay the nonfederal share of
14 services reimbursed under the emergency assistance program
15 which are provided to children and families who would
16 otherwise receive the services. The department may adopt
17 emergency rules to implement the provisions of this
18 subsection. The rules may include but are not limited to the
19 development of program descriptions, provider standards, cost
20 principles, rate-setting, contract requirements, service and
21 financial eligibility criteria, claims submission criteria and
22 program accountability standards. The department shall work
23 with affected parties in developing the rules authorized in
24 this subsection.

25 18. The department shall adopt rules for purchase of
26 recruitment and home studies as necessary to secure an
27 adequate number of foster families to serve children needing
28 foster care placement. In implementing the provisions of this
29 subsection, the department may issue requests for proposals,
30 establish a flat fee schedule, or expand the pool of providers
31 from which the services are purchased.

32 Sec. 11. COMMUNITY-BASED PROGRAMS. 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, 1994, and
35 ending June 30, 1995, the following amount, or so much thereof

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

2 For community-based programs, on the condition that family
3 planning services are funded, including salaries, support,
4 maintenance, and miscellaneous purposes:

5 \$ 2,456,126

6 1. Of the funds appropriated in this section, \$652,451
7 shall be used for adolescent pregnancy prevention grants,
8 including not more than \$152,451 for programs to prevent
9 second or subsequent pregnancies during the adolescent years
10 and to provide support services for pregnant or parenting
11 adolescents. Rules adopted by the department may allow for
12 revision of existing grant categories and the addition of
13 grant categories which allow for the development and
14 initiation of a statewide adolescent pregnancy prevention
15 campaign and of a statewide assessment or evaluation grant.

16 2. Of the funds appropriated in this section, \$500,000
17 shall be used for grants to community or regional groups which
18 demonstrate broad-based representation from community
19 representatives including but not limited to schools,
20 churches, human service-related organizations, and businesses.
21 Priority in the awarding of grants shall be given to groups
22 which provide services to both urban and rural areas within
23 the proximity of the community or region and which provide
24 age-appropriate services adapted for both male and female
25 youth at the elementary, middle, and high school levels. A
26 program shall focus on the prevention of initial pregnancies
27 during the adolescent years by emphasizing responsible
28 decision-making in relationships, managing of peer and social
29 pressures, development of self-esteem, the costs and
30 responsibilities of parenting, and information regarding the
31 alternative of adoption for placement of a child. The program
32 shall also include an evaluation and assessment component
33 which includes evaluation of and recommendations for
34 improvement of the program by the youth and parents involved.
35 Evaluation and assessment reports shall be provided to the

1 department of human services, at a time determined by the
2 department in the grant award.

3 3. Of the funds appropriated in this section, \$532,789
4 shall be used by the department for child abuse prevention
5 grants.

6 4. Of the funds appropriated in this section, \$31,900
7 shall be used by the department for child neutral visitation
8 grants. It is the intent of the general assembly that funds
9 shall be provided by the state for this purpose only for this
10 fiscal year.

11 5. Of the funds appropriated in this section, an
12 additional \$300,000, based upon the amount allocated for this
13 purpose in the previous fiscal year, shall be used for family
14 planning services.

15 Sec. 12. COURT-ORDERED SERVICES PROVIDED TO JUVENILES.
16 There is appropriated from the general fund of the state to
17 the department of human services for the fiscal year beginning
18 July 1, 1994, and ending June 30, 1995, the following amount,
19 or so much thereof as is necessary, to be used for the purpose
20 designated:

21 Payment of the expenses of court-ordered services provided
22 to juveniles which are a charge upon the state pursuant to
23 section 232.141, subsection 4:
24 \$ 3,090,000

25 1. Notwithstanding section 232.141 or any other provision
26 of law, the funds appropriated in this section shall be
27 allocated to the judicial districts as determined by the state
28 court administrator. The state court administrator shall make
29 the determination on the allocations on or before June 15.

30 2. a. Each judicial district shall continue the planning
31 group for the court-ordered services for juveniles provided in
32 that district which was established pursuant to 1991 Iowa
33 Acts, chapter 267, section 119. A planning group shall
34 continue to perform its duties as specified in that law.
35 Reimbursement rates for providers of court-ordered evaluation

1 and treatment services paid under section 232.141, subsection
2 4, shall be negotiated with providers by each judicial
3 district's planning group.

4 b. Each district planning group shall submit an annual
5 report in January to the state court administrator and the
6 department of human services. The report shall cover the
7 preceding fiscal year and shall include a preliminary report
8 on the current fiscal year. The administrator and the
9 department shall compile these reports and submit the reports
10 to the chairpersons and ranking members of the joint
11 appropriations subcommittee on human services and the
12 legislative fiscal bureau.

13 3. The department of human services shall develop policies
14 and procedures to ensure that the funds appropriated in this
15 section are spent only after all other reasonable actions have
16 been taken to utilize other funding sources and community-
17 based services. The policies and procedures shall be designed
18 to achieve the following objectives relating to services
19 provided under chapter 232:

20 a. Maximize the utilization of funds which may be
21 available from the medical assistance program including usage
22 of the early and periodic screening, diagnosis, and treatment
23 (EPSDT) program.

24 b. Recover payments from any third-party insurance carrier
25 which is liable for coverage of the services, including health
26 insurance coverage.

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

30 4. The department of human services, in consultation with
31 the state court administrator and the judicial district
32 planning groups, shall compile a monthly report describing
33 spending in the districts for court-ordered services for
34 juveniles, including the utilization of the medical assistance
35 program. The reports shall be submitted on or before the

1 twentieth day of each month to the chairpersons and ranking
2 members of the joint appropriations subcommittee on human
3 services and the legislative fiscal bureau.

4 5. Notwithstanding chapter 232 or any other provision of
5 law, a district or juvenile court in a department of human
6 services district shall not order any service which is a
7 charge upon the state pursuant to section 232.141 if there are
8 insufficient court-ordered services funds available in the
9 district allocation to pay for the service. The chief
10 juvenile court officer shall work with the judicial district
11 planning group to encourage use of the funds appropriated in
12 this section such that there are sufficient funds to pay for
13 all court-related services during the entire year. The eight
14 chief juvenile court officers shall attempt to anticipate
15 potential surpluses and shortfalls in the allocations and
16 shall cooperatively request the state court administrator to
17 transfer funds between the districts' allocations as prudent.

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

23 7. Of the funds appropriated in this section, not more
24 than \$200,000 may be used by the judicial department for
25 administration of the requirements under this section and for
26 travel associated with court-ordered placements which are a
27 charge upon the state pursuant to section 232.141, subsection
28 4.

29 8. Of the funds appropriated in this section, not more
30 than \$200,000 may be transferred to the appropriation in this
31 Act for child and family services and used to provide school-
32 based supervision of children adjudicated under chapter 232.

33 Sec. 13. MENTAL HEALTH INSTITUTES. There is appropriated
34 from the general fund of the state to the department of human
35 services for the fiscal year beginning July 1, 1994, and

1 ending June 30, 1995, the following amount, or so much thereof
2 as is necessary, to be used for the purposes designated:

3 For the state mental health institutes for salaries,
4 support, maintenance, and miscellaneous purposes:

5 \$ 42,470,116

6 1. The funds appropriated in this section are allocated as
7 follows:

8 a. State mental health institute at Cherokee:

9 \$ 14,425,374

10 b. State mental health institute at Clarinda:

11 \$ 6,008,952

12 c. State mental health institute at Independence:

13 \$ 17,153,764

14 d. State mental health institute at Mount Pleasant:

15 \$ 4,882,026

16 2. Within the funds appropriated in this section, the
17 department may reallocate funds as necessary to best fulfill
18 the needs of the institutions provided for in the
19 appropriation. However, the department shall not reallocate
20 funds if the reallocation would result in a reduction in
21 services or of personnel at any institution.

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

28 4. As part of the discharge planning process at the state
29 mental health institutes, the department shall provide
30 assistance in obtaining eligibility for federal supplemental
31 security income (SSI) to those individuals whose care at a
32 state mental health institute is the financial responsibility
33 of the state.

34 5. The department shall develop a proposal for
35 implementing a forensic mental health unit. The proposal

1 shall be submitted to the governor and the members of the
2 joint appropriations subcommittee on human services on or
3 before January 15, 1995.

4 Sec. 14. HOSPITAL-SCHOOLS. There is appropriated from the
5 general fund of the state to the department of human services
6 for the fiscal year beginning July 1, 1994, and ending June
7 30, 1995, the following amount, or so much thereof as is
8 necessary, to be used for the purposes designated:

9 For the state hospital-schools, for salaries, support,
10 maintenance, and miscellaneous purposes:

11 \$ 65,789,681

12 1. The funds appropriated in this section are allocated as
13 follows:

14 a. State hospital-school at Glenwood:

15 \$ 35,497,594

16 b. State hospital-school at Woodward:

17 \$ 30,292,087

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

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

28 Sec. 15. MENTAL ILLNESS -- MENTAL RETARDATION --
29 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is
30 appropriated from the general fund of the state to the
31 department of human services for the fiscal year beginning
32 July 1, 1994, and ending June 30, 1995, the following amount,
33 or so much thereof as is necessary, to be used for the purpose
34 designated:

35 For mental illness, mental retardation, and developmental

1 disabilities special services:

2 \$ 121,220

3 1. The department and the Iowa finance authority shall
4 develop methods to implement the financing for existing
5 community-based facilities and to implement financing for
6 small community-based facilities, including those facilities
7 which may be developed under a federally approved home and
8 community-based waiver for services provided under the medical
9 assistance program. The department shall develop criteria for
10 the facilities which may include provisions to restrict
11 placements to current state hospital-school clients or to
12 avert the placement of persons in a state hospital-school. As
13 the facilities are developed, the department shall assure that
14 clients are referred to the facilities upon their development.

15 2. The funds appropriated in this section are to provide
16 funds for construction and start-up costs to develop community
17 living arrangements to provide for persons who are mentally
18 ill and homeless. These funds may be used to match federal
19 Stewart B. McKinney Homeless Assistance Act grant funds.

20 Sec. 16. FAMILY SUPPORT SUBSIDY PROGRAM. There is
21 appropriated from the general fund of the state to the
22 department of human services for the fiscal year beginning
23 July 1, 1994, and ending June 30, 1995, the following amount,
24 or so much thereof as is necessary, to be used for the purpose
25 designated:

26 For the family support subsidy program:

27 \$ 1,082,550

28 Sec. 17. SPECIAL NEEDS GRANTS. There is appropriated from
29 the general fund of the state to the department of human
30 services for the fiscal year beginning July 1, 1994, and
31 ending June 30, 1995, the following amount, or so much thereof
32 as is necessary, to be used for the purpose designated:

33 To provide special needs grants to families with a family
34 member at home who has a developmental disability or to a
35 person with a developmental disability:

1 \$ 53,212

2 Grants must be used by a family to defray special costs of
3 caring for the family member to prevent out-of-home placement
4 of the family member or to provide for independent living
5 costs. A grant may provide up to \$5,000 per person for costs
6 associated with an assistive animal. The grants may be
7 administered by a private nonprofit agency which serves people
8 statewide provided that no administrative costs are received
9 by the agency. Regular reports regarding the special needs
10 grants with the family support subsidy program and an annual
11 report concerning the characteristics of the grantees shall be
12 provided to the legislative fiscal bureau.

13 Sec. 18. MI/MR/DD STATE CASES. There is appropriated from
14 the general fund of the state to the department of human
15 services for the fiscal year beginning July 1, 1994, and
16 ending June 30, 1995, the following amount, or so much thereof
17 as is necessary, to be used for the purposes designated:

18 For purchase of local services for persons with mental
19 illness, mental retardation, and developmental disabilities
20 services where the client has no established county of legal
21 settlement:
22 \$ 5,973,492

23 Sec. 19. MENTAL ILLNESS -- MENTAL RETARDATION -- DE-
24 VELOPMENTAL DISABILITIES -- BRAIN INJURY -- COMMUNITY
25 SERVICES. There is appropriated from the general fund of the
26 state to the department of human services for the fiscal year
27 beginning July 1, 1994, and ending June 30, 1995, the
28 following amount, or so much thereof as is necessary, to be
29 used for the purpose designated:

30 For mental illness, mental retardation, developmental
31 disabilities, and brain injury community services in
32 accordance with the provisions of this Act:
33 \$ 29,090,958

34 1. Of the funds appropriated in this section, \$15,773,333
35 shall be allocated to counties for funding of community-based

1 mental illness, mental retardation, developmental
2 disabilities, and brain injury services. The moneys shall be
3 allocated to a county as follows:

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

8 b. Fifty percent based upon the county's proportion of the
9 state's general population.

10 2. a. A county shall utilize the funding the county
11 receives pursuant to subsection 1 for services provided to
12 persons with mental illness, mental retardation, developmental
13 disability, or brain injury (MI/MR/DD/BI). However, no more
14 than 50 percent of the funding shall be used for services
15 provided to any one of the service populations.

16 b. A county shall use at least 50 percent of the funding
17 the county receives under subsection 1 for contemporary
18 services provided to persons with MI/MR/DD/BI.

19 c. The mental health and mental retardation commission
20 shall adopt rules pursuant to chapter 17A describing the
21 contemporary services. The commission may adopt emergency
22 rules to implement this subsection.

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

27 4. The department shall submit an annual report concerning
28 each population served and each service funded in this section
29 to the chairpersons and ranking members of the joint
30 appropriations subcommittee on human services and the
31 legislative fiscal bureau.

32 5. a. Provision of funding under subsection 1 is
33 contingent upon a county participating in the county's mental
34 illness, mental retardation, developmental disabilities, and
35 brain injury (MI/MR/DD/BI) planning councils established

1 pursuant to 1992 Iowa Acts, chapter 1241, section 25,
2 subsection 4.

3 b. A planning council shall develop plans for the
4 provision of services for the fiscal year beginning July 1,
5 1994, for persons with MI/MR/DD/BI in the county or counties
6 comprising the planning council.

7 c. County MI/MR/DD/BI expenditure reports for the prior
8 fiscal year are due to the department on October 15 of each
9 year. The county MI/MR/DD/BI plan for the fiscal year
10 beginning July 1, 1994, is due to the department April 1,
11 1994.

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

25 e. (1) A county is entitled to receive money from this
26 appropriation if that county raised by county levy and
27 expended for mental health, mental retardation, and
28 developmental disabilities services, in the preceding fiscal
29 year, an amount of money at least equal to the amount so
30 raised and expended for those purposes during the fiscal year
31 beginning July 1, 1980.

32 (2) With reference to the fiscal year beginning July 1,
33 1980, money "raised by county levy and expended for mental
34 health, mental retardation, and developmental disabilities
35 services" means the county's maintenance of effort determined

1 by using the general allocation application for the state
2 community mental health and mental retardation services fund
3 under section 225C.10, subsection 1, Code 1993. The
4 department, with the agreement of each county, shall establish
5 the actual amount expended by each county for persons with
6 mental illness, mental retardation, or a developmental
7 disability in the fiscal year which ended on July 1, 1980, and
8 this amount shall be deemed each county's maintenance of
9 effort.

10 6. a. Of the funds appropriated in this section,
11 \$13,287,625 is allocated for distribution to counties for
12 local purchase of services for persons with mental illness or
13 mental retardation or other developmental disability.

14 b. The funds allocated in this subsection shall be
15 expended by counties in accordance with eligibility guidelines
16 established in the department's rules outlining general
17 provisions for service administration. Services eligible for
18 payment with funds allocated in this subsection are limited to
19 any of the following which are provided in accordance with the
20 department's administrative rules for the services: adult
21 support, adult day care, administrative support for
22 volunteers, community supervised apartment living
23 arrangements, residential services for adults, sheltered work,
24 supported employment, supported work training, transportation,
25 and work activity.

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

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

34 i. Moneys allocated to a county pursuant to paragraph "f"
35 shall be provided to the county as claims are submitted to the

1 state.

2 j. The moneys provided under this subsection do not
3 establish an entitlement to the services funded under this
4 subsection.

5 7. Of the funds allocated in subsection 1, not more than
6 \$248,862 shall be provided to those counties having
7 supplemental per diem contracts in effect on June 30, 1994,
8 under 1993 Iowa Acts, chapter 172, section 16, subsection 2.
9 The amount provided to each county shall be equal to the
10 amount the county would be eligible to receive under the
11 supplemental per diem contracts in effect on June 30, 1994, if
12 the contracts were continued in effect for the entire fiscal
13 year beginning July 1, 1994.

14 Sec. 20. FIELD OPERATIONS. 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, 1994, and ending June
17 30, 1995, the following amount, or so much thereof as is
18 necessary, to be used for the purpose designated:

19 For field operations, including salaries, support,
20 maintenance, and miscellaneous purposes:
21 \$ 37,567,639

22 Sec. 21. GENERAL ADMINISTRATION. 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, 1994, and
25 ending June 30, 1995, the following amount, or so much thereof
26 as is necessary, to be used for the purpose designated:

27 For general administration, including salaries, support,
28 maintenance, and miscellaneous purposes:
29 \$ 9,587,716

30 Of the funds appropriated in this section, \$57,090 is
31 allocated for the prevention of disabilities policy council
32 established in section 225B.3.

33 Sec. 22. COUNCIL ON HUMAN INVESTMENT. There is
34 appropriated from the general fund of the state to the
35 department of human services for the fiscal year beginning

1 July 1, 1994, and ending June 30, 1995, the following amount
2 or so much thereof as is necessary, to be used for the purpose
3 designated:

4 For administrative costs relating to the council on human
5 investment:

6 \$ 139,200

7 Sec. 23. VOLUNTEERS. 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, 1994, and ending June
10 30, 1995, the following amount, or so much thereof as is
11 necessary, to be used for the purpose designated:

12 For development and coordination of volunteer services:

13 \$ 85,793

14 Sec. 24. "X-PERT" PUBLIC ASSISTANCE BENEFIT ELIGIBILITY
15 DETERMINATION SYSTEM. There is appropriated from the general
16 fund of the state to the department of human services for the
17 fiscal year beginning July 1, 1994, and ending June 30, 1995,
18 the following amount, or so much thereof as is necessary, to
19 be used for the purpose designated:

20 For the development costs of the "X-PERT" knowledge-based
21 computer software package for public assistance benefit
22 eligibility determination, including salaries, support,
23 maintenance, and miscellaneous purposes:

24 \$ 1,411,703

25 Sec. 25. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
26 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
27 DEPARTMENT OF HUMAN SERVICES.

28 1. a. For the fiscal year beginning July 1, 1994, the
29 department of human services may allocate any increases in
30 payments for durable medical products and supplies so that
31 equipment and supplies which have greater wholesale cost
32 increases may be reimbursed at a higher rate and those which
33 have a lower or no wholesale cost increase may be reimbursed
34 at a lower rate or have no increase.

35 b. For the fiscal year beginning July 1, 1994, providers

1 of obstetric services when provided by physicians or certified
2 nurse-midwives shall have their medical assistance
3 reimbursement rates increased by 10 percent over the rates in
4 effect on June 30, 1994.

5 c. For the fiscal year beginning July 1, 1994, early and
6 periodic screening, diagnosis, and treatment program providers
7 shall have their medical assistance rates for screening
8 increased by 5 percent over the rates in effect on June 30,
9 1994.

10 d. For the fiscal year beginning July 1, 1994, skilled
11 nursing facilities shall have their medical assistance rates
12 increased by 4.9 percent over the rates in effect on June 30,
13 1994.

14 e. The dispensing fee for pharmacists shall remain at the
15 rate in effect on June 30, 1994. The reimbursement policy for
16 drug product costs shall be in accordance with federal
17 requirements.

18 f. (1) Reimbursement rates for in-patient services shall
19 be increased by an average of 4.2 percent over the rates in
20 effect on June 30, 1994. Effective July 1, 1994, the
21 department shall implement a new outpatient hospital
22 reimbursement system based upon ambulatory patient groups.
23 Reimbursements made in the initial twelve-month implementation
24 period of the new system shall be retrospectively adjusted so
25 that the reimbursement made is within a five percent deviation
26 of the lower of cost or charges for the services provided
27 during the fiscal year ending June 30, 1994, as adjusted to
28 reflect actual changes in inflation, increased insureds,
29 utilization per insured, and acuity of service.

30 (2) Effective July 1, 1994, the department shall implement
31 a revised medical assistance payment policy to provide that
32 reimbursement for costs of screening and treatment provided in
33 the hospital emergency room is made pursuant to the
34 prospective payment methodology developed by the department
35 for the payment of outpatient services provided under the

1 medical assistance program. The department shall implement
2 both the revised policy for screening and treatment costs and
3 the prospective payment methodology for other medical
4 assistance services at the same time. The payment system for
5 reimbursement of costs of screening and treatment provided in
6 the hospital emergency room in effect during the fiscal year
7 beginning July 1, 1993, shall not continue beyond June 30,
8 1994.

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

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

16 i. The basis for establishing the maximum medical
17 assistance reimbursement rate for nursing facilities shall be
18 the 70th percentile of facility costs as calculated from the
19 June 30, 1994, unaudited compilation of cost and statistical
20 data. However, to the extent funds are available within the
21 amount projected for reimbursement of nursing facilities
22 within the appropriation for medical assistance in this Act,
23 and within the appropriation for medical assistance as a
24 whole, the department shall adjust the maximum medical
25 assistance reimbursement for nursing facilities to the 70th
26 percentile, as calculated on December 31, 1994, unaudited
27 compilation of cost and statistical data and the adjustment
28 shall take effect January 1, 1995.

29 j. The department may revise the fee schedule used for
30 physician reimbursement.

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

34 i. The department shall review and utilize small area
35 analysis or similar analysis to identify differences in

1 hospital in-patient utilization. In addition, the department
2 shall identify incentives to reward efficient, effective, and
3 quality care.

4 m. Medical supply vendors who provide wheelchairs with
5 equipment which exceeds the standard equipment options and are
6 considered specialty wheelchairs shall be reimbursed for the
7 specialty chairs under medical assistance at a rate which is
8 15 percent below the manufacturer's current retail price.

9 n. The drug utilization review commission shall conduct a
10 study to review alternative payment systems for compensation
11 of pharmacists for the provision of pharmaceutical care
12 services and shall submit a report of findings and
13 recommendations regarding a payment system to the legislative
14 fiscal bureau and to the chairpersons and ranking members of
15 the joint appropriations subcommittee on human services by
16 November 30, 1994.

17 2. For the fiscal year beginning July 1, 1994, the maximum
18 cost reimbursement rate for residential care facilities
19 reimbursed by the department shall be \$20.02 per day. The
20 flat reimbursement rate for facilities electing not to file
21 semiannual cost reports shall be \$14.31 per day. For the
22 fiscal year beginning July 1, 1994, the maximum reimbursement
23 rate for providers reimbursed under the in-home health-related
24 care program shall be \$390.15 per month.

25 3. Unless otherwise directed in this section, when the
26 department's reimbursement methodology for any provider
27 reimbursed in accordance with this section includes an
28 inflation factor, this factor shall not exceed the amount by
29 which the consumer price index for all urban consumers
30 increased during the calendar year ending December 31, 1993.

31 4. Notwithstanding section 234.38, in the fiscal year
32 beginning July 1, 1994, the foster family basic monthly
33 maintenance rate and the maximum adoption subsidy rate for
34 children ages 0 through 5 years shall be \$345, the rate for
35 children ages 6 through 11 years shall be \$360, the rate for

1 children ages 12 through 15 years shall be \$401, and the rate
2 for children ages 16 and older shall be \$427. Effective July
3 1, 1994, the monthly allowance for children in independent
4 living shall be \$441. Effective July 1, 1994, the department
5 shall increase the maximum start-up allowance for children in
6 independent living from \$250 to \$400.

7 5. For the fiscal year beginning July 1, 1994, the maximum
8 reimbursement rates for social service providers shall be the
9 same as the rates in effect on June 30, 1994, except under any
10 of the following circumstances:

11 a. If a new service was added after June 30, 1994, the
12 initial reimbursement rate for the service shall be based upon
13 actual and allowable costs.

14 b. If a social service provider loses a source of income
15 used to determine the reimbursement rate for the provider, the
16 provider's reimbursement rate may be adjusted to reflect the
17 loss of income, provided that the lost income was used to
18 support actual and allowable costs of a service purchased
19 under a purchase of service contract.

20 6. The department may adopt emergency rules to implement
21 the provisions of this section.

22 Sec. 26. ASSISTANCE TO GAMBLERS. 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, 1994, and
25 ending June 30, 1995, the following amount, or so much thereof
26 as is necessary, to be used for the purpose designated:

27 For the gamblers assistance program:

28 \$ 250,000

29 The Iowa lottery board and the state racing and gaming
30 commission shall cooperate with the gamblers assistance
31 program to incorporate information regarding the gamblers
32 assistance program and its toll-free telephone number in
33 printed materials distributed by the board and commission.
34 The commission may require licensees to have the information
35 available in a conspicuous place as a condition of licensure.

1 Sec. 27. STATE INSTITUTIONS -- CLOSINGS AND REDUCTIONS.

2 If a state institution administered by the department of human
3 services is to be closed or reduced in size, prior to the
4 closing or reduction the department shall initiate and
5 coordinate efforts in cooperation with the Iowa department of
6 economic development to develop new jobs in the area in which
7 the state institution is located. In addition, the department
8 may take other actions to utilize the facilities of an
9 institution, including but not limited to assisting not-for-
10 profit users with remodeling and lease costs by forgiving
11 future rental or lease payments to the extent necessary for a
12 period not to exceed five years.

13 Sec. 28. INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
14 RETARDED -- CERTIFICATE OF NEED.

15 1. Notwithstanding the provisions of 1993 Iowa Acts,
16 chapter 172, section 28, prohibiting the Iowa department of
17 public health and the health facilities council from
18 processing applications for and considering certificates of
19 need for new or changed institutional health services for an
20 intermediate care facility for the mentally retarded, for the
21 fiscal year beginning July 1, 1994, the department and council
22 shall process applications and consider applications if either
23 of the following conditions are met:

24 a. An institutional health facility is reducing the size
25 of the facility's intermediate care facility for the mentally
26 retarded program and wishes to convert an existing number of
27 the facility's approved beds in that program to smaller living
28 environments in accordance with state policies in effect
29 regarding the size and location of such facilities.

30 b. An institutional health facility proposes to locate a
31 new intermediate care facility for the mentally retarded in an
32 area of the state identified by the department of human
33 services as underserved by intermediate care facility for the
34 mentally retarded beds.

35 2. Both of the following requirements shall apply to an

1 application considered under this section:

2 a. The new or changed beds shall not result in an increase
3 in the total number of medical assistance certified
4 intermediate care facility for the mentally retarded beds in
5 the state as of July 1, 1994.

6 b. A letter of support for the application is provided by
7 the director of human services and the county board of
8 supervisors, or the board's designee, in the county in which
9 the beds would be located.

10 3. The department of human services may adopt emergency
11 rules to implement the provisions of this section.

12 Sec. 29. Section 252.16, subsection 6, Code 1993, is
13 amended to read as follows:

14 6. Subsections 1, 2, 3, and 7, and 8 do not apply to a
15 blind person who is receiving assistance under the laws of
16 this state. A blind person receiving assistance who has
17 resided in one county of this state for a period of six months
18 acquires legal settlement for support as provided in this
19 chapter. However, a blind person who is an inpatient or
20 resident of, or is supported by a state hospital-school
21 created under chapter 222, a state mental health institute
22 created under chapter 226, or the Iowa braille and sight
23 saving school administered by the state board of regents does
24 not acquire legal settlement in the county in which the
25 institution is located.

26 Sec. 30. Section 256B.15, subsection 7, Code 1993, is
27 amended to read as follows:

28 7. Except as otherwise provided in this subsection, all
29 reimbursements received by the area education agencies for
30 eligible services shall be paid annually to the treasurer of
31 state. The area education agencies shall, after determining
32 the administrative costs associated with the implementation of
33 medical assistance reimbursement for the eligible services, be
34 permitted to retain up to twenty-five percent of the federal
35 portion of the total amount reimbursed to pay for the

1 administrative costs. Funds received under this subsection
2 shall not be considered or included as part of the area
3 education agencies' budgets when calculating funds that are to
4 be received by area education agencies during a fiscal year.
5 Except as otherwise provided in this subsection, the treasurer
6 of state shall credit all receipts received under this
7 subsection to the general fund of the state. The treasurer of
8 state shall credit receipts received under medical assistance
9 to the department of human services to pay contractual fees
10 incurred by the department to maximize federal funding for
11 special educational services. All remaining receipts shall be
12 credited to the general fund of the state.

13 Sec. 31. EMERGENCY RULES. If specifically authorized by a
14 provision of this Act, the department of human services or the
15 mental health and mental retardation commission may adopt
16 administrative rules under section 17A.4, subsection 2, and
17 section 17A.5, subsection 2, paragraph "b", to implement the
18 provisions and the rules shall become effective immediately
19 upon filing, unless a later effective date is specified in the
20 rules. In addition, the department may adopt administrative
21 rules in accordance with the provisions of this section as
22 necessary to comply with federal requirements or to adjust to
23 a change in the level of federal funding which affect refugee
24 programs during the fiscal year beginning July 1, 1994, and
25 ending June 30, 1995. Any rules adopted in accordance with
26 the provisions of this section shall also be published as
27 notice of intended action as provided in section 17A.4.

28 Sec. 32. EFFECTIVE DATE. The following provisions of this
29 Act, being deemed of immediate importance, take effect upon
30 enactment:

31 1. Section 10, subsection 2, paragraph "d", relating to
32 development of a formula for allocating certain group foster
33 care beds.

34 2. Section 12, subsection 1, relating to a determination
35 of allocations by the state court administrator.

1 3. Section 19, subsection 5, paragraph "c", relating to
2 submission of MI/MR/DD/BI plans to the department.

3 4. Section 30, relating to the amendment to section
4 256B.15, subsection 7.

5 EXPLANATION

6 The bill makes appropriations for the 1994-1995 fiscal year
7 to the department of human services and the prevention of
8 disabilities policy council for human services and health care
9 programs.

10 The provisions of section 10, subsection 8, limiting state
11 financial aid for county or multicounty juvenile homes, and
12 subsection 11, limiting state payment for shelter care, may
13 constitute a state mandate as defined in section 25B.3.

14 A limitation on issuance of certificates of need for
15 intermediate care facilities for the mentally retarded which
16 is in effect until June 30, 1995, is revised to permit
17 issuance of certificates under certain circumstances.

18 Additional provisions in the bill provide for alternative
19 utilization of the facilities of state institutions and for
20 new job development which may be necessary due to the closing
21 or reduction in size of state institutions; section 252.16 is
22 amended to provide for an exception to the attaining of legal
23 settlement for a blind person who is an inpatient or resident
24 of a state hospital-school, state mental health institute, or
25 the Iowa braille and sight saving school; and section 256B.15
26 is amended to allow for the crediting of receipts received
27 under medical assistance for special education services to the
28 department of human services for contractual fees incurred.

29 The bill provides effective date provisions.

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SENATE FILE 2313
FISCAL NOTE

A fiscal note for Amendment H-5892 to Senate File 2313 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment H-5892 to Senate File 2313 requires the Department of Human Services (DHS) to revise the staffing of the Promise Jobs Employment and Training Program so that only one staff person participates in client orientation and assessment. The amendment requires the DHS to use any savings resulting from this change for child day care subsidies for clients of the Family Investment Program (FIP) who have earned income and voluntarily leave the Program, and for FIP clients whose benefits are terminated due to receipt of child support.

ASSUMPTIONS:

1. There are 41,800 clients who will go through Promise Jobs orientation this year. Total staff time per class is estimated to be approximately 12 hours currently and 6 hours with only 1 staff person. Current average class size is 25. An estimated 10.0 FTE positions are involved in these classes. Class size would decline to 20 with 1 staff person. An estimated 6.0 FTE positions would be involved in these classes.
2. Only the Des Moines Service Delivery Area uses 2 staff people to provide assessments. Total staff time per class is estimated to be 16 hours currently and 8 hours with only 1 staff person. An estimated 15.0 FTE positions are involved in these classes. This would decline to 8.0 FTE positions.

FISCAL EFFECT:

Annual expenditures for Promise Jobs are estimated to decrease by \$330,000. These funds would be redirected to subsidized child day care for the specified groups.

Sources: Department of Economic Development
Department of Employment Services

(LSB 3143sv, JMN)

FILED APRIL 4, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2313

S-5181

1 Amend Senate File 2313 as follows:
2 1. Page 8, by inserting after line 26 the
3 following:
4 "4. The department shall conduct a study of the
5 reimbursement methodology for home intravenous
6 pharmacy products and services and develop a proposal
7 for revising the methodology to provide adequate
8 compensation for the products and services. The
9 proposal shall be submitted to the governor and the
10 legislative fiscal bureau on or before January 1,
11 1995."

By LARRY MURPHY

S-5181 FILED MARCH 14, 1994
ADOPTED

SENATE FILE 2313

S-5178

1 Amend Senate File 2313 as follows:
2 1. Page 14, line 12, by inserting after the
3 figure "598.23A." the following: "Notwithstanding the
4 existing community service work requirements of
5 section 598.23A, the department, in cooperation with
6 the office of the attorney general, shall establish
7 parameters for the participation of an absent parent
8 in the pilot program."
9 2. Page 25, line 2, by inserting after the word
10 "award." the following: "Community or regional groups
11 interested in applying for a grant under this
12 subsection may be issued a planning grant or may
13 utilize grant moneys for the costs of technical
14 assistance to analyze community needs, match service
15 providers to needs, negotiate service provision
16 strategies, or other assistance to focus grant
17 services provided under this subsection. The
18 technical assistance may be provided by organizations
19 affiliated with institutions under the authority of
20 the state board of regents or other organizations
21 experienced in providing technical assistance
22 concerning similar services."

By ELAINE SZYMONIAK

S-5178 FILED MARCH 14, 1994
ADOPTED

SENATE FILE 2313

S-5172

1 Amend Senate File 2313 as follows:

2 1. Page 8, by inserting after line 10 the
3 following:4 "____. The department of management, in cooperation
5 with the department of human services, the department
6 of inspections and appeals, the department of elder
7 affairs, and representatives of the nursing facility
8 industry, shall assess the overall programmatic and
9 fiscal impact of certifying all nursing facility beds
10 for use by recipients of medical assistance and to
11 admit persons to nursing facilities as beds become
12 available on the basis of the time of application and
13 not upon the source of payment of the applicants'
14 care. The department of management shall report
15 findings and recommendations to the governor and the
16 members of the joint appropriations subcommittee on
17 human services on or before January 15, 1995."

18 2. By renumbering as necessary.

By ELAINE SZYMONIAK

S-5172 FILED MARCH 14, 1994

ADOPTED

SENATE FILE 2313

S-5176

1 Amend Senate File 2313 as follows:

2 1. Page 8, line 34, by striking the figure
3 "19,315,000" and inserting the following:

4 "19,663,000".

5 2. Page 40, line 19, by striking the figure
6 "20.02" and inserting the following: "20.22".7 3. Page 40, line 21, by striking the figure
8 "14.31" and inserting the following: "14.45".

By MERLIN E. BARTZ

S-5176 FILED MARCH 14, 1994

LOST

SENATE FILE 2313

S-5167

1 Amend Senate File 2313 as follows:

2 1. Page 8, by inserting after line 10 the
3 following:4 "9. The department of inspections and appeals, in
5 cooperation with the department of human services,
6 shall adopt rules which allow hospitals to provide day
7 treatment and partial hospitalization services to
8 children and adolescents at premises not named in the
9 current license of a hospital."

By ELAINE SZYMONIAK

S-5167 FILED MARCH 14, 1994

WITHDRAWN

SENATE FILE 2313

S-5179

- 1 Amend Senate File 2313 as follows:
- 2 1. Page 15, line 24, by striking the figure
3 "74,600,612" and inserting the following:
4 "74,734,612".
- 5 2. Page 16, line 1, by inserting after the word
6 "services" the following: "and for psychiatric
7 medical institution for children (PMIC) under chapter
8 135H services".
- 9 3. Page 16, line 3, by inserting after the word
10 "care" the following: "and PMIC".
- 11 4. Page 16, line 5, by striking the figure
12 "1,350" and inserting the following: "1,733".
- 13 5. Page 16, line 10, by inserting after the word
14 "care" the following: "or PMIC".
- 15 6. Page 16, line 16, by inserting after the word
16 "care" the following: "and PMIC".
- 17 7. Page 16, line 19, by inserting after the word
18 "care" the following: "and PMIC".
- 19 8. Page 16, line 22, by inserting after the word
20 "care" the following: "and PMIC".
- 21 9. Page 16, line 24, by inserting after the word
22 "care" the following: "and PMIC".
- 23 10. Page 16, line 28, by inserting after the word
24 "care" the following: "and PMIC".
- 25 11. Page 16, line 33, by inserting after the word
26 "care" the following: "or PMIC".
- 27 12. Page 17, line 1, by inserting after the word
28 "care" the following: "and PMIC".
- 29 13. Page 17, line 10, by inserting after the word
30 "care" the following: "or PMIC".
- 31 14. Page 17, line 11, by inserting after the word
32 "care" the following: "or PMIC".
- 33 15. Page 17, by inserting after line 18 the fol-
34 lowing:
35 "f. A PMIC is intended to serve children with a
36 mental health diagnosis who show maladaptive or
37 inappropriate behaviors. A clinical assessment and
38 consultation team shall determine medical necessity
39 for a PMIC placement based upon the mental health
40 diagnosis and the behaviors shown by the child and
41 shall not determine medical necessity based upon the
42 delinquency status of the child."
- 43 16. Page 31, line 33, by striking the figure
44 "29,090,958" and inserting the following:
45 "28,956,958".
- 46 17. Page 31, line 34, by striking the figure
47 "15,773,333" and inserting the following:
48 "15,639,333".
- 49 18. Page 43, by inserting after line 11 the
50 following:

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-1-

S-5179

Page 2

1 "Sec. ____ . Section 232.143, Code Supplement 1993,
2 is amended to read as follows:
3 232.143 REGIONAL GROUP FOSTER CARE TARGET.
4 1. A statewide target for the average number of
5 children in group foster care and psychiatric medical
6 institution for children placements on any day of a
7 fiscal year, which placements are a charge upon or are
8 paid for by the state, shall be established annually
9 by the general assembly. The department and the
10 judicial department shall jointly develop a formula
11 for allocating a portion of the statewide target
12 established by the general assembly to each of the
13 department's regions. The formula shall be based upon
14 the region's proportion of the state population of
15 children and of the statewide number of children
16 placed in group foster care in the previous five
17 completed fiscal years. The number determined in
18 accordance with the formula shall be the group foster
19 care and psychiatric medical institution for children
20 placement target for that region.
21 2. For each of the department's regions,
22 representatives appointed by the department and the
23 juvenile court shall establish a plan for containing
24 the number of children placed in group foster care
25 ordered-by-the-court and psychiatric medical
26 institutions for children pursuant to a court order
27 within the target allocated to that region pursuant to
28 subsection 1. The plan shall include monthly targets
29 and strategies for developing alternatives to group
30 foster care and psychiatric medical institution for
31 children placements in order to contain expenditures
32 for services provided to children within the amount
33 appropriated by the general assembly for that purpose.
34 Each regional plan shall be established in advance of
35 the fiscal year to which the regional plan applies.
36 To the extent possible, the department and the
37 juvenile court shall coordinate the planning required
38 under this subsection with planning for services paid
39 under section 232.141, subsection 4. The department's
40 regional administrator shall communicate regularly, as
41 specified in the regional plan, with the juvenile
42 courts within that region concerning the current
43 status of the regional plan's implementation.
44 3. State payment for group foster care and
45 psychiatric medical institution for children
46 placements shall be limited to those placements which
47 are in accordance with the regional plans developed
48 pursuant to subsection 2."
49 19. By renumbering, relettering, and correcting
50 internal references as necessary.

By ELAINE SZYMONIAK
PATRICK J. DELUHERY

SENATE FILE 2313

S-5182

1 Amend Senate File 2313 as follows:

2 1. Page 17, by inserting after line 18 the
3 following:

4 "f. (1) Within the funds allocated for group
5 foster care, the department of human services, in
6 consultation with the department of corrections, the
7 division of criminal and juvenile justice planning of
8 the department of human rights, and the governor's
9 alliance against substance abuse, shall, effective
10 January 1, 1995, establish a three-year pilot project
11 for the development of a boot camp academy for
12 juveniles who have been adjudicated delinquent. The
13 department of human services shall select the site for
14 the project on a competitive basis. In establishing
15 the pilot project criteria, the department shall
16 consider other states' efforts and experiences in
17 developing and establishing boot camps for juveniles
18 who have been adjudicated delinquent, as well as the
19 problems and successes experienced in existing
20 programs for youthful offenders in this state.

21 (2) The goals of the project shall include, but
22 are not limited to, reducing the incidence of criminal
23 activities by certain youthful offenders, improving
24 the chances of correction and successful return of
25 youthful offenders to the community, providing
26 offenders with the skills necessary for living and
27 rehabilitation, and providing a cost-effective
28 alternative to other more restrictive dispositions.
29 Boot camp academy programs shall take a holistic
30 approach to providing services to program participants
31 and shall include, but are not limited to, the
32 following components:

- 33 (a) Intensive educational services.
- 34 (b) Mental health and substance abuse treatment.
- 35 (c) Nonmilitaristic discipline.
- 36 (d) Proper diet.
- 37 (e) Exercise.
- 38 (f) Self-esteem building.
- 39 (g) An internal sanctioning structure.
- 40 (h) An aftercare plan.
- 41 (i) An evaluation component.

42 (3) The project shall specify that any boot camp
43 academy program developed shall not utilize more than
44 one facility. Program participants shall be
45 determined on a statewide basis by the juvenile court
46 based upon the court's assessment of a particular
47 juvenile delinquent's amenability to successful
48 completion of a boot camp academy program. The
49 department shall adopt rules which provide the court
50 with objective criteria to consider in determining

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Page 2

1 whether placement of a juvenile in a boot camp academy
2 is appropriate. Placement criteria shall include, but
3 are not limited to, the following:

4 (a) Boot camp academy participation will provide
5 an alternative to placement of the individual in a
6 more restrictive setting.

7 (b) Individuals selected shall meet the criteria
8 established in section 232.52.

9 (c) The individual is at least somewhat amenable
10 to treatment.

11 (d) The individual is within the age range of
12 fifteen to seventeen years of age.

13 (e) The individual does not have physical or
14 mental characteristics that would cause placement in a
15 boot camp academy to be detrimental to the person's
16 physical or mental health.

17 (4) The department shall adopt rules establishing
18 criteria for facilities for and the employment of
19 staff at a boot camp academy. In establishing
20 criteria, the department shall consider requirements
21 established for secure facilities for juveniles and
22 adult correctional institutions and for staff employed
23 at those facilities and institutions.

24 (5) Each boot camp academy resident shall be
25 informed of the sanctions and discipline that will
26 result from violation of boot camp academy policies.
27 Boot camp academy rules and regulations shall be well
28 publicized within the boot camp academy setting. Boot
29 camp academy discipline and sanctions shall provide
30 for immediate incremental punishments for rule
31 violations and lack of progress. Voluntary
32 withdrawals and program terminations shall be
33 discouraged as sanctions.

34 (6) The boot camp academy aftercare program shall
35 emphasize individual, family, and community support.
36 Aftercare programming shall be performed by local
37 providers who shall be familiar with the juvenile and
38 the juvenile's family prior to, and during the course
39 of, the participation of the juvenile in the boot camp
40 academy program. Aftercare programming shall be
41 developed cooperatively by boot camp academy staff and
42 aftercare providers and shall include a wide range of
43 incremental sanctions designed to prevent the juvenile
44 from committing new criminal offenses. Aftercare
45 programs may include, but are not limited to, a
46 continuation of any appropriate substance abuse
47 treatment, continuation of or additional educational
48 programming, community service work, employment skills
49 training, drug and alcohol screening as appropriate,
50 in-home visits by the aftercare provider, imposition

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-2-

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1 of and compliance with curfew hours, a prohibition of
2 participation in any gang activity as appropriate, and
3 participation in mentoring programs.
4 (7) In addition to any internal boot camp academy
5 evaluation program, the division of criminal and
6 juvenile justice planning shall annually monitor the
7 effect of any boot camp academy programs established
8 under the pilot project on recidivism and
9 rehabilitation of delinquents who participated in the
10 programs and report any findings to the general
11 assembly. The council, in cooperation with the
12 department, shall conduct a comprehensive review of
13 the program and submit the findings in a report to the
14 general assembly by January 15, 1998."

By PAUL D. PATE

S-5182 FILED MARCH 14, 1994

RULED OUT OF ORDER

SENATE FILE 2313

S-5187

1 Amend Senate File 2313 as follows:

2 1. Page 14, line 19, by inserting after the word
3 "participants." the following: "The department may
4 adopt emergency rules to implement the provisions of
5 this subsection."

6 2. Page 23, line 31, by inserting after the word
7 "purchased." the following: "The department may adopt
8 emergency rules to implement the provisions of this
9 subsection."

10 3. Page 24, line 15, by inserting after the word
11 "grant." the following: "The department may adopt
12 emergency rules to implement the provisions of this
13 subsection."

14 4. Page 25, line 2, by inserting after the word
15 "award." the following: "The department may adopt
16 emergency rules to implement the provisions of this
17 subsection."

By ELAINE SZYMONIAK
PATRICK DELUHERY

S-5187 FILED MARCH 14, 1994

LOST

SENATE FILE 2313

S-5194

1 Amend Senate File 2313 as follows:

2 1. Page 3, line 5, by inserting after the word
3 "necessary" the following: "provided that if the
4 pregnant woman is a minor, one parent or guardian of
5 the pregnant woman is notified".

By RAY TAYLOR

BRAD BANKS

WILLIAM W. DIELEMAN

MERLIN E. BARTZ

MARY LOU FREEMAN

S-5194 FILED MARCH 14, 1994

WITHDRAWN

SENATE FILE 2313

S-5183

1 Amend Senate File 2313 as follows:

2 1. Page 43, by inserting after line 9 the
3 following:

4 "Sec. ____ . WELFARE PROGRAM WAIVERS.

5 1. The department of human services shall submit a
6 waiver request or requests to the United States
7 departments of health and human services and
8 agriculture as necessary to implement the changes in
9 program policy provided in this section which may
10 affect any of the following:

11 a. The family investment program administered
12 under chapter 239.

13 b. The medical assistance program administered
14 under chapter 249A.

15 c. The federal food stamp program.

16 d. Any other program with federal involvement
17 which provides benefits to a recipient of the family
18 investment program and which may be affected by the
19 program policy change provided in this section.

20 2. The waiver request or requests shall provide
21 for all of the following provisions:

22 a. The maximum grant payment amount for a
23 recipient family whose eligibility for the family
24 investment program begins on or after the effective
25 date of the federal waiver shall be limited to the
26 amount that would be paid to a family with two
27 dependent children. However, if any recipient family
28 has no more than one dependent child on or after the
29 effective date of the waiver and a second birth event
30 produces more than one additional child, the family's
31 grant payment amount shall be adjusted to reflect the
32 actual number of children added to the family as a
33 result of the second birth.

34 b. On or after the effective date of the federal
35 waiver, the grant payment amount for a recipient
36 family participating in the family investment program
37 with two or more children prior to the effective date
38 of the waiver shall not be increased to reflect the
39 birth of additional dependent children.

40 c. On or after the effective date of the federal
41 waiver, the provisions of a family investment
42 agreement shall require that if a dependent child of a
43 family investment program recipient does not regularly
44 attend school, the recipient family grant shall be
45 reduced by fifty dollars per month until the child
46 begins regular school attendance.

47 d. As a condition of participation in the family
48 investment program, a recipient who is the mother of
49 at least one dependent child shall be required to
50 utilize the Norplant birth control device following

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1 the birth of a second or subsequent dependent child.
2 The cost of the device shall be paid by the state
3 alone if the cost is not payable jointly under the
4 medical assistance program.

5 3. The waiver request or requests submitted by the
6 department to the federal government pursuant to this
7 section shall be to apply each of the provisions of
8 this section statewide commencing during the fiscal
9 year beginning July 1, 1994. However, if statewide
10 implementation is rejected or the department
11 determines that the federal government will not
12 approve a particular waiver provision, the department
13 shall modify the waiver provision to receive federal
14 approval, or make any other change affecting
15 implementation of a waiver provision under this
16 section, and the department shall implement the
17 approved or modified provisions in accordance with
18 federal requirements."

19 2. By renumbering as necessary.

By BERL E. PRIEBE

S-5183 FILED MARCH 14, 1994

WITHDRAWN

SENATE FILE 2313

S-5184

1 Amend Senate File 2313 as follows:

2 1. Page 31, line 34, by striking the figure
3 "15,773,333" and inserting the following:
4 "15,669,333".

5 2. Page 36, by inserting after line 13 the
6 following:

7 "8. Of the funds appropriated in this section,
8 \$134,000 shall be allocated to counties in accordance
9 with the methodology for distribution of local
10 purchase of services moneys in subsection 6, paragraph
11 "f". The moneys provided pursuant to this subsection
12 shall be used by counties to increase reimbursement
13 rates for local purchase services listed in subsection
14 6, paragraph "b". The moneys provided in this
15 subsection shall not be considered by the department
16 in any calculation or methodology involving the
17 purchase of service system."

18 3. By renumbering as necessary.

By DON GETTINGS
JOHN P. KIBBIE
WILMER RENSINK

RICHARD F. DRAKE
LARRY MURPHY
ELAINE SZYMONIAK

S-5184 FILED MARCH 14, 1994

ADOPTED

SENATE FILE 2313

S-5197

- 1 Amend Senate File 2313 as follows:
- 2 1. Page 24, line 26, by inserting after the word
- 3 "shall" the following: "utilize abstinence-based
- 4 approaches to".

By WILLIAM W. DIELEMAN
ALLEN BORLAUG

S-5197 FILED MARCH 14, 1994
WITHDRAWN

SENATE FILE 2313

S-5198

- 1 Amend Senate File 2313 as follows:
- 2 1. Page 37, by inserting after line 6 the
- 3 following:
- 4 "Notwithstanding section 8.33, moneys appropriated
- 5 in this section which remain unexpended at the close
- 6 of the fiscal year ending June 30, 1995, shall not
- 7 revert to the general fund of the state but shall
- 8 remain available in the succeeding fiscal year and be
- 9 used for the purpose appropriated."

By ELAINE SZYMONIAK

S-5198 FILED MARCH 14, 1994
ADOPTED

SENATE FILE 2313

S-5199

- 1 Amend the amendment, S-5184, to Senate File 2313 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the figure
- 4 "15,669,333" and inserting the following:
- 5 "15,639,333".

By DON GETTINGS
LARRY MURPHY
MARY KRAMER

S-5199 FILED MARCH 14, 1994
ADOPTED

SENATE FILE 2313

S-5195

1 Amend Senate File 2313 as follows:

2 1. Page 41, by inserting after line 35 the
3 following:

4 "Sec. ____ . FAMILY INVESTMENT PROGRAM --
5 TRANSITIONAL CHILD CARE ASSISTANCE WAIVERS.

6 1. The department of human services shall submit a
7 request or requests to the United States department of
8 health and human services for authorization to
9 implement the following waivers of requirements
10 involving the federal-state family investment program
11 and federal-state transitional child care assistance
12 while continuing to draw federal funding for the
13 waived services at the same matching funds rate as
14 provided for transitional child care assistance:

15 a. A waiver of federal requirements to provide
16 transitional child care assistance benefits to family
17 investment program recipients who have earned income
18 and who voluntarily terminate benefits under the
19 family investment program.

20 b. A waiver of federal requirements to provide
21 transitional child care assistance benefits to family
22 investment program recipients who have earned income
23 and who are terminated from the family investment
24 program due to receipt of child support.

25 c. A waiver of federal requirements to provide
26 that if the department determines that state funding
27 is not sufficient to pay the state share of costs of
28 all recipients who would be eligible for transitional
29 child care assistance benefits under this subsection,
30 the department may deny eligibility for the benefits
31 or establish a waiting list for access to the
32 benefits.

33 2. Subject to federal approval of the waiver
34 requests in subsection 1, the department shall
35 determine the extent by which funding allocated in
36 this Act for transitional child care assistance is
37 sufficient to provide transitional child care
38 assistance benefits in accordance with the federally
39 approved waivers. The department shall provide the
40 benefits in accordance with the federal waivers and to
41 the extent funding is determined to be available."

42 2. By renumbering as necessary.

By ELAINE SZYMONIAK

S-5195 FILED MARCH 14, 1994
ADOPTED

SENATE FILE 2313

S-5201

1 Amend Senate File 2313 as follows:

2 1. By striking page 24, line 35 through page 25,
3 line 2 and inserting the following: "Evaluation and
4 assessment reports and information required by section
5 144.29A as enacted by this Act shall be provided to
6 the department of human services and the Iowa
7 department of public health, at a time determined by
8 the department of human services in the grant award."

9 2. Page 43, by inserting after line 11 the
10 following:

11 "Sec. ____ . NEW SECTION. 144.29A TERMINATION OF
12 PREGNANCY REPORTING.

13 1. A health care provider who identifies a
14 spontaneous termination of pregnancy or who induces a
15 termination of pregnancy shall file with the
16 department a report for each termination within thirty
17 days of the occurrence. The report shall contain all
18 of the following information with respect to each
19 termination:

- 20 a. The health care provider number.
21 b. The health facility number.
22 c. The patient number.
23 d. The state of residence and, if this state, the
24 county of residence of the patient.
25 e. The race of the patient.
26 f. The age of the patient.
27 g. The marital status of the patient.
28 h. The educational level of the patient.
29 i. The month and year in which the termination
30 occurred.

31 j. The number of weeks since the patient's last
32 menstrual period.

- 33 k. Complications, if any.
34 l. The cause of termination, if known.
35 m. The type of procedure.

36 2. The information shall be collected in a manner
37 specified by rule of the department, pursuant to
38 chapter 17A, and which ensures the anonymity of the
39 patient who experiences a termination of pregnancy,
40 the health care provider who identifies or induces a
41 termination of pregnancy, and the hospital, clinic, or
42 other health facility in which a termination of
43 pregnancy is identified or induced. The department
44 shall publish, annually, demographic summaries of the
45 information obtained pursuant to this section, except
46 that the department shall not disclose any information
47 obtained pursuant to this section which reveals the
48 identify of any patient, health care provider, or
49 hospital, clinic, or other health facility, and shall
50 ensure anonymity in the following ways:

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1 a. The department may use information concerning
2 the patient number or concerning the identity of a
3 specific reporting hospital, clinic, or other health
4 facility only for purposes of information collection.
5 The department shall not reproduce this information
6 for any purpose, and shall not extrapolate this
7 information for any purposes other than for use in
8 annually publishing the demographic summary under this
9 section.

10 b. The department shall immediately destroy all
11 reports submitted after information is extrapolated
12 from the reports for use in annually publishing the
13 demographic summary under this section.

14 3. For the purposes of this section, "health care
15 provider" means a person providing health care
16 services of any kind.

17 Sec. ____ . Section 144.53, Code 1993, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 4. Violates a provision of
20 section 144.29A."

21 3. By renumbering and correcting internal
22 references as necessary.

By WILLIAM W. DIELEMAN
ALLEN BORLAUG

S-5201 FILED MARCH 14, 1994
RULED OUT OF ORDER

SENATE FILE 2313

S-5202

1 Amend Senate File 2313 as follows:

2 1. Page 15, by inserting after line 17 the
3 following:

4 "7. a. Within the funds appropriated in this
5 section, the department shall, effective January 1,
6 1995, establish a three-year pilot project for the
7 development of a boot camp academy for juveniles who
8 have been adjudicated delinquent. The department
9 shall select the site for the project on a competitive
10 basis. In establishing the pilot project criteria,
11 the department shall consider other states' efforts
12 and experiences in developing and establishing boot
13 camps for juveniles who have been adjudicated
14 delinquent, as well as the problems and successes
15 experienced in existing programs for youthful
16 offenders in this state.

17 b. The goals of the project shall include, but are
18 not limited to, reducing the incidence of criminal
19 activities by certain youthful offenders, improving
20 the chances of correction and successful return of
21 youthful offenders to the community, providing
22 offenders with the skills necessary for living and
23 rehabilitation, and providing a cost-effective
24 alternative to other more restrictive dispositions.
25 Boot camp academy programs shall take a holistic
26 approach to providing services to program participants
27 and shall include, but are not limited to, the
28 following components:

- 29 (1) Intensive educational services.
- 30 (2) Mental health and substance abuse treatment.
- 31 (3) Nonmilitaristic discipline.
- 32 (4) Proper diet.
- 33 (5) Exercise.
- 34 (6) Self-esteem building.
- 35 (7) An internal sanctioning structure.
- 36 (8) An aftercare plan.
- 37 (9) An evaluation component.

38 c. The project shall specify that any boot camp
39 academy program developed shall not utilize more than
40 one facility. Program participants shall be
41 determined on a statewide basis by the juvenile court
42 based upon the court's assessment of a particular
43 juvenile delinquent's amenability to successful
44 completion of a boot camp academy program. The
45 department shall adopt rules which provide the court
46 with objective criteria to consider in determining
47 whether placement of a juvenile in a boot camp academy
48 is appropriate. Placement criteria shall include, but
49 are not limited to, the following:

- 50 (1) Boot camp academy participation will provide

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1 an alternative to placement of the individual in a
2 more restrictive setting.

3 (2) Individuals selected shall meet the criteria
4 established in section 232.52.

5 (3) The individual is at least somewhat amenable
6 to treatment.

7 (4) The individual is within the age range of
8 fifteen to eighteen years of age.

9 (5) The individual does not have physical or
10 mental characteristics that would cause placement in a
11 boot camp academy to be detrimental to the person's
12 physical or mental health.

13 d. The department shall adopt rules establishing
14 criteria for facilities for and the employment of
15 staff at a boot camp academy. In establishing
16 criteria, the department shall consider requirements
17 established for secure facilities for juveniles and
18 adult correctional institutions and for staff employed
19 at those facilities and institutions.

20 e. Each boot camp academy resident shall be
21 informed of the sanctions and discipline that will
22 result from violation of boot camp academy policies.
23 Boot camp academy rules and regulations shall be well
24 publicized within the boot camp academy setting. Boot
25 camp academy discipline and sanctions shall provide
26 for immediate incremental punishments for rule
27 violations and lack of progress. Voluntary
28 withdrawals and program terminations shall be
29 discouraged as sanctions.

30 f. The boot camp academy aftercare program shall
31 emphasize individual, family, and community support.
32 Aftercare programming shall be performed by local
33 providers who shall be familiar with the juvenile and
34 the juvenile's family prior to, and during the course
35 of, the participation of the juvenile in the boot camp
36 academy program. Aftercare programming shall be
37 developed cooperatively by boot camp academy staff and
38 aftercare providers and shall include a wide range of
39 incremental sanctions designed to prevent the juvenile
40 from committing new criminal offenses. Aftercare
41 programs may include, but are not limited to, a
42 continuation of any appropriate substance abuse
43 treatment, continuation of or additional educational
44 programming, community service work, employment skills
45 training, drug and alcohol screening as appropriate,
46 in-home visits by the aftercare provider, imposition
47 of and compliance with curfew hours, a prohibition of
48 participation in any gang activity as appropriate, and
49 participation in mentoring programs.

50 g. In addition to any internal boot camp academy

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1 evaluation program, the division of criminal and
2 juvenile justice planning of the department of human
3 rights shall annually monitor the effect of any boot
4 camp academy programs established under the pilot
5 project on recidivism and rehabilitation of
6 delinquents who participated in the programs and
7 report any findings to the general assembly. The
8 division, in cooperation with the department of human
9 services, shall conduct a comprehensive review of the
10 program and submit the findings in a report to the
11 general assembly by January 15, 1998."

12 2. By renumbering and correcting internal
13 references as necessary.

By RAY TAYLOR
PAUL D. PATE

S-5202 FILED MARCH 14, 1994

LOST

SENATE FILE 2313

S-5203

1 Amend Senate File 2313 as follows:

- 2 1. Page 24, line 24, by striking the word
- 3 "services" and inserting the following: "programs".
- 4 2. Page 24, line 28, by inserting after the word
- 5 "relationships" the following: "including sexual
- 6 abstinence".

By MERLIN E. BARTZ

S-5203 FILED MARCH 14, 1994

ADOPTED

(P. 639) 3-15-94 House - Appropriation
(P. 1017) 3/30/94 House - Amend/Do Pass
W/H-5879

SENATE FILE **2313**
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2253)
(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1994)

- New Language by the Senate

Passed Senate, Date ^(P. 1105) 4/8/94 Passed House, Date ^(P. 1194) 4/6/94
Vote: Ayes 50 Nays 0 Vote: Ayes 69 Nays 31

Approved April 14, 1994
Panel 4-12-94
Vote 49-0
^(P. 1160)

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 human
- 4 services and health care and providing for effective and
- 5 applicability dates.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S.F. 2313

1 Section 1. FAMILY INVESTMENT PROGRAM. There is
2 appropriated from the general fund of the state to the
3 department of human services for the fiscal year beginning
4 July 1, 1994, and ending June 30, 1995, the following amount,
5 or so much thereof as is necessary, to be used for the purpose
6 designated:

7 For assistance under the family investment program under
8 chapter 239:

9 \$ 37,139,476

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

13 2. The department shall continue to contract for services
14 in developing and monitoring an entrepreneurial training
15 waiver program to provide technical assistance in self-
16 employment training to families which receive assistance under
17 the family investment program, contingent on federal approval
18 of the annual waiver renewal requests. The waiver program
19 shall be provided for the fiscal year beginning July 1, 1994,
20 and ending June 30, 1995, or for as long as federal approval
21 of the statewide program is granted.

22 3. The department shall continue the special needs program
23 under the family investment program.

24 4. Notwithstanding section 239.6, the department is not
25 required to reconsider eligibility of family investment
26 program recipients every six months if a federal waiver is
27 granted.

28 5. Notwithstanding any contrary provision of chapter 239,
29 the department shall continue to implement the family
30 investment program in accordance with the provisions of the
31 waiver request approved by the United States department of
32 health and human services pursuant to 1993 Iowa Acts, chapter
33 97, section 3.

34 6. The department may adopt emergency rules for the family
35 investment, food stamp, and medical assistance programs to

1 change or delete welfare reform initiatives that threaten the
2 integrity or continuation of the program or that are not cost-
3 effective. Prior to the adoption of rules, the department
4 shall consult with the welfare reform council, members of the
5 public involved in development of the policy established in
6 the 1993 session, and the chairpersons and ranking members of
7 the human resources committees of the senate and the house of
8 representatives.

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, 1994, and
12 ending June 30, 1995, 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 for homeless prevention programs:
16 \$ 1,767,500

17 The emergency assistance provided for in this section shall
18 be available beginning October 1 of the fiscal year and shall
19 be provided only if all other publicly funded resources have
20 been exhausted. The emergency assistance includes, but is not
21 limited to, assisting people who face eviction, potential
22 eviction, or foreclosure, utility shutoff or fuel shortage,
23 loss of heating energy supply or equipment, homelessness,
24 utility or rental deposits, or other specified crisis which
25 threatens family or living arrangements. The emergency
26 assistance shall be available to migrant families who would
27 otherwise meet eligibility criteria. The department may adopt
28 emergency rules to implement the program including eligibility
29 criteria and benefit levels. The department may contract for
30 the administration and delivery of the program. The program
31 shall be terminated when funds are exhausted.

32 Sec. 3. MEDICAL ASSISTANCE. There is appropriated from
33 the general fund of the state to the department of human
34 services for the fiscal year beginning July 1, 1994, and
35 ending June 30, 1995, the following amount, or so much thereof

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

2 For medical assistance, including reimbursement for
3 abortion services, which shall be available under the medical
4 assistance program only for those abortions which are
5 medically necessary:

6 \$344,490,351

7 1. Medically necessary abortions are those performed under
8 any of the following conditions:

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

11 b. The attending physician certifies that the fetus is
12 physically deformed, mentally deficient, or afflicted with a
13 congenital illness.

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

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

22 e. Any spontaneous abortion, commonly known as a
23 miscarriage, if not all of the products of conception are
24 expelled.

25 2. Notwithstanding section 8.39, the department may
26 transfer funds appropriated in this section to a separate
27 account established in the department's case management unit
28 for expenditures required to provide case management services
29 for mental health, mental retardation, and developmental
30 disabilities services under medical assistance which are
31 jointly funded by the state and county, pending final
32 settlement of the expenditures. Funds received by the case
33 management unit in settlement of the expenditures shall be
34 used to replace the transferred funds and are available for
35 the purposes for which the funds were appropriated in this

1 section.

2 3. a. If a medical assistance recipient is receiving care
3 which is reimbursed under a federally approved home and
4 community-based services waiver but would otherwise be
5 approved for care in an intermediate care facility for the
6 mentally retarded, the recipient's county of legal settlement
7 shall reimburse the department on a monthly basis for the
8 portion of the recipient's cost of care which is not paid from
9 federal funds.

10 b. The department's admission requirements involving
11 medical assistance payment for an individual's placement in an
12 intermediate care facility for the mentally retarded shall
13 require, prior to the placement, referral of the individual
14 through an approved case management program. The case
15 management program shall identify any appropriate alternatives
16 to the placement and shall inform the individual of the
17 alternatives. The department may adopt emergency rules to
18 implement the provisions of this subsection.

19 c. The department shall conduct a study to determine the
20 feasibility of establishing a special classification of
21 nursing facility for persons with mental retardation or other
22 developmental disability whose ability to respond to active
23 treatment protocols is limited due to age or medical needs.
24 Participants in the study shall include representatives of the
25 department of inspections and appeals, Iowa state association
26 of counties, arc of Iowa, and the Iowa association of
27 residential and rehabilitation facilities.

28 4. a. The county of legal settlement shall be billed for
29 50 percent of the nonfederal share of the cost of case
30 management provided for adults, day treatment, and partial
31 hospitalization in accordance with sections 249A.26 and
32 249A.27, and 100 percent of the nonfederal share of the cost
33 of care which is reimbursed under a federally approved home
34 and community-based waiver that would otherwise be approved
35 for provision in an intermediate care facility for the

1 mentally retarded, provided under the medical assistance
2 program for persons with mental retardation, a developmental
3 disability, or chronic mental illness. The state shall have
4 responsibility for the remaining 50 percent of the nonfederal
5 share of the cost of case management provided for adults, day
6 treatment, and partial hospitalization. For persons without a
7 county of legal settlement, the state shall have
8 responsibility for 100 percent of the nonfederal share of the
9 cost of case management provided for adults, day treatment,
10 partial hospitalization, and the home and community-based
11 waiver services.

12 b. The state shall pay the entire nonfederal share of the
13 costs for case management services provided to persons 18
14 years of age or younger who are served in a medical assistance
15 home and community-based waiver program for persons with
16 mental retardation.

17 c. Medical assistance funding for case management services
18 for eligible persons 18 years of age and under shall also be
19 provided to persons residing in counties with child welfare
20 decategorization projects implemented in accordance with
21 section 232.188, provided these projects have included these
22 persons in their service plan and the decategorization project
23 county is willing to provide the nonfederal share of costs.

24 d. When paying the necessary and legal expenses of
25 intermediate care facilities for the mentally retarded
26 (ICFMR), the cost payment requirements of section 222.60 shall
27 be considered fulfilled when payment is made in accordance
28 with the medical assistance payment rates established for
29 ICFMRs by the department and the state or a county of legal
30 settlement is not obligated for any amount in excess of the
31 rates.

32 5. The department shall expand coverage of services to
33 children under medical assistance to include nutritional
34 counseling services for children not eligible for women,
35 infant and children (WIC) nutritional counseling services due

1 to exceeding the WIC age limit or who require services in
2 excess of those available under WIC. The department may adopt
3 emergency rules in order to implement this change.

4 6. Upon receipt of a federal waiver, the department may
5 adopt and implement emergency rules to establish a prepaid
6 mental health services plan for medical assistance patients.
7 The rules shall include but not be limited to defining the
8 structure of the program, establishing the scope of services
9 to be provided in the program, establishing client eligibility
10 for prepaid mental health services, establishing the basis and
11 rate of reimbursement for the program, defining the expected
12 outcome measures of the program, and defining a client appeal
13 process. Notwithstanding the provisions of subsection 4,
14 paragraph "a", of this section and section 249A.26, requiring
15 counties to pay all or part of the nonfederal share of certain
16 services provided to persons with disabilities under the
17 medical assistance program, the state shall pay 100 percent of
18 the nonfederal share of any services included in the plan
19 implemented pursuant to this subsection.

20 7. The department shall utilize not more than \$60,000 of
21 the funds appropriated in this section to continue the
22 AIDS/HIV health insurance premium payment program as
23 established in 1992 Iowa Acts, Second Extraordinary Session,
24 Chapter 1001, section 409, subsection 6. Of the funds
25 allocated in this subsection, not more than \$10,000 may be
26 expended for administrative purposes.

27 8. The department of human services shall seek a federal
28 waiver to implement a pilot project to allow up to 16 nursing
29 homes, as defined in section 155.1, to be operated under an
30 outcome-based alternative plan for regulatory compliance. The
31 waiver shall include a request for suspension of federal
32 regulations which the department identifies as more
33 restrictive than necessary to provide a safe and healthy
34 environment for residents of a nursing home. Following
35 approval of the waiver, the department shall establish a

1 request for proposal, or other research-based selection
2 process, and shall select up to 16 nursing homes to operate
3 under the alternative system, based upon criteria and
4 requirements which shall include but are not limited to all of
5 the following:

6 a. The department of inspections and appeals shall utilize
7 the regulations established for the pilot project for state
8 licensure survey purposes, except during adverse actions such
9 as fining and citation, conditional licensure or license
10 revocation proceedings, in which cases existing state
11 licensure rules shall be used. The department of inspections
12 and appeals shall investigate complaints registered against
13 homes involved in the pilot project utilizing the federal
14 regulations developed for those homes. State licensure rules
15 shall be utilized if adverse action results from a complaint
16 investigation. The nursing home shall comply with the
17 requirements of chapter 481 I.A.C. 61, applicable state law,
18 and applicable fire regulations.

19 b. The department shall adopt rules which establish the
20 minimum requirements for alternative nursing homes, and the
21 nursing homes shall comply with the minimum requirements
22 established.

23 c. The nursing homes shall develop and implement a written
24 plan of operation which is outcome-based and which establishes
25 goals for the home in meeting the outcomes identified. The
26 plan shall include an ongoing process for identifying and
27 attaining the outcomes identified. The plan shall also
28 include a method for evaluation of the effect of the
29 alternative form of operation on the quality of life of the
30 residents and the need for alternative methods of staff
31 development and service delivery.

32 d. The nursing homes shall provide for input from the
33 residents regarding the most appropriate environment and
34 services to the residents.

35 e. The nursing homes shall report annually to the

1 department regarding the success of the nursing homes in
2 reaching the goals established and regarding recommendations
3 for additional improvements in the structure and operation of
4 the nursing homes and the services provided the residents of
5 the homes.

6 f. The department shall annually report to the
7 chairpersons and ranking members of the joint appropriations
8 subcommittee on human services on the progress of the pilot
9 project and shall include in the report recommendations
10 regarding the use of alternatives to standard nursing homes.

11 g. The department of management, in cooperation with the
12 department of human services, the department of inspections
13 and appeals, the department of elder affairs, and
14 representatives of the nursing facility industry, shall assess
15 the overall programmatic and fiscal impact of certifying all
16 nursing facility beds for use by recipients of medical
17 assistance and to admit persons to nursing facilities as beds
18 become available on the basis of the time of application and
19 not upon the source of payment of the applicants' care. The
20 department of management shall report findings and
21 recommendations to the governor and the members of the joint
22 appropriations subcommittee on human services on or before
23 January 15, 1995.

24 Sec. 4. MEDICAL CONTRACTS. There is appropriated from the
25 general fund of the state to the department of human services
26 for the fiscal year beginning July 1, 1994, and ending June
27 30, 1995, the following amount, or so much thereof as is
28 necessary, to be used for the purpose designated:

29 For medical contracts:

30 \$ 5,630,350

31 1. The department shall continue to contract for drug
32 utilization review under the medical assistance program.

33 2. The department shall determine, in consultation with
34 the drug utilization review commission, the feasibility of
35 assigning a unique identification number to each individual

1 pharmacist.

2 3. The department may use not more than \$60,000 of the
3 funds appropriated in this section to contract for services to
4 expand the point of service reimbursement system.

5 4. The department shall conduct a study of the
6 reimbursement methodology for home intravenous pharmacy
7 products and services and develop a proposal for revising the
8 methodology to provide adequate compensation for the products
9 and services. The proposal shall be submitted to the governor
10 and the legislative fiscal bureau on or before January 1,
11 1995.

12 Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is
13 appropriated from the general fund of the state to the
14 department of human services for the fiscal year beginning
15 July 1, 1994, and ending June 30, 1995, the following amount,
16 or so much thereof as is necessary, to be used for the purpose
17 designated:

18 For state supplementary assistance:
19 \$ 19,315,000

20 The department shall increase the personal needs allowance
21 for residents of residential care facilities by the same
22 percentage and at the same time as federal supplemental
23 security income and federal social security benefits are
24 increased due to a recognized increase in the cost of living.
25 The department may adopt emergency rules to implement the
26 provisions of this paragraph.

27 Sec. 6. CHILD DAY CARE ASSISTANCE. There is appropriated
28 from the general fund of the state to the department of human
29 services for the fiscal year beginning July 1, 1994, and
30 ending June 30, 1995, the following amount, or so much thereof
31 as is necessary, to be used for the purposes designated:

32 For protective child day care assistance and state child
33 care assistance:
34 \$ 7,397,259

35 1. Of the funds appropriated in this section, \$3,146,286

1 shall be used for protective child day care assistance.

2 2. Of the funds appropriated in this section, \$2,430,934
3 shall be used for state child care assistance.

4 3. Based upon the availability of the funding provided in
5 subsection 2 the department shall establish waiting lists for
6 state child care assistance in descending order of
7 prioritization as follows:

8 a. Families who are at or below 100 percent of the federal
9 poverty level and are employed at least 30 hours a week.

10 b. Parents under the age of 21 who are employed full-time
11 or part-time or who are participating in an approved training
12 program or who are enrolled in an education program.

13 c. Families who are at or below 155 percent of the federal
14 poverty level who have a special needs child.

15 d. Families who are at or below 100 percent of the federal
16 poverty level who are employed part-time at least 20 hours per
17 week.

18 4. a. The funds allocated in this section for protective
19 and state child care assistance shall be allocated to the
20 department of human services regions and each region shall
21 distribute the allocation to the counties within the region.
22 If a region determines that a specified portion of the funds
23 provided to a county in that region is sufficient to meet the
24 county's current demand and projected growth, the region may
25 transfer the excess amount of funds to another county in that
26 region. If the region determines that a specified portion of
27 the funds provided to the region is sufficient to meet the
28 region's current demand and projected growth for the remainder
29 of the fiscal year, the excess amount may be transferred for
30 use in another region.

31 b. For state child care assistance, eligibility shall be
32 limited to children whose family income is equal to or less
33 than 100 percent of the federal office of management and
34 budget poverty guidelines. However, on or after October 1,
35 1994, the department may increase the income eligibility limit

1 to be equal to or less than 75 percent of the Iowa median
2 family income.

3 c. The department may adopt emergency rules to comply with
4 the federal child care development block grant and federal at-
5 risk child care program; to streamline the existing day care
6 program; and to deliver the services within state and federal
7 funds appropriated.

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

15 5. Of the funds appropriated in this section, \$640,270 is
16 allocated for the statewide program for child day care
17 resource and referral services under section 237A.26.

18 6. The department may use any of the funds appropriated in
19 this section as a match to obtain federal funds for use in
20 expanding child day care assistance and related programs.

21 7. a. Of the funds appropriated in this section,
22 \$1,179,769 shall be used for transitional child care
23 assistance.

24 b. Notwithstanding section 239.21, the department of human
25 services shall provide the transitional child care assistance
26 in accordance with the federal Family Support Act of 1988,
27 Pub. L. No. 100-485, § 302, and applicable federal
28 regulations.

29 Sec. 7. JOBS PROGRAM. There is appropriated from the
30 general fund of the state to the department of human services
31 for the fiscal year beginning July 1, 1994, and ending June
32 30, 1995, the following amount, or so much thereof as is
33 necessary, to be used for the purposes designated:

34 For the federal-state job opportunities and basic skills
35 (JOBS) program, food stamp employment and training program,

1 family development and self-sufficiency grants, and
2 implementing family investment agreements, in accordance with
3 this section:

4 \$ 12,071,270

5 1. Of the funds appropriated in this section, \$11,161,970
6 is allocated for the JOBS program.

7 2. Notwithstanding any contrary provisions of chapter
8 249C, the department shall implement work and training
9 programs in accordance with the waiver request approved by the
10 United States department of health and human services pursuant
11 to 1993 Iowa Acts, chapter 97, section 3.

12 3. Of the funds appropriated in this section, \$129,985 is
13 allocated for the food stamp employment and training program.

14 4. Of the funds appropriated in this section, \$779,315 is
15 allocated to the family development and self-sufficiency grant
16 program as provided under section 217.12.

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

20 b. Federal funding matched by state, county, or other
21 funding which is not appropriated in this section shall be
22 deposited in the department's JOBS account. If the match
23 funding is generated by a family development and self-
24 sufficiency grantee, the federal funding received shall be
25 used to expand the family development and self-sufficiency
26 grant program. If the match funding is generated by another
27 source, the federal funding received shall be used to expand
28 the grant program or the JOBS program. The department may
29 adopt emergency rules to implement the provisions of this
30 paragraph.

31 c. Based upon the annual evaluation report concerning each
32 grantee funded by this allocation, the family development and
33 self-sufficiency council may use funds allocated to renew
34 grants.

35 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated

1 from the general fund of the state to the department of human
2 services for the fiscal year beginning July 1, 1994, and
3 ending June 30, 1995, the following amount, or so much thereof
4 as is necessary, to be used for the purposes designated:

5 For child support recovery, including salaries, support,
6 maintenance, and miscellaneous purposes:
7 \$ 4,951,546

8 1. The director of human services, within the limitations
9 of the funds appropriated in this section, or funds
10 transferred from the family investment program for this
11 purpose, shall establish new positions and add employees to
12 the child support recovery unit if the director determines
13 that both the current and additional employees together can
14 reasonably be expected to maintain or increase net state
15 revenue at or beyond the budgeted level. If the director adds
16 employees, the department shall demonstrate the cost-
17 effectiveness of the current and additional employees by
18 reporting to the joint appropriations subcommittee on human
19 services the ratio of the total amount of administrative costs
20 for child support recoveries to the total amount of the child
21 support recovered.

22 2. Nonpublic assistance application and user fees received
23 by the child support recovery program are appropriated and
24 shall be used for the purposes of the child support recovery
25 program. The director of human services may add positions if
26 fees collected relating to the new positions are sufficient to
27 pay the salaries and support for the positions. The director
28 shall report any positions added pursuant to this subsection
29 to the chairpersons and ranking members of the joint
30 appropriations subcommittee on human services and the
31 legislative fiscal bureau.

32 3. The director of human services, in consultation with
33 the department of management and the legislative fiscal
34 committee, is authorized to receive and deposit state child
35 support incentive earnings in the manner specified under

1 applicable federal requirements.

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

14 5. The child support recovery unit shall continue to work
15 with the judicial department to determine the feasibility of a
16 pilot project utilizing a court-appointed referee for judicial
17 determinations on child support matters. The extent and
18 location of any pilot project shall be jointly developed by
19 the judicial department and the child support recovery unit.

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

26 7. Of the funds appropriated in this section the
27 department shall use up to \$30,000 to establish a pilot
28 program option in not more than ten counties within one
29 judicial district to provide and supervise a community service
30 pilot project for absent parents who are ordered by the court
31 to perform community service for failure to pay child support
32 pursuant to section 598.23A. Notwithstanding the existing
33 community service work requirements of section 598.23A, the
34 department, in cooperation with the office of the attorney
35 general, shall establish parameters for the participation of

1 an absent parent in the pilot program. Funding shall be
2 provided for the administration of the pilot project which
3 shall include reimbursement for the services of an attorney
4 employed by the office of the attorney general, office
5 equipment, transportation costs of the attorney, service fees
6 for contempt of court actions, contracting fees for an agency
7 to provide and supervise the community service pilot project,
8 and transportation costs for community service participants.

9 Sec. 9. JUVENILE INSTITUTIONS. 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, 1994, and
12 ending June 30, 1995, the following amount, or so much thereof
13 as is necessary, to be used for the purposes designated:

14 For the operation of the state training school and the Iowa
15 juvenile home, including salaries, support, maintenance, and
16 miscellaneous purposes:

17 For the state juvenile institutions:

18 \$ 12,937,878

19 1. The following amounts of the funds appropriated in this
20 section are allocated for the Iowa juvenile home at Toledo:

21 \$ 4,799,897

22 2. The following amounts of the funds appropriated in this
23 section are allocated for the state training school at Eldora:

24 \$ 8,137,981

25 3. During the fiscal year beginning July 1, 1994, the
26 population levels at the state juvenile institutions shall not
27 exceed the population guidelines established under 1990 Iowa
28 Acts, chapter 1239, section 21.

29 4. Each state juvenile institution shall apply for
30 adolescent pregnancy prevention grants for the fiscal year
31 beginning July 1, 1994.

32 5. Within the funds appropriated in this section, the
33 department may reallocate funds as necessary to best fulfill
34 the needs of the institutions provided for in the
35 appropriation.

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

7 Sec. 10. CHILD AND FAMILY SERVICES. 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, 1994, and
10 ending June 30, 1995, the following amount, or so much thereof
11 as is necessary, to be used for the purpose designated:

12 For child and family services:

13 \$ 74,600,612

14 1. The department may transfer moneys appropriated in this
15 section as necessary to pay the nonfederal costs of services
16 reimbursed under medical assistance or the family investment
17 program which are provided to children who would otherwise
18 receive services paid under the appropriation in this section.
19 The department may transfer funds appropriated in this section
20 to the appropriations in this Act for general administration
21 and for field operations for resources necessary to implement
22 and operate the services funded in this section.

23 2. a. Of the funds appropriated in this section, up to
24 \$23,309,136 is allocated for group foster care maintenance and
25 services. For the fiscal year beginning July 1, 1994, the
26 statewide target, as provided in section 232.143, for the
27 average number of children placed in group foster care
28 services in any day of the fiscal year which are a charge upon
29 or paid for by the state shall be 1,350. Notwithstanding the
30 statewide target established in this subsection and sections
31 232.52, 232.102, 232.117, 232.127, and 232.182, a target
32 established in a region's group foster care plan developed
33 pursuant to section 232.143 may be exceeded, a group foster
34 care placement may be ordered, and state payment may be made
35 if a clinical assessment and consultation team finds that the

1 placement is necessary to meet the child's needs. If the
2 daily average target established in a region's group foster
3 care plan is exceeded, the department and courts in that
4 region shall refer at least five percent of the region's group
5 foster care placements to a clinical assessment and
6 consultation team to determine if alternative services would
7 meet the child's service needs and to assist the region in
8 reducing the number of children in group foster care
9 placements in the regional target within 45 days from the date
10 the target was exceeded. The department and the courts shall
11 work together to ensure that a region's group foster care
12 expenditures shall not exceed the funds allocated to the
13 region for group foster care placements in the 1994-1995
14 fiscal year. The department may adopt emergency rules to
15 implement the provisions of this paragraph.

16 b. In each quarter of the fiscal year, the department
17 shall compare the actual number of group foster care
18 placements in a region and the targets allocated to the region
19 for that quarter. The department shall develop a methodology
20 to provide, within the funds allocated in this subsection,
21 fiscal incentives to regions which have reduced the number or
22 length of group foster care placements.

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

28 d. Notwithstanding the formula specified in section
29 232.143, subsection 1, the department and the judicial
30 department shall develop a formula for allocating a portion of
31 the statewide target to each of the department's regions based
32 on factors determined by the department and the judicial
33 department which may include but are not limited to historical
34 usage of group foster care beds and indicators of need for
35 group foster care placements. The formula shall be

1 established by May 1, 1994. The department may adopt
2 emergency rules to implement the provisions of this paragraph.

3 e. The reimbursement rates paid for placement of children
4 out-of-state shall be calculated according to the same rate-
5 setting principles as those used for in-state providers,
6 unless the director determines that appropriate care cannot be
7 provided within the state.

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

12 4. The department shall continue to contract for a
13 statewide system for recruiting, retaining, and supporting
14 foster care families consistent with the recommendation of the
15 department's family foster care advisory committee. The
16 department may continue the contract for this purpose which
17 was initiated in the fiscal year beginning July 1, 1993, if
18 defined goals have been achieved. The department shall
19 involve the family foster care advisory committee in
20 overseeing the work of the contractor, and further defining
21 needs in the system.

22 5. In accordance with the provisions of section 232.188,
23 the department shall continue the demonstration program to
24 decategorize child welfare services in the five counties in
25 which the program has commenced. The department may approve
26 additional applications from a county or cluster of counties
27 to initiate a demonstration program provided the department,
28 the boards of supervisors in the counties, and the affected
29 judicial districts agree to implement the program. The
30 schedule for implementing the demonstration program in
31 additional counties shall provide that the program be
32 implemented on or after January 1, 1995. The department shall
33 establish, for the demonstration program counties, a child
34 welfare fund composed of all or part of the amount that would
35 otherwise be expected to be used for residents of the counties

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

35 6. Of the funds appropriated in this section, up to

1 \$92,009 is allocated for continued foster care services to a
2 child who is 18 years of age or older in accordance with the
3 provisions of section 234.35, subsection 4, paragraph "c".
4 However, if funding in this appropriation would remain
5 unobligated at the end of the fiscal year, the allocation in
6 this subsection may be exceeded to the extent necessary to
7 provide the continued foster care services. The department
8 shall distribute the moneys allocated in this subsection to
9 the departmental regions based on each region's proportion of
10 the total number of children placed in foster care on March 31
11 preceding the beginning of the fiscal year, who, during the
12 fiscal year would no longer be eligible for foster care due to
13 age.

14 7. During the fiscal period of this appropriation, the
15 department, in coordination with the legislative fiscal bureau
16 and the judicial department, shall continue to track those
17 out-of-home placements of children in which the state or a
18 county is financially involved. The tracking information
19 shall be submitted quarterly to the governor, the chairpersons
20 and ranking members of the joint appropriations subcommittee
21 on human services, and the legislative fiscal bureau and shall
22 include all of the following information:

23 a. The number of placements of children within each of the
24 following age ranges: 0 through 5; 6 through 10; 11 through
25 15; and 16 through 21.

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

1 8. Notwithstanding section 232.142, subsection 3, the
2 financial aid paid by the state for the establishment,
3 improvements, operation, and maintenance of county or
4 multicounty juvenile detention homes in the fiscal year
5 beginning July 1, 1994, shall be limited to \$510,000. Funds
6 allocated in this subsection shall be prorated among eligible
7 detention homes.

8 9. 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 those funds to enter into a performance-based
13 contract to secure SSI benefits for children placed in foster
14 care. The contract shall include provisions for training of
15 department of human services and juvenile court staff,
16 completion of applications, tracking of application results,
17 and representation during the appeals process whenever an
18 appeal is necessary to secure SSI benefits. Notwithstanding
19 section 217.30 and section 232.2, subsection 11, and any other
20 provision of law to the contrary, the custodian of a child in
21 foster care may release medical, mental health, substance
22 abuse, or any other information necessary only to determine
23 the child's eligibility for SSI benefits, and may sign
24 releases for the information. In any release of information
25 made pursuant to this subsection, confidentiality shall be
26 maintained to the maximum extent possible.

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

32 11. Notwithstanding section 234.35, subsection 1, state
33 funding for shelter care paid pursuant to section 234.35,
34 subsection 1, paragraph "h", shall be limited to \$6,710,720
35 for the fiscal year beginning July 1, 1994. The department

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

3 12. Of the funds appropriated in this section, not more
4 than \$500,297 may be used to develop and maintain the state's
5 implementation of the national adoption and foster care
6 information system pursuant to the requirements of Pub. L. No.
7 99-509. The department may transfer funds as necessary from
8 the appropriations in this Act for field operations and
9 general administration to implement this subsection. Moneys
10 allocated in accordance with this subsection shall be
11 considered encumbered for the purposes of section 8.33.

12 13. The department shall continue training seminars
13 throughout the state on the use of reasonable efforts to
14 prevent or eliminate the need for removal of a child from the
15 child's home, and on family-centered approaches to serving
16 children and families. The department shall work with the
17 judicial department to make the training applicable and
18 available to court officers involved with referrals of
19 children to foster care. In addition, the department shall
20 work with the supreme court to provide ongoing instruction and
21 technical assistance in selected counties in the state
22 concerning application of reasonable efforts. Counties shall
23 be selected by targeting those with a high rate of placement
24 of children outside the children's homes. The recipients of
25 technical assistance shall include court officials, department
26 of human services referral workers, and child welfare service
27 providers. Trainers shall include respected peers and
28 colleagues of the training recipients. The department shall
29 also incorporate family-centered approaches to serving
30 families into the department's general child welfare training
31 for child welfare workers. The department shall use not more
32 than \$132,006 of the funds appropriated in this section for
33 the contract. The department shall seek assistance from the
34 reasonable efforts model court project, the child welfare
35 league of America, the national association of family-based

1 services, the national conference of state legislatures, and
2 private foundations; and shall draw from successful
3 initiatives used in other states in implementing the
4 provisions of this subsection.

5 14. Of the funds appropriated in this section, not more
6 than \$1,036,680 may be used for respite services to families
7 of children with mental retardation or other developmental
8 disabilities, who would otherwise enter or continue group care
9 placement.

10 15. Of the funds appropriated in this section, up to
11 \$682,766 may be used as determined by the department for any
12 of the following purposes:

13 a. For general administration of the department to improve
14 staff training efforts.

15 b. For oversight of termination of parental rights and
16 permanency planning efforts on a statewide basis.

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

20 d. For specialized permanency planning field operations
21 staff.

22 16. The department shall continue to contract for family
23 foster care homes developed for children who present severe
24 emotional or behavioral management problems who might
25 otherwise be placed in group foster care. Contracts shall
26 provide that the family receives a certain fixed payment
27 regardless of placements, and shall specify that at least one
28 parent shall generally be available in the home 24 hours per
29 day in order to provide intensive and consistent structure and
30 therapeutic intervention, and to respond to crises. Each home
31 shall serve a maximum of three children.

32 17. Upon receipt of federal approval, the department shall
33 utilize the federal emergency assistance program to fund
34 approved children and family services under this section and
35 other programs providing emergency services to families and

1 children. The department may transfer moneys appropriated in
2 this section, as necessary, to pay the nonfederal share of
3 services reimbursed under the emergency assistance program
4 which are provided to children and families who would
5 otherwise receive the services. The department may adopt
6 emergency rules to implement the provisions of this
7 subsection. The rules may include but are not limited to the
8 development of program descriptions, provider standards, cost
9 principles, rate-setting, contract requirements, service and
10 financial eligibility criteria, claims submission criteria and
11 program accountability standards. The department shall work
12 with affected parties in developing the rules authorized in
13 this subsection.

14 18. The department shall adopt rules for purchase of
15 recruitment and home studies as necessary to secure an
16 adequate number of foster families to serve children needing
17 foster care placement. In implementing the provisions of this
18 subsection, the department may issue requests for proposals,
19 establish a flat fee schedule, or expand the pool of providers
20 from which the services are purchased.

21 Sec. 11. COMMUNITY-BASED PROGRAMS. 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, 1994, and
24 ending June 30, 1995, the following amount, or so much thereof
25 as is necessary, to be used for the purpose designated:

26 For community-based programs, on the condition that family
27 planning services are funded, including salaries, support,
28 maintenance, and miscellaneous purposes:

29 \$ 2,456,126

30 1. Of the funds appropriated in this section, \$652,451
31 shall be used for adolescent pregnancy prevention grants,
32 including not more than \$152,451 for programs to prevent
33 second or subsequent pregnancies during the adolescent years
34 and to provide support services for pregnant or parenting
35 adolescents. Rules adopted by the department may allow for

1 revision of existing grant categories and the addition of
2 grant categories which allow for the development and
3 initiation of a statewide adolescent pregnancy prevention
4 campaign and of a statewide assessment or evaluation grant.

5 2. Of the funds appropriated in this section, \$500,000
6 shall be used for grants to community or regional groups which
7 demonstrate broad-based representation from community
8 representatives including but not limited to schools,
9 churches, human service-related organizations, and businesses.
10 Priority in the awarding of grants shall be given to groups
11 which provide services to both urban and rural areas within
12 the proximity of the community or region and which provide
13 age-appropriate programs adapted for both male and female
14 youth at the elementary, middle, and high school levels. A
15 program shall focus on the prevention of initial pregnancies
16 during the adolescent years by emphasizing responsible
17 decision-making in relationships including sexual abstinence,
18 managing of peer and social pressures, development of self-
19 esteem, the costs and responsibilities of parenting, and
20 information regarding the alternative of adoption for
21 placement of a child. The program shall also include an
22 evaluation and assessment component which includes evaluation
23 of and recommendations for improvement of the program by the
24 youth and parents involved. Evaluation and assessment reports
25 shall be provided to the department of human services, at a
26 time determined by the department in the grant award.
27 Community or regional groups interested in applying for a
28 grant under this subsection may be issued a planning grant or
29 may utilize grant moneys for the costs of technical assistance
30 to analyze community needs, match service providers to needs,
31 negotiate service provision strategies, or other assistance to
32 focus grant services provided under this subsection. The
33 technical assistance may be provided by organizations
34 affiliated with institutions under the authority of the state
35 board of regents or other organizations experienced in

1 providing technical assistance concerning similar services.

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

5 4. Of the funds appropriated in this section, \$31,900
6 shall be used by the department for child neutral visitation
7 grants. It is the intent of the general assembly that funds
8 shall be provided by the state for this purpose only for this
9 fiscal year.

10 5. Of the funds appropriated in this section, an
11 additional \$300,000, based upon the amount allocated for this
12 purpose in the previous fiscal year, shall be used for family
13 planning services.

14 Sec. 12. COURT-ORDERED SERVICES PROVIDED TO JUVENILES.

15 There is appropriated from the general fund of the state to
16 the department of human services for the fiscal year beginning
17 July 1, 1994, and ending June 30, 1995, the following amount,
18 or so much thereof as is necessary, to be used for the purpose
19 designated:

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

23 \$ 3,090,000

24 1. Notwithstanding section 232.141 or any other provision
25 of law, the funds appropriated in this section shall be
26 allocated to the judicial districts as determined by the state
27 court administrator. The state court administrator shall make
28 the determination on the allocations on or before June 15.

29 2. a. Each judicial district shall continue the planning
30 group for the court-ordered services for juveniles provided in
31 that district which was established pursuant to 1991 Iowa
32 Acts, chapter 267, section 119. A planning group shall
33 continue to perform its duties as specified in that law.
34 Reimbursement rates for providers of court-ordered evaluation
35 and treatment services paid under section 232.141, subsection

1 4, shall be negotiated with providers by each judicial
2 district's planning group.

3 b. Each district planning group shall submit an annual
4 report in January to the state court administrator and the
5 department of human services. The report shall cover the
6 preceding fiscal year and shall include a preliminary report
7 on the current fiscal year. The administrator and the
8 department shall compile these reports and submit the reports
9 to the chairpersons and ranking members of the joint
10 appropriations subcommittee on human services and the
11 legislative fiscal bureau.

12 3. The department of human services shall develop policies
13 and procedures to ensure that the funds appropriated in this
14 section are spent only after all other reasonable actions have
15 been taken to utilize other funding sources and community-
16 based services. The policies and procedures shall be designed
17 to achieve the following objectives relating to services
18 provided under chapter 232:

19 a. Maximize the utilization of funds which may be
20 available from the medical assistance program including usage
21 of the early and periodic screening, diagnosis, and treatment
22 (EPSDT) program.

23 b. Recover payments from any third-party insurance carrier
24 which is liable for coverage of the services, including health
25 insurance coverage.

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

29 4. The department of human services, in consultation with
30 the state court administrator and the judicial district
31 planning groups, shall compile a monthly report describing
32 spending in the districts for court-ordered services for
33 juveniles, including the utilization of the medical assistance
34 program. The reports shall be submitted on or before the
35 twentieth day of each month to the chairpersons and ranking

1 members of the joint appropriations subcommittee on human
2 services and the legislative fiscal bureau.

3 5. Notwithstanding chapter 232 or any other provision of
4 law, a district or juvenile court in a department of human
5 services district shall not order any service which is a
6 charge upon the state pursuant to section 232.141 if there are
7 insufficient court-ordered services funds available in the
8 district allocation to pay for the service. The chief
9 juvenile court officer shall work with the judicial district
10 planning group to encourage use of the funds appropriated in
11 this section such that there are sufficient funds to pay for
12 all court-related services during the entire year. The eight
13 chief juvenile court officers shall attempt to anticipate
14 potential surpluses and shortfalls in the allocations and
15 shall cooperatively request the state court administrator to
16 transfer funds between the districts' allocations as prudent.

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

22 7. Of the funds appropriated in this section, not more
23 than \$200,000 may be used by the judicial department for
24 administration of the requirements under this section and for
25 travel associated with court-ordered placements which are a
26 charge upon the state pursuant to section 232.141, subsection
27 4.

28 8. Of the funds appropriated in this section, not more
29 than \$200,000 may be transferred to the appropriation in this
30 Act for child and family services and used to provide school-
31 based supervision of children adjudicated under chapter 232.

32 Sec. 13. MENTAL HEALTH INSTITUTES. 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, 1994, and
35 ending June 30, 1995, the following amount, or so much thereof

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

2 For the state mental health institutes for salaries,
3 support, maintenance, and miscellaneous purposes:

4 \$ 42,470,116

5 1. The funds appropriated in this section are allocated as
6 follows:

7 a. State mental health institute at Cherokee:

8 \$ 14,425,374

9 b. State mental health institute at Clarinda:

10 \$ 6,008,952

11 c. State mental health institute at Independence:

12 \$ 17,153,764

13 d. State mental health institute at Mount Pleasant:

14 \$ 4,882,026

15 2. Within the funds appropriated in this section, the
16 department may reallocate funds as necessary to best fulfill
17 the needs of the institutions provided for in the
18 appropriation. However, the department shall not reallocate
19 funds if the reallocation would result in a reduction in
20 services or of personnel at any institution.

21 3. 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 4. As part of the discharge planning process at the state
28 mental health institutes, the department shall provide
29 assistance in obtaining eligibility for federal supplemental
30 security income (SSI) to those individuals whose care at a
31 state mental health institute is the financial responsibility
32 of the state.

33 5. The department shall develop a proposal for
34 implementing a forensic mental health unit. The proposal
35 shall be submitted to the governor and the members of the

1 joint appropriations subcommittee on human services on or
2 before January 15, 1995.

3 Sec. 14. HOSPITAL-SCHOOLS. There is appropriated from the
4 general fund of the state to the department of human services
5 for the fiscal year beginning July 1, 1994, and ending June
6 30, 1995, the following amount, or so much thereof as is
7 necessary, to be used for the purposes designated:

8 For the state hospital-schools, for salaries, support,
9 maintenance, and miscellaneous purposes:

10 \$ 65,789,681

11 1. The funds appropriated in this section are allocated as
12 follows:

13 a. State hospital-school at Glenwood:

14 \$ 35,497,594

15 b. State hospital-school at Woodward:

16 \$ 30,292,087

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

21 3. 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. 15. MENTAL ILLNESS -- MENTAL RETARDATION --
28 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is
29 appropriated from the general fund of the state to the
30 department of human services for the fiscal year beginning
31 July 1, 1994, and ending June 30, 1995, the following amount,
32 or so much thereof as is necessary, to be used for the purpose
33 designated:

34 For mental illness, mental retardation, and developmental
35 disabilities special services:

1 \$ 121,220

2 1. The department and the Iowa finance authority shall
3 develop methods to implement the financing for existing
4 community-based facilities and to implement financing for
5 small community-based facilities, including those facilities
6 which may be developed under a federally approved home and
7 community-based waiver for services provided under the medical
8 assistance program. The department shall develop criteria for
9 the facilities which may include provisions to restrict
10 placements to current state hospital-school clients or to
11 avert the placement of persons in a state hospital-school. As
12 the facilities are developed, the department shall assure that
13 clients are referred to the facilities upon their development.

14 2. The funds appropriated in this section are to provide
15 funds for construction and start-up costs to develop community
16 living arrangements to provide for persons who are mentally
17 ill and homeless. These funds may be used to match federal
18 Stewart B. McKinney Homeless Assistance Act grant funds.

19 Sec. 16. FAMILY SUPPORT SUBSIDY PROGRAM. 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, 1994, and ending June 30, 1995, the following amount,
23 or so much thereof as is necessary, to be used for the purpose
24 designated:

25 For the family support subsidy program:
26 \$ 1,082,550

27 Sec. 17. SPECIAL NEEDS GRANTS. There is appropriated from
28 the general fund of the state to the department of human
29 services for the fiscal year beginning July 1, 1994, and
30 ending June 30, 1995, the following amount, or so much thereof
31 as is necessary, to be used for the purpose designated:

32 To provide special needs grants to families with a family
33 member at home who has a developmental disability or to a
34 person with a developmental disability:

35 \$ 53,212

1 Grants must be used by a family to defray special costs of
2 caring for the family member to prevent out-of-home placement
3 of the family member or to provide for independent living
4 costs. A grant may provide up to \$5,000 per person for costs
5 associated with an assistive animal. The grants may be
6 administered by a private nonprofit agency which serves people
7 statewide provided that no administrative costs are received
8 by the agency. Regular reports regarding the special needs
9 grants with the family support subsidy program and an annual
10 report concerning the characteristics of the grantees shall be
11 provided to the legislative fiscal bureau.

12 Sec. 18. MI/MR/DD STATE CASES. There is appropriated from
13 the general fund of the state to the department of human
14 services for the fiscal year beginning July 1, 1994, and
15 ending June 30, 1995, the following amount, or so much thereof
16 as is necessary, to be used for the purposes designated:

17 For purchase of local services for persons with mental
18 illness, mental retardation, and developmental disabilities
19 services where the client has no established county of legal
20 settlement:

21 \$ 5,973,492

22 Sec. 19. MENTAL ILLNESS -- MENTAL RETARDATION -- DE-
23 VELOPMENTAL DISABILITIES -- BRAIN INJURY -- COMMUNITY
24 SERVICES. There is appropriated from the general fund of the
25 state to the department of human services for the fiscal year
26 beginning July 1, 1994, and ending June 30, 1995, the
27 following amount, or so much thereof as is necessary, to be
28 used for the purpose designated:

29 For mental illness, mental retardation, developmental
30 disabilities, and brain injury community services in
31 accordance with the provisions of this Act:

32 \$ 29,090,958

33 1. Of the funds appropriated in this section, \$15,639,333
34 shall be allocated to counties for funding of community-based
35 mental illness, mental retardation, developmental

1 disabilities, and brain injury services. The moneys shall be
2 allocated to a county as follows:

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

7 b. Fifty percent based upon the county's proportion of the
8 state's general population.

9 2. a. A county shall utilize the funding the county
10 receives pursuant to subsection 1 for services provided to
11 persons with mental illness, mental retardation, developmental
12 disability, or brain injury (MI/MR/DD/BI). However, no more
13 than 50 percent of the funding shall be used for services
14 provided to any one of the service populations.

15 b. A county shall use at least 50 percent of the funding
16 the county receives under subsection 1 for contemporary
17 services provided to persons with MI/MR/DD/BI.

18 c. The mental health and mental retardation commission
19 shall adopt rules pursuant to chapter 17A describing the
20 contemporary services. The commission may adopt emergency
21 rules to implement this subsection.

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

26 4. The department shall submit an annual report concerning
27 each population served and each service funded in this section
28 to the chairpersons and ranking members of the joint
29 appropriations subcommittee on human services and the
30 legislative fiscal bureau.

31 5. a. Provision of funding under subsection 1 is
32 contingent upon a county participating in the county's mental
33 illness, mental retardation, developmental disabilities, and
34 brain injury (MI/MR/DD/BI) planning councils established
35 pursuant to 1992 Iowa Acts, chapter 1241, section 25,

1 subsection 4.

2 b. A planning council shall develop plans for the
3 provision of services for the fiscal year beginning July 1,
4 1994, for persons with MI/MR/DD/BI in the county or counties
5 comprising the planning council.

6 c. County MI/MR/DD/BI expenditure reports for the prior
7 fiscal year are due to the department on October 15 of each
8 year. The county MI/MR/DD/BI plan for the fiscal year
9 beginning July 1, 1994, is due to the department April 1,
10 1994.

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

24 e. (1) A county is entitled to receive money from this
25 appropriation if that county raised by county levy and
26 expended for mental health, mental retardation, and
27 developmental disabilities services, in the preceding fiscal
28 year, an amount of money at least equal to the amount so
29 raised and expended for those purposes during the fiscal year
30 beginning July 1, 1980.

31 (2) With reference to the fiscal year beginning July 1,
32 1980, money "raised by county levy and expended for mental
33 health, mental retardation, and developmental disabilities
34 services" means the county's maintenance of effort determined
35 by using the general allocation application for the state

1 community mental health and mental retardation services fund
2 under section 225C.10, subsection 1, Code 1993. The
3 department, with the agreement of each county, shall establish
4 the actual amount expended by each county for persons with
5 mental illness, mental retardation, or a developmental
6 disability in the fiscal year which ended on July 1, 1980, and
7 this amount shall be deemed each county's maintenance of
8 effort.

9 6. a. Of the funds appropriated in this section,
10 \$13,287,625 is allocated for distribution to counties for
11 local purchase of services for persons with mental illness or
12 mental retardation or other developmental disability.

13 b. The funds allocated in this subsection shall be
14 expended by counties in accordance with eligibility guidelines
15 established in the department's rules outlining general
16 provisions for service administration. Services eligible for
17 payment with funds allocated in this subsection are limited to
18 any of the following which are provided in accordance with the
19 department's administrative rules for the services: adult
20 support, adult day care, administrative support for
21 volunteers, community supervised apartment living
22 arrangements, residential services for adults, sheltered work,
23 supported employment, supported work training, transportation,
24 and work activity.

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

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

33 i. Moneys allocated to a county pursuant to paragraph "f"
34 shall be provided to the county as claims are submitted to the
35 state.

1 j. The moneys provided under this subsection do not
2 establish an entitlement to the services funded under this
3 subsection.

4 7. Of the funds allocated in subsection 1, not more than
5 \$248,862 shall be provided to those counties having
6 supplemental per diem contracts in effect on June 30, 1994,
7 under 1993 Iowa Acts, chapter 172, section 16, subsection 2.
8 The amount provided to each county shall be equal to the
9 amount the county would be eligible to receive under the
10 supplemental per diem contracts in effect on June 30, 1994, if
11 the contracts were continued in effect for the entire fiscal
12 year beginning July 1, 1994.

13 8. Of the funds appropriated in this section, \$134,000
14 shall be allocated to counties in accordance with the
15 methodology for distribution of local purchase of services
16 moneys in subsection 6, paragraph "f". The moneys provided
17 pursuant to this subsection shall be used by counties to
18 increase reimbursement rates for local purchase services
19 listed in subsection 6, paragraph "b". The moneys provided in
20 this subsection shall not be considered by the department in
21 any calculation or methodology involving the purchase of
22 service system.

23 Sec. 20. FIELD OPERATIONS. 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, 1994, and ending June
26 30, 1995, the following amount, or so much thereof as is
27 necessary, to be used for the purpose designated:

28 For field operations, including salaries, support,
29 maintenance, and miscellaneous purposes:
30 \$ 37,567,639

31 Sec. 21. GENERAL ADMINISTRATION. There is appropriated
32 from the general fund of the state to the department of human
33 services for the fiscal year beginning July 1, 1994, and
34 ending June 30, 1995, the following amount, or so much thereof
35 as is necessary, to be used for the purpose designated:

1 For general administration, including salaries, support,
2 maintenance, and miscellaneous purposes:

3 \$ 9,587,716

4 Of the funds appropriated in this section, \$57,090 is
5 allocated for the prevention of disabilities policy council
6 established in section 225B.3.

7 Sec. 22. COUNCIL ON HUMAN INVESTMENT. There is
8 appropriated from the general fund of the state to the
9 department of human services for the fiscal year beginning
10 July 1, 1994, and ending June 30, 1995, the following amount
11 or so much thereof as is necessary, to be used for the purpose
12 designated:

13 For administrative costs relating to the council on human
14 investment:

15 \$ 139,200

16 Notwithstanding section 8.33, moneys appropriated in this
17 section which remain unexpended at the close of the fiscal
18 year ending June 30, 1995, shall not revert to the general
19 fund of the state but shall remain available in the succeeding
20 fiscal year and be used for the purpose appropriated.

21 Sec. 23. VOLUNTEERS. There is appropriated from the
22 general fund of the state to the department of human services
23 for the fiscal year beginning July 1, 1994, and ending June
24 30, 1995, the following amount, or so much thereof as is
25 necessary, to be used for the purpose designated:

26 For development and coordination of volunteer services:

27 \$ 85,793

28 Sec. 24. "X-PERT" PUBLIC ASSISTANCE BENEFIT ELIGIBILITY
29 DETERMINATION SYSTEM. There is appropriated from the general
30 fund of the state to the department of human services for the
31 fiscal year beginning July 1, 1994, and ending June 30, 1995,
32 the following amount, or so much thereof as is necessary, to
33 be used for the purpose designated:

34 For the development costs of the "X-PERT" knowledge-based
35 computer software package for public assistance benefit

1 eligibility determination, including salaries, support,
2 maintenance, and miscellaneous purposes:
3 \$ 1,411,703

4 Sec. 25. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
5 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
6 DEPARTMENT OF HUMAN SERVICES.

7 1. a. For the fiscal year beginning July 1, 1994, the
8 department of human services may allocate any increases in
9 payments for durable medical products and supplies so that
10 equipment and supplies which have greater wholesale cost
11 increases may be reimbursed at a higher rate and those which
12 have a lower or no wholesale cost increase may be reimbursed
13 at a lower rate or have no increase.

14 b. For the fiscal year beginning July 1, 1994, providers
15 of obstetric services when provided by physicians or certified
16 nurse-midwives shall have their medical assistance
17 reimbursement rates increased by 10 percent over the rates in
18 effect on June 30, 1994.

19 c. For the fiscal year beginning July 1, 1994, early and
20 periodic screening, diagnosis, and treatment program providers
21 shall have their medical assistance rates for screening
22 increased by 5 percent over the rates in effect on June 30,
23 1994.

24 d. For the fiscal year beginning July 1, 1994, skilled
25 nursing facilities shall have their medical assistance rates
26 increased by 4.9 percent over the rates in effect on June 30,
27 1994.

28 e. The dispensing fee for pharmacists shall remain at the
29 rate in effect on June 30, 1994. The reimbursement policy for
30 drug product costs shall be in accordance with federal
31 requirements.

32 f. (1) Reimbursement rates for in-patient services shall
33 be increased by an average of 4.2 percent over the rates in
34 effect on June 30, 1994. Effective July 1, 1994, the
35 department shall implement a new outpatient hospital

1 reimbursement system based upon ambulatory patient groups.
2 Reimbursements made in the initial twelve-month implementation
3 period of the new system shall be retrospectively adjusted so
4 that the reimbursement made is within a five percent deviation
5 of the lower of cost or charges for the services provided
6 during the fiscal year ending June 30, 1994, as adjusted to
7 reflect actual changes in inflation, increased insureds,
8 utilization per insured, and acuity of service.

9 (2) Effective July 1, 1994, the department shall implement
10 a revised medical assistance payment policy to provide that
11 reimbursement for costs of screening and treatment provided in
12 the hospital emergency room is made pursuant to the
13 prospective payment methodology developed by the department
14 for the payment of outpatient services provided under the
15 medical assistance program. The department shall implement
16 both the revised policy for screening and treatment costs and
17 the prospective payment methodology for other medical
18 assistance services at the same time. The payment system for
19 reimbursement of costs of screening and treatment provided in
20 the hospital emergency room in effect during the fiscal year
21 beginning July 1, 1993, shall not continue beyond June 30,
22 1994.

23 g. Reimbursement rates for rural health clinics shall be
24 increased in accordance with increases under the federal
25 medicare program.

26 h. Home health agencies certified for the federal medicare
27 program, hospice services, and acute care mental hospitals
28 shall be reimbursed for their current federal medicare audited
29 costs.

30 i. The basis for establishing the maximum medical
31 assistance reimbursement rate for nursing facilities shall be
32 the 70th percentile of facility costs as calculated from the
33 June 30, 1994, unaudited compilation of cost and statistical
34 data. However, to the extent funds are available within the
35 amount projected for reimbursement of nursing facilities

1 within the appropriation for medical assistance in this Act,
2 and within the appropriation for medical assistance as a
3 whole, the department shall adjust the maximum medical
4 assistance reimbursement for nursing facilities to the 70th
5 percentile, as calculated on December 31, 1994, unaudited
6 compilation of cost and statistical data and the adjustment
7 shall take effect January 1, 1995.

8 j. The department may revise the fee schedule used for
9 physician reimbursement.

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

13 l. The department shall review and utilize small area
14 analysis or similar analysis to identify differences in
15 hospital in-patient utilization. In addition, the department
16 shall identify incentives to reward efficient, effective, and
17 quality care.

18 m. Medical supply vendors who provide wheelchairs with
19 equipment which exceeds the standard equipment options and are
20 considered specialty wheelchairs shall be reimbursed for the
21 specialty chairs under medical assistance at a rate which is
22 15 percent below the manufacturer's current retail price.

23 n. The drug utilization review commission shall conduct a
24 study to review alternative payment systems for compensation
25 of pharmacists for the provision of pharmaceutical care
26 services and shall submit a report of findings and
27 recommendations regarding a payment system to the legislative
28 fiscal bureau and to the chairpersons and ranking members of
29 the joint appropriations subcommittee on human services by
30 November 30, 1994.

31 2. For the fiscal year beginning July 1, 1994, the maximum
32 cost reimbursement rate for residential care facilities
33 reimbursed by the department shall be \$20.02 per day. The
34 flat reimbursement rate for facilities electing not to file
35 semiannual cost reports shall be \$14.31 per day. For the

1 fiscal year beginning July 1, 1994, the maximum reimbursement
2 rate for providers reimbursed under the in-home health-related
3 care program shall be \$390.15 per month.

4 3. Unless otherwise directed in this section, when the
5 department's reimbursement methodology for any provider
6 reimbursed in accordance with this section includes an
7 inflation factor, this factor shall not exceed the amount by
8 which the consumer price index for all urban consumers
9 increased during the calendar year ending December 31, 1993.

10 4. Notwithstanding section 234.38, in the fiscal year
11 beginning July 1, 1994, the foster family basic monthly
12 maintenance rate and the maximum adoption subsidy rate for
13 children ages 0 through 5 years shall be \$345, the rate for
14 children ages 6 through 11 years shall be \$360, the rate for
15 children ages 12 through 15 years shall be \$401, and the rate
16 for children ages 16 and older shall be \$427. Effective July
17 1, 1994, the monthly allowance for children in independent
18 living shall be \$441. Effective July 1, 1994, the department
19 shall increase the maximum start-up allowance for children in
20 independent living from \$250 to \$400.

21 5. For the fiscal year beginning July 1, 1994, the maximum
22 reimbursement rates for social service providers shall be the
23 same as the rates in effect on June 30, 1994, except under any
24 of the following circumstances:

25 a. If a new service was added after June 30, 1994, 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 6. The department may adopt emergency rules to implement
35 the provisions of this section.

1 Sec. 26. ASSISTANCE TO GAMBLERS. There is appropriated
2 from the general fund of the state to the department of human
3 services for the fiscal year beginning July 1, 1994, and
4 ending June 30, 1995, the following amount, or so much thereof
5 as is necessary, to be used for the purpose designated:

6 For the gamblers assistance program:

7 \$ 250,000

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

15 Sec. 27. FAMILY INVESTMENT PROGRAM --TRANSITIONAL CHILD
16 CARE ASSISTANCE WAIVERS.

17 1. The department of human services shall submit a request
18 or requests to the United States department of health and
19 human services for authorization to implement the following
20 waivers of requirements involving the federal-state family
21 investment program and federal-state transitional child care
22 assistance while continuing to draw federal funding for the
23 waivered services at the same matching funds rate as provided
24 for transitional child care assistance:

25 a. A waiver of federal requirements to provide
26 transitional child care assistance benefits to family
27 investment program recipients who have earned income and who
28 voluntarily terminate benefits under the family investment
29 program.

30 b. A waiver of federal requirements to provide
31 transitional child care assistance benefits to family
32 investment program recipients who have earned income and who
33 are terminated from the family investment program due to
34 receipt of child support.

35 c. A waiver of federal requirements to provide that if the

1 department determines that state funding is not sufficient to
2 pay the state share of costs of all recipients who would be
3 eligible for transitional child care assistance benefits under
4 this subsection, the department may deny eligibility for the
5 benefits or establish a waiting list for access to the
6 benefits.

7 2. Subject to federal approval of the waiver requests in
8 subsection 1, the department shall determine the extent by
9 which funding allocated in this Act for transitional child
10 care assistance is sufficient to provide transitional child
11 care assistance benefits in accordance with the federally
12 approved waivers. The department shall provide the benefits
13 in accordance with the federal waivers and to the extent
14 funding is determined to be available.

15 Sec. 28. STATE INSTITUTIONS -- CLOSINGS AND REDUCTIONS.
16 If a state institution administered by the department of human
17 services is to be closed or reduced in size, prior to the
18 closing or reduction the department shall initiate and
19 coordinate efforts in cooperation with the Iowa department of
20 economic development to develop new jobs in the area in which
21 the state institution is located. In addition, the department
22 may take other actions to utilize the facilities of an
23 institution, including but not limited to assisting not-for-
24 profit users with remodeling and lease costs by forgiving
25 future rental or lease payments to the extent necessary for a
26 period not to exceed five years.

27 Sec. 29. INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
28 RETARDED -- CERTIFICATE OF NEED.

29 1. Notwithstanding the provisions of 1993 Iowa Acts,
30 chapter 172, section 28, prohibiting the Iowa department of
31 public health and the health facilities council from
32 processing applications for and considering certificates of
33 need for new or changed institutional health services for an
34 intermediate care facility for the mentally retarded, for the
35 fiscal year beginning July 1, 1994, the department and council

1 shall process applications and consider applications if either
2 of the following conditions are met:

3 a. An institutional health facility is reducing the size
4 of the facility's intermediate care facility for the mentally
5 retarded program and wishes to convert an existing number of
6 the facility's approved beds in that program to smaller living
7 environments in accordance with state policies in effect
8 regarding the size and location of such facilities.

9 b. An institutional health facility proposes to locate a
10 new intermediate care facility for the mentally retarded in an
11 area of the state identified by the department of human
12 services as underserved by intermediate care facility for the
13 mentally retarded beds.

14 2. Both of the following requirements shall apply to an
15 application considered under this section:

16 a. The new or changed beds shall not result in an increase
17 in the total number of medical assistance certified
18 intermediate care facility for the mentally retarded beds in
19 the state as of July 1, 1994.

20 b. A letter of support for the application is provided by
21 the director of human services and the county board of
22 supervisors, or the board's designee, in the county in which
23 the beds would be located.

24 3. The department of human services may adopt emergency
25 rules to implement the provisions of this section.

26 Sec. 30. Section 252.16, subsection 6, Code 1993, is
27 amended to read as follows:

28 6. Subsections 1, 2, 3, and 7, and 8 do not apply to a
29 blind person who is receiving assistance under the laws of
30 this state. A blind person receiving assistance who has
31 resided in one county of this state for a period of six months
32 acquires legal settlement for support as provided in this
33 chapter. However, a blind person who is an inpatient or
34 resident of, or is supported by a state hospital-school
35 created under chapter 222, a state mental health institute

1 created under chapter 226, or the Iowa braille and sight
2 saving school administered by the state board of regents does
3 not acquire legal settlement in the county in which the
4 institution is located.

5 Sec. 31. Section 256B.15, subsection 7, Code 1993, is
6 amended to read as follows:

7 7. Except as otherwise provided in this subsection, all
8 reimbursements received by the area education agencies for
9 eligible services shall be paid annually to the treasurer of
10 state. The area education agencies shall, after determining
11 the administrative costs associated with the implementation of
12 medical assistance reimbursement for the eligible services, be
13 permitted to retain up to twenty-five percent of the federal
14 portion of the total amount reimbursed to pay for the
15 administrative costs. Funds received under this subsection
16 shall not be considered or included as part of the area
17 education agencies' budgets when calculating funds that are to
18 be received by area education agencies during a fiscal year.
19 Except as otherwise provided in this subsection, the treasurer
20 of state shall credit all receipts received under this
21 subsection to the general fund of the state. The treasurer of
22 state shall credit receipts received under medical assistance
23 to the department of human services to pay contractual fees
24 incurred by the department to maximize federal funding for
25 special educational services. All remaining receipts shall be
26 credited to the general fund of the state.

27 Sec. 32. EMERGENCY RULES. If specifically authorized by a
28 provision of this Act, the department of human services or the
29 mental health and mental retardation commission may adopt
30 administrative rules under section 17A.4, subsection 2, and
31 section 17A.5, subsection 2, paragraph "b", to implement the
32 provisions and the rules shall become effective immediately
33 upon filing, unless a later effective date is specified in the
34 rules. In addition, the department may adopt administrative
35 rules in accordance with the provisions of this section as

1 necessary to comply with federal requirements or to adjust to
2 a change in the level of federal funding which affect refugee
3 programs during the fiscal year beginning July 1, 1994, and
4 ending June 30, 1995. Any rules adopted in accordance with
5 the provisions of this section shall also be published as
6 notice of intended action as provided in section 17A.4.

7 Sec. 33. EFFECTIVE DATE. The following provisions of this
8 Act, being deemed of immediate importance, take effect upon
9 enactment:

10 1. Section 10, subsection 2, paragraph "d", relating to
11 development of a formula for allocating certain group foster
12 care beds.

13 2. Section 12, subsection 1, relating to a determination
14 of allocations by the state court administrator.

15 3. Section 19, subsection 5, paragraph "c", relating to
16 submission of MI/MR/DD/BI plans to the department.

17 4. Section 31, relating to the amendment to section
18 256B.15, subsection 7.

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SENATE FILE 2313

H-5879

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, by striking line 19 and inserting the
4 following:

5 "c. The department shall conduct a study of the
6 needs of Iowans with mental retardation or other
7 developmental disabilities who require an intermediate
8 level of licensed care and shall make recommendations
9 regarding the means to best address the needs
10 identified, including the".

11 2. Page 4, line 26, by inserting after the words
12 "of Iowa," the following: "the governor's planning
13 council for developmental disabilities,".

14 3. Page 6, line 19, by inserting after the word
15 "subsection." the following: "The department shall
16 report to the legislative fiscal committee of the
17 legislative council concerning implementation of the
18 prepaid mental health services plan for medical
19 assistance patients, including but not limited to the
20 decision-making process involved in the awarding of
21 any contract under this subsection."

22 4. Page 8, by striking lines 11 through 23.

23 5. Page 8, by inserting before line 24 the
24 following:

25 "9. The department of human services may employ
26 not more than two additional full-time equivalent
27 positions and shall use no more than \$45,000 of the
28 funds appropriated in this section to develop a
29 medical assistance home and community-based waiver for
30 persons with brain injury who currently reside in a
31 medical institution and who have been residents of a
32 medical institution for a minimum of thirty
33 consecutive days."

34 6. Page 11, by inserting after line 28 the
35 following:

36 " . During the 1994-1995 fiscal year, the
37 department shall utilize the moneys deposited in the
38 child day care credit fund created in section 237A.28
39 for state child care assistance, in addition to the
40 moneys appropriated for that purpose in this section."

41 7. Page 15, line 8, by inserting after the word
42 "participants." the following: "The department may
43 adopt emergency rules to implement the provisions of
44 this subsection."

45 8. Page 16, line 13, by striking the figure
46 "74,600,612" and inserting the following:
47 "74,617,612".

48 9. Page 18, by inserting after line 7 the
49 following:

50 "f. The department shall not certify any

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1 additional enhanced residential treatment beds except
2 those beds for which applications for certification
3 were received on or before February 1, 1994, unless
4 the director of human services approves the beds as
5 necessary, based on the type of children to be served
6 and the location of the enhanced residential treatment
7 beds. The department may adopt emergency rules to
8 implement the provisions of this paragraph.

9 g. Of the funds appropriated in this section, not
10 more than \$6,529,390 is allocated as the state match
11 funding for psychiatric medical institutions for
12 children."

13 10. Page 24, line 20, by inserting after the word
14 "purchased." the following: "The department may adopt
15 emergency rules to implement the provisions of this
16 subsection."

17 11. Page 24, by inserting after line 20 the
18 following:

19 "19. The director of human services shall appoint
20 a committee to advise the director concerning managed
21 care approaches and implementation considerations for
22 determining service necessity for children served by
23 psychiatric medical institutions for children (PMIC).
24 The members of the committee shall include persons who
25 are knowledgeable about these issues, as well as
26 representatives of PMIC providers and in-patient
27 psychiatric hospitals. The director shall select the
28 system under which service-necessity determinations
29 for PMICs will be managed and shall place the PMIC
30 determinations under that system on or after November
31 1, 1994. The director's decision shall be based on
32 the following criteria: the needs of the children
33 served by PMIC facilities under the system in effect
34 prior to November 1, 1994, the department's ability to
35 assure prompt access to care, the department's ability
36 to promote affordable effective care, the degree of
37 coordination with other services for which the state
38 is responsible, the department's ability to assure
39 that service decisions support the principles of least
40 restrictive and most appropriate care, and consistency
41 of the service management system with legal
42 expectations. If necessary to implement the
43 director's decision, the department may transfer
44 moneys appropriated in this section to the
45 appropriation in this Act for medical assistance and
46 amend the managed mental health care contract to
47 include PMICs, or include PMIC placements in the
48 statewide target for group foster care placements in
49 subsection 2, paragraph "a", in which case the
50 statewide target shall be increased to be not more

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1 than 1,733, as determined by the director. If the
2 director decides to include PMICs in the statewide
3 target, the regional plans developed by the department
4 and the juvenile court pursuant to section 232.143
5 shall be revised to include PMIC placements. The
6 department may adopt emergency rules to implement the
7 provisions of this subsection.

8 20. The department shall appoint a committee to
9 review whether unnecessary or redundant reporting or
10 referral provisions are required by the department's
11 medical assistance children's service initiative.
12 Committee members shall include referral workers,
13 clinical assessment and consultation team members,
14 service providers, and other appropriate persons. The
15 committee shall submit a report to the director of
16 human services, and the director shall make a
17 determination regarding these issues by November 1,
18 1994. The department may adopt emergency rules to
19 appropriately revise the provisions in accordance with
20 the director's determination.

21 21. The department and the juvenile court shall
22 conduct an assessment of the service needs and
23 demographic characteristics of the children and
24 families served through the department's child
25 welfare, juvenile justice, and mental health systems.
26 The assessment shall be coordinated with the efforts
27 of the child welfare task force to develop profiles of
28 the general characteristics of children and families
29 utilizing those service systems. The department shall
30 report the findings of the assessment to the members
31 of the joint appropriations subcommittee on human
32 services and the legislative fiscal bureau by June 30,
33 1995."

34 12. Page 24, line 29, by striking the figure
35 "2,456,126" and inserting the following: "2,256,126".

36 13. Page 25, line 4, by inserting after the word
37 "grant." the following: "The department may adopt
38 emergency rules to implement the provisions of this
39 subsection."

40 14. Page 25, line 5, by striking the figure
41 "500,000" and inserting the following: "300,000".

42 15. Page 26, line 1, by inserting after the word
43 "services." the following: "The department may adopt
44 emergency rules to implement the provisions of this
45 subsection."

46 16. Page 29, by striking lines 18 through 20 and
47 inserting the following: "appropriation."

48 17. Page 32, line 32, by striking the figure
49 "29,090,958" and inserting the following:
50 "29,277,958".

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Page 4

- 1 18. Page 37, line 13, by striking the figure
2 "134,000" and inserting the following: "321,000".
3 19. Page 37, by striking lines 18 and 19 and
4 inserting the following: "increase reimbursement
5 rates for local purchase of sheltered work and work
6 activity services. The moneys provided in".
7 20. Page 38, by striking lines 16 through 20.
8 21. Page 42, line 13, by striking the figure
9 "345" and inserting the following: "341".
10 22. Page 42, line 14, by striking the figure
11 "360" and inserting the following: "356".
12 23. Page 42, line 15, by striking the figure
13 "401" and inserting the following: "397".
14 24. Page 42, line 16, by striking the figure
15 "427" and inserting the following: "423".
16 25. Page 45, by inserting after line 25 the
17 following:
18 "Sec. _____. FISCAL YEAR 1993-1994 COUNCIL ON HUMAN
19 INVESTMENT APPROPRIATION. Moneys appropriated to the
20 department of human services for administrative costs
21 of the council on human investment in 1993 Iowa Acts,
22 chapter 180, section 60, shall be considered
23 encumbered for purposes of section 8.33 and shall be
24 used during the succeeding fiscal year for the purpose
25 designated."
26 26. Page 45, by inserting after line 25, the
27 following:
28 "Sec. 500. CHILD WELFARE TASK FORCE CONTINUED.
29 The date by which the child welfare task force
30 established in 1992 Iowa Acts, chapter 1241, section
31 11, is required to complete its duties is extended to
32 June 30, 1995. The task force shall perform planning
33 activities relating to the family preservation and
34 support services amendments to the federal Budget
35 Reconciliation Act of 1993, Pub. L. No. 103-66, §
36 13711 et seq. The task force shall issue an interim
37 report on or before November 15, 1994, concerning its
38 findings and activities and shall issue a final report
39 on or before the completion date provided in this
40 section. As part of the final report, the task force
41 shall examine profiles of general characteristics of
42 children and families which utilize the systems in the
43 state for child welfare, juvenile justice, and mental
44 health."
45 27. Page 46, by striking lines 5 through 26.
46 28. Page 47, by inserting after line 12 the
47 following:
48 "_____. Section 10, subsection 2, paragraph "f",
49 relating to certification of additional enhanced
50 residential treatment beds.

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1 . Section 10, subsection 19, relating to
2 psychiatric medical institutions for children.
3 . Section 10, subsection 20, relating to the
4 department's medical assistance childrens' services
5 initiative."
6 29. Page 47, by striking lines 17 and 18.
7 30. Page 47, by inserting before line 19, the
8 following:
9 " . Section 500, relating to the continuation of
10 the child welfare task force."
11 31. By renumbering, relettering, or redesignating
12 and correcting internal references as necessary.

By COMMITTEE ON APPROPRIATIONS
CORBETT of Linn, Chairperson

H-5879 FILED MARCH 30, 1994

*adopted 4-6-94
(P 1176)*

SENATE FILE 2313

H-5886

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 45, by inserting after line 25 the
4 following:
5 "Sec. . NEW JUVENILE PROGRAM PROHIBITED.
6 Unless specifically authorized by an enactment of the
7 general assembly, the department of human services
8 shall not issue a request for proposals, enter into a
9 lease-purchase contract, agree to a purchase of
10 service contract, or take any other action which would
11 utilize moneys appropriated in this Act for the
12 creation of a new highly structured residential
13 program for juveniles who are adjudicated delinquent."
14 2. By renumbering as necessary.

By BRAMMER of Linn

H-5886 FILED MARCH 30, 1994

*Lost 4-6-94
(P 1182)* SENATE FILE 2313

H-5892

1 Amend Senate File 2313 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 12, line 6, by inserting after the word
4 "program." the following: "The department shall
5 revise the JOBS program staffing provisions to require
6 that not more than one staff person shall participate
7 in client orientation and assessment. Any savings
8 resulting from the staffing revision shall be used to
9 provide child day care assistance to family investment
10 program recipients who have earned income and who
11 voluntarily terminate benefits and recipients who have
12 earned income and who are terminated from the program
13 due to receipt of child support. The assistance shall
14 be provided in the same manner as transitional child
15 care benefits. If the family investment program
16 transitional child care assistance waiver requests
17 required to be submitted by this Act are approved by
18 the federal government any remaining moneys from the
19 savings shall be transferred from this appropriation
20 to the appropriation in this Act for child day care
21 assistance and shall be used to supplement the funds
22 allocated in that appropriation for transitional child
23 care assistance."

Lost 4-6-94 (P 1180) By FALLON of Polk

H-5892 FILED MARCH 30, 1994

SENATE FILE 2313

H-5753

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 45, by inserting after line 25 the
4 following:

5 "Sec. ____ . NEW SECTION. 135C.31A NURSING
6 FACILITIES -- SEGREGATION OF RESIDENTS -- PENALTIES.

7 A nursing facility licensed pursuant to section
8 135C.6 shall not segregate residents solely on the
9 basis of source of payment of the costs of the
10 residents' care. A nursing facility which violates
11 this section is subject to the penalty for a class II
12 violation pursuant to section 135C.36 for each
13 violation."

14 2. By renumbering as necessary.

By RUNNING of Linn

H-5753 FILED MARCH 28, 1994

*Lost 4-6-94
(P 1186)*

SENATE FILE 2313

H-5951

1 Amend Senate File 2313, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 25, line 5, by inserting after the word
4 "section," the following: "up to".

5 2. Page 25, line 9, by inserting after the word
6 "businesses." the following: "The department of human
7 services shall work in cooperation with the Iowa
8 department of public health in developing criteria for
9 the awarding of and in the awarding of grants under
10 this subsection."

11 3. Page 26, by inserting after line 1 the
12 following:

13 "Of the moneys allocated in this subsection,
14 \$60,000 shall be transferred to the Iowa department of
15 public health for creation and maintenance of the
16 termination of pregnancy reporting registry created
17 pursuant to section 144.29A. Grants shall only be
18 awarded under this subsection following establishment
19 and implementation of the registry."

20 4. Page 45, by inserting after line 25 the
21 following:

22 "Sec. ____ . NEW SECTION. 144.29A TERMINATION OF
23 PREGNANCY REPORTING.

24 1. A health care provider who identifies a
25 spontaneous termination of pregnancy or who induces a
26 termination of pregnancy shall file with the
27 department a report for each termination within thirty
28 days of the occurrence. The report shall contain all
29 of the following information with respect to each
30 termination:

31 a. Health care provider number.

32 b. Health facility number.

33 c. Patient number.

34 d. The state of residence and, if this state, the
35 county of residence of the patient.

36 e. Race of the patient.

37 f. Age of the patient.

38 g. Marital status of the patient.

39 h. Educational level of the patient.

40 i. Month and year in which the termination
41 occurred.

42 j. The number of weeks since the patient's last
43 menstrual period.

44 k. Complications, if any.

45 1. Cause of termination, if known.

46 2. The information shall be collected in a manner
47 which the department shall specify by rule, pursuant
48 to chapter 17A, and which ensures the anonymity of the
49 patient who experiences a termination of pregnancy,
50 the health care provider who identifies or induces a

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1 termination of pregnancy, and the hospital, clinic, or
 2 other health facility in which a termination of
 3 pregnancy is identified or induced. The department
 4 shall publish annually demographic summaries of the
 5 information obtained pursuant to this section, except
 6 that the department shall not disclose any information
 7 obtained pursuant to this section which reveals the
 8 identity of any patient, health care provider, or
 9 hospital, clinic, or other health facility, and shall
 10 ensure anonymity in the following ways:

11 a. The department may use information concerning
 12 the patient number or concerning the identity of a
 13 specific reporting hospital, clinic, or other health
 14 facility only for purposes of information collection.
 15 The department shall not reproduce this information
 16 for any purpose, and shall not extrapolate this
 17 information for any purposes other than for use in
 18 annually publishing the demographic summary under this
 19 section.

20 b. The department shall immediately destroy all
 21 reports submitted after information is extrapolated
 22 from the reports for use in annually publishing the
 23 demographic summary under this section."

24 5. By renumbering as necessary.

By BODDICKER of Cedar

H-5951 FILED APRIL 4, 1994

WITHDRAWN 4-6-94 (P 1184)

SENATE FILE 2313

H-5952

1 Amend Senate File 2313, as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 25, by striking lines 16 and 17 and
 4 inserting the following: "during the adolescent years
 5 by emphasizing sexual abstinence as the only
 6 completely safe and effective means of avoiding
 7 pregnancy and sexually transmitted diseases and by
 8 providing information regarding the comparative
 9 failure rates of contraceptives, and by emphasizing
 10 responsible decision making in relationships,".

By BODDICKER of Cedar

H-5952 FILED APRIL 4, 1994

adapted 4-6-94 (P. 1184)

SENATE FILE 2313

H-5984

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 45, by inserting after line 25 the
4 following:

5 "Sec. 100. Section 232.52, subsection 2A, Code
6 1993, is amended to read as follows:

7 2A. Notwithstanding subsection 2, the court shall
8 not order group foster care placement of the child
9 which is a charge upon the state if that placement is
10 not in accordance with the regional plan for group
11 foster-care child and family services established
12 pursuant to section 232.143 for the departmental
13 region in which the court is located.

14 Sec. 101. Section 232.102, subsection 1A, Code
15 1993, is amended to read as follows:

16 1A. The court shall not order group foster care
17 placement of the child which is a charge upon the
18 state if that placement is not in accordance with the
19 regional plan for group-foster-care child and family
20 services established pursuant to section 232.143 for
21 the departmental region in which the court is located.

22 Sec. 102. Section 232.117, subsection 3A, Code
23 1993, is amended to read as follows:

24 3A. The court shall not order group foster care
25 placement of the child which is a charge upon the
26 state if that placement is not in accordance with the
27 regional plan for group-foster-care child and family
28 services established pursuant to section 232.143 for
29 the departmental region in which the court is located.

30 Sec. 103. Section 232.127, subsection 8, Code
31 1993, is amended to read as follows:

32 8. The court shall not order group foster care
33 placement of the child which is a charge upon the
34 state if that placement is not in accordance with the
35 regional plan for group-foster-care child and family
36 services established pursuant to section 232.143 for
37 the departmental region in which the court is located.

38 Sec. 104. Section 232.143, Code Supplement 1993,
39 is amended to read as follows:

40 232.143 REGIONAL ~~GROUP-FOSTER-CARE-TARGET~~ CHILD
41 AND FAMILY SERVICES PLANS.

42 1. ~~A-statewide-target-for-the-average-number-of~~
43 ~~children-in-group-foster-care-placements-on-any-day-of~~
44 ~~a-fiscal-year,which-placements-are-a-charge-upon-or~~
45 ~~are-paid-for-by-the-state,shall-be-established~~
46 ~~annually-by-the-general-assembly.~~ The department of
47 human services and the judicial department shall
48 jointly develop a formula for allocating a-portion-of
49 the-statewide-target-established-by-the-general
50 assembly to each of the department's regions the

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1 general assembly's annual appropriation to the
2 department of human services for child and family
3 services. The in developing the formula the
4 department of human services and the judicial
5 department shall be based upon the consider a region's
6 proportion of the state population of children and of
7 the statewide number of children placed in group
8 foster care in the previous five completed fiscal
9 years, the region's past expenditures for child and
10 family services, and other variables selected by the
11 department of human services and the judicial
12 department. The number region's proportion of the
13 overall appropriation shall be determined in
14 accordance with the formula shall be the group-foster
15 care placement target for that region.

16 2. For each of the department's regions,
17 representatives appointed by the department of human
18 services and the juvenile court shall establish and
19 implement a plan for containing the number of serving
20 the children placed in group-foster care ordered by
21 the court of a region within the target amount of
22 funding allocated to that region pursuant to
23 subsection 1. The plan shall include monthly targets
24 and strategies for developing alternative groups
25 foster care placements in order to provide appropriate
26 child and family services to eligible children and to
27 contain expenditures for services provided to children
28 within the amount appropriated by the general assembly
29 for that purpose allocated to that region. Each
30 regional plan is subject to all of the following
31 requirements:

32 a. The plan shall be established in advance of the
33 fiscal year to which the regional plan applies.

34 b. The plan and any modifications to the plan
35 shall be approved in writing by the department's
36 regional administrator and the chief juvenile court
37 officer for each county within the region.

38 c. The plan and any modifications to the plan shall
39 be submitted to the director of human services for
40 approval.

41 3. To the extent possible, the department and the
42 juvenile court shall coordinate the planning required
43 under this subsection 2 with planning for services
44 paid under section 002.41, subsection 4. The
45 department's regional administrator shall communicate
46 regularly, as specified in the regional plan, with the
47 juvenile courts within that region concerning the
48 current status of the regional plan's implementation.

49 4. State payment for group-foster care
50 placements child and family services shall be limited

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-2-

H-5984

Page 3

1 to those placements services which are in accordance
2 with the regional plans developed pursuant to
3 subsection 2.

4 Sec. 105. Section 232.182, subsection 7, Code
5 Supplement 1993, is amended to read as follows:

6 7. The court shall not order group foster care
7 placement of the child which is a charge upon the
8 state if that placement is not in accordance with the
9 regional plan for group-foster-care child and family
10 services established pursuant to section 232.143 for
11 the departmental region in which the court is located.

12 Sec. 106. Section 234.35, subsection 1, paragraph
13 e, Code Supplement 1993, is amended to read as
14 follows:

15 e. When a court has entered an order transferring
16 the legal custody of the child to a foster care
17 placement pursuant to section 232.52, subsection 2,
18 paragraph "d", or section 232.102, subsection 1.
19 However, payment for a group foster care placement
20 shall be limited to those placements which conform to
21 a regional group-foster child and family services plan
22 established pursuant to section 232.143."

23 2. Page 47, by inserting before line 19 the
24 following:

25 "Sec. ____ . CONTINGENT EFFECTIVE DATE. Sections
26 100, 101, 102, 103, 104, 105, and 106 of this Act take
27 effect July 1, 1995, only if the director of the
28 legislative fiscal bureau issues a report to the
29 general assembly finding that during the period
30 beginning July 1, 1994, and ending March 31, 1995, the
31 average number of children placed in group foster care
32 does not exceed the statewide target established in
33 section 10, subsection 1, paragraph "a" of this Act,
34 and expenditures for group foster care services
35 allocated under section 10, subsection 1, paragraph
36 "a" of this Act, do not exceed the amount allocated
37 for that period. A copy of the report shall also be
38 forwarded to the Iowa Code editor."

39 3. By renumbering as necessary.

- | | |
|-------------------------|----------------------|
| By HAMMOND of Story | GILL of Woodbury |
| MORELAND of Wapello | O'BRIEN of Boone |
| OLLIE of Clinton | SCHRADER of Marion |
| HALVORSON of Webster | BEATTY of Warren |
| BURKE of Marshall | MAY of Worth |
| RUNNING of Linn | HANSEN of Woodbury |
| KREIMAN of Davis | WEIGEL of Chickasaw |
| DICKINSON of Jackson | DODERER of Johnson |
| HOLVECK of Polk | ARNOULD of Scott |
| BRAND of Benton | COHOON of Des Moines |
| NELSON of Pottawattamie | FALLON of Polk |
| HARPER of Black Hawk | MURPHY of Dubuque |
| SHOULTZ of Black Hawk | BERNAJ of Story |
| JOCHUM of Dubuque | NEUHAUSER of Johnson |

H-5984 FILED APRIL 5, 1994

Asst 4-6-94 (p. 1190)

SENATE FILE 2313

H-5966

1 Amend Senate File 2313, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, line 6, by striking the figure
 4 "344,490,351" and inserting the following:
 5 "344,719,351".
 6 2. Page 43, line 7, by striking the figure
 7 "250,000" and inserting the following: "21,000".
 8 3. Page 45, by inserting after line 25 the
 9 following:
 10 "Sec. _____. Section 99E.10, subsection 1, paragraph
 11 a, Code Supplement 1993, is amended by striking the
 12 paragraph and inserting in lieu thereof the following:
 13 a. An amount equal to three-tenths of one percent
 14 of the gross lottery revenue shall be deposited in a
 15 gamblers assistance fund in the office of the
 16 treasurer of state. The director of human services
 17 shall administer the fund and shall provide that
 18 receipts are allocated on a monthly basis to provide
 19 programs which may include, but are not limited to,
 20 outpatient and follow-up treatment for persons
 21 affected by problem gambling, rehabilitation and
 22 residential treatment programs, information and
 23 referral services, and education and preventive
 24 services.
 25 Sec. _____. Section 99F.11, subsection 3, Code 1993,
 26 is amended to read as follows:
 27 3. ~~Three~~ Three-tenths of one percent of the
 28 adjusted gross receipts shall be deposited in the
 29 gamblers assistance fund specified in section 99E.10,
 30 subsection 1, paragraph "a".
 31 4. By renumbering as necessary.

By HAMMOND of Story
 GARMAN of Story
 BERNAU of Story

H-5966 FILED APRIL 5, 1994

Adopted 4-6-94 (P. 1177)

SENATE FILE 2313

H-5971

1 Amend Senate File 2313, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 47, by inserting before line 19 the
 4 following:
 5 "Sec. 2001. REPEAL. Section 237.23, Code
 6 Supplement 1993, is repealed.
 7 Sec. _____. Section 2001 of this Act takes effect
 8 June 30, 1994."
 9 2. By renumbering as necessary.

By HANSON of Black Hawk
 HAMMOND of Story

H-5971 FILED APRIL 5, 1994

Adopted 4-6-94 (P. 1191)

SENATE FILE 2313

H-5979

1 Amend the amendment, H-5951, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "Sec. ____ . Section 144.52, Code 1993, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 7. Willfully and knowingly uses
9 the information collected pursuant to section 144.29A
10 to harm or intimidate patients or providers or
11 releases information not in accordance with section
12 144.29A, subsection 2, paragraph "a"."

By HARPER of Black Hawk

H-5979 FILED APRIL 5, 1994
out of order 4-6-94 (p. 1184)
SENATE FILE 2313

H-5965

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting before line 24 the
4 following:

5 "9. The department shall not provide medical
6 assistance coverage of drugs used for fertility
7 purposes."

8 2. By renumbering as necessary.

By GILL of Woodbury

DICKINSON of Jackson

HANSEN of Woodbury

RANTS of Woodbury

H-5965 FILED APRIL 5, 1994

Adopted 4-6-94 (p. 1193)

SENATE FILE 2313

H-6015

1 Amend Senate File 2313, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 2, by inserting after line 8 the
 4 following:
 5 "____. The department shall consolidate the
 6 individual planning and agreement provisions of the
 7 family investment program and the family development
 8 and self-sufficiency grant program to ensure service
 9 coordination by providing that if a recipient is
 10 participating in the grant program, the recipient's
 11 family investment agreement shall be developed or
 12 revised in consultation with the family development
 13 and self-sufficiency grant program worker."
 14 2. By renumbering as necessary.

By BRAND of Benton

H-6015 FILED APRIL 6, 1994

ADOPTED

4-6-94

SENATE FILE 2313

H-6020

1 Amend Senate File 2313, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 8, by inserting before line 24 the
 4 following:
 5 "____. The department shall adopt rules pursuant to
 6 chapter 17A to pay for lung transplants for recipients
 7 of medical assistance."
 8 2. By renumbering as necessary.

By HOLVECK of Polk
HAMMOND of Story
MCKINNEY of Dallas

H-6020 FILED APRIL 6, 1994

LOST

SENATE FILE 2313

H-6021

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 8, by inserting before line 24 the
4 following:
5 "____. The department shall review the listing of
6 organ transplants covered by medical assistance. The
7 review shall include consideration of insurance
8 industry standards and practice methods and
9 procedures; one-year, two-year, and three-year
10 survival rates; and best available practices and
11 research. Coverage shall be determined by medical
12 necessity criteria. If the review concludes that
13 coverage of additional organ transplants is
14 appropriate, the department shall request the general
15 assembly to provide funding for the coverage for
16 fiscal year 1995-1996. The department shall review,
17 at least annually, the current listing of organ
18 transplants which may be covered by medical
19 assistance."

20 2. By renumbering as necessary.

By HOLVECK of Polk

HAMMOND of Story

HESTER of Pottawattamie

McKINNEY of Dallas

H-6021 FILED APRIL 6, 1994

ADOPTED

SENATE FILE 2313

H-6022

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 41, by striking lines 18 through 22.

4 2. By renumbering as necessary.

By BLODGETT of Cerro Gordo

H-6022 FILED APRIL 6, 1994

ADOPTED

SENATE FILE 2313

H-6002

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 8 the
4 following:

5 "____. The department shall consolidate the
6 individual planning and agreement provisions of the
7 family investment program and the family development
8 and self-sufficiency grant program to eliminate
9 duplication by providing that if a recipient is
10 participating in the grant program, the recipient's
11 family investment agreement shall be developed or
12 revised by the grant program worker."

13 2. By renumbering as necessary.

By BRAND of Benton

H-6002 FILED APRIL 6, 1994
WITHDRAWN

SENATE FILE 2313

H-6004

1 Amend the amendment, H-5965, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, lines 6 and 7, by striking the words
5 "used for fertility purposes" and inserting the
6 following: "which are prescribed for an individual
7 for fertility purposes".

8 2. By renumbering as necessary.

By GILL of Woodbury

H-6004 FILED APRIL 6, 1994
ADOPTED

SENATE FILE 2313

H-6005

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 8, by inserting before line 24 the
4 following:

5 "____. The department shall adopt rules pursuant to
6 chapter 17A to pay for lung transplants for recipients
7 of medical assistance, notwithstanding any limitation
8 on payments to only nonexperimental procedures."

9 2. By renumbering as necessary.

By HOLVECK of Polk
HAMMOND of Story
McKINNEY of Dallas

H-6005 FILED APRIL 6, 1994
WITHDRAWN

SENATE FILE 2313

H-6009

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 8, by inserting before line 24 the
4 following:

5 "_____. The department shall develop a listing of
6 organ transplants to be covered by medical assistance.
7 The listing shall be developed based upon a review of
8 insurance industry standards and practice methods and
9 procedures; one-year, two-year, and three-year
10 survival rates; and best available practices and
11 research. Following development of the listing,
12 coverage shall be determined by medical necessity.
13 The department shall review, at least quarterly, the
14 current listing of organ transplants to be covered by
15 medical assistance. The experimental nature of a
16 procedure shall not preclude medical assistance
17 coverage if the procedure is deemed to be necessary,
18 based upon the condition of the recipient."

19 2. By renumbering as necessary.

By HOLVECK of Polk
HAMMOND of Story
MCKINNEY of Dallas

H-6009 FILED APRIL 6, 1994
WITHDRAWN

SENATE FILE 2313

H-6010

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 8 the
4 following:

5 "200. If a family investment program recipient is
6 part of a two-parent family and one parent in the
7 family is not complying with program requirements, the
8 family size used to compute the amount of the
9 recipient's assistance grant under the program may be
10 reduced by one family member but shall not be further
11 reduced due to the noncompliance."

12 2. Page 47, by inserting after line 9 the
13 following:

14 "_____. Section 1, subsection 200, relating to
15 family investment program grants."

16 3. By renumbering as necessary.

By BRAND of Benton

H-6010 FILED APRIL 6, 1994
LOST

SENATE FILE 2313

H-5993

1 Amend Senate File 2313, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. By striking page 16, line 25, through page 17,
4 line 10, and inserting the following: "services. The
5 department and the courts shall".

6 2. By striking page 17, line 16, through page 18,
7 line 2.

8 3. Page 45, by inserting after line 25 the
9 following:

10 "Sec. 100. Section 232.52, subsection 2A, Code
11 1993, is amended by striking the subsection.

12 Sec. 200. Section 232.102, subsection 1A, Code
13 1993, is amended by striking the subsection.

14 Sec. 300. Section 232.117, subsection 3A, Code
15 1993, is amended by striking the subsection.

16 Sec. 400. Section 232.127, subsection 8, Code
17 1993, is amended by striking the subsection.

18 Sec. 500. Section 232.182, subsection 7, Code
19 Supplement 1993, is amended by striking the
20 subsection.

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

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

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

32 4. Page 46, by inserting after line 26 the
33 following:

34 "Sec. 700. Section 232.143, Code Supplement 1993,
35 is repealed."

36 5. Page 47, by inserting after line 18 the
37 following:

38 "5. Sections 100 through 700 of this Act, being
39 deemed of immediate importance, take effect upon
40 enactment."

41 6. By renumbering, relettering, and correcting
42 internal references as necessary.

By MURPHY of Dubuque

H-5993 FILED APRIL 6, 1994

LOST

SENATE FILE 2313

H-5997

- 1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 26, by striking lines 5 through 9.
4 2. By renumbering as necessary.

By DODERER of Johnson
NEUHAUSER of Johnson

H-5997 FILED APRIL 6, 1994

ADOPTED 4-6-94

SENATE FILE 2313

H-5999

- 1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 8 the
4 following:
5 "200. a. If a family investment program recipient
6 is part of a two-parent family and one parent in the
7 family is not complying with program requirements, the
8 family size used to compute the amount of the
9 recipient's assistance grant under the program may be
10 reduced by one family member but shall not be further
11 reduced due to the noncompliance.
12 b. If the department reduces or proposes to reduce
13 a recipient's assistance grant under the program or to
14 eliminate the recipient from the program, due to the
15 recipient's lack of compliance with program
16 requirements, the recipient may contest the reduction
17 or proposed reduction or elimination once in an
18 evidentiary hearing held in accordance with the
19 provisions of chapter 17A. The recipient may only
20 initiate the contested case within thirty days of the
21 date of any one of the following events:
22 (1) Notice of the grant reduction or proposed
23 reduction.
24 (2) Implementation of a grant reduction.
25 (3) Notice of an action to eliminate the
26 recipient's participation in the program."
27 2. Page 47, by inserting after line 9 the
28 following:
29 "_____. Section 1, subsection 200, relating to
30 family investment program grants."
31 3. By renumbering as necessary.

By BRAND of Benton

H-5999 FILED APRIL 6, 1994

WITHDRAWN

SENATE FILE 2313

H-5986

1 Amend the amendment, H-5984, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, line 33, by striking the figure "1"
5 and inserting the following: "2".

6 2. Page 3, line 35, by striking the figure "1"
7 and inserting the following: "2".

By HAMMOND of Story

H-5986 FILED APRIL 6, 1994

ADOPTED 4-6-94

SENATE FILE 2313

H-5988

1 Amend Senate File 2313, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 3, line 6, by striking the figure
A 4 "344,490,351" and inserting the following:

5 "346,490,351".

6 2. Page 6, by striking lines 4 through 19 and
7 inserting the following:

B 8 "6. The department shall not implement a prepaid
9 managed mental health services plan for medical
10 assistance patients without enactment of legislation
11 specifically authorizing the implementation."

By DICKINSON of Jackson

H-5988 FILED APRIL 6, 1994

DIV. A - WITHDRAWN DIV. B - LOST

SENATE FILE 2313

H-5985

1 Amend the amendment, H-5879, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 4, by striking lines 3 through 6 and
5 inserting the following:

6 "____. Page 37, by inserting after line 22 the
7 following:

8 "9. The department of human services shall
9 cooperate with the division of vocational
10 rehabilitation of the department of education in
11 assuring that counties are aware of any opportunities
12 to utilize purchase of service funds to match federal
13 funds available to provide vocational services to
14 persons eligible for services under subsection 6.""

15 2. By renumbering as necessary.

By HAMMOND OF Story

HESTER of Pottawattamie

H-5985 FILED APRIL 6, 1994

ADOPTED

SENATE FILE 2313

H-5989

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 24, by inserting after line 20 the
4 following:
5 " . The commission on children, youth, and
6 families and the department shall study the
7 feasibility of establishing multidisciplinary social
8 service teams under the direction and rule-making
9 authority of the commission. The study shall consider
10 the provision of training for team members in
11 confidentiality concepts and other pertinent subjects.
12 The purpose of establishing the teams is to enable
13 various local service professionals to share
14 confidential information concerning specific
15 individuals for the purpose of discussing and
16 developing local solutions to social, educational,
17 medical, income-related, or other problems of clients.
18 The commission and the department shall report to the
19 governor and the joint appropriations subcommittee on
20 human services in January 1995 on the feasibility and
21 usefulness of establishing the teams. The report may
22 address any problems or potential problems and
23 solutions for confidentiality issues, including
24 federal and state confidentiality laws and regulations
25 and may include recommendations for implementation.
26 In addition, the report may recommend one or more
27 pilot projects to test this concept or implementation
28 of a statewide project."

By MUNDIE of Webster
HALVORSON of Webster
OLLIE of Clinton

H-5989 FILED APRIL 6, 1994
LOST

SENATE FILE 2313

H-5992

1 Amend the amendment, H-5879, to Senate File 2313,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 34, by striking the word and
5 figures "November 1, 1994" and inserting the
6 following: "February 15, 1995".

By BRAND of Benton

H-5992 FILED APRIL 6, 1994
LOST

4-6-94

HOUSE AMENDMENT TO
SENATE FILE 2313

S-5511

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 8 the
4 following:

5 "_____. The department shall consolidate the
6 individual planning and agreement provisions of the
7 family investment program and the family development
8 and self-sufficiency grant program to ensure service
9 coordination by providing that if a recipient is
10 participating in the grant program, the recipient's
11 family investment agreement shall be developed or
12 revised in consultation with the family development
13 and self-sufficiency grant program worker."

14 2. Page 3, line 6, by striking the figure
15 "344,490,351" and inserting the following:
16 "344,719,351".

17 3. Page 4, by striking line 19 and inserting the
18 following:

19 "c. The department shall conduct a study of the
20 needs of Iowans with mental retardation or other
21 developmental disabilities who require an intermediate
22 level of licensed care and shall make recommendations
23 regarding the means to best address the needs
24 identified, including the".

25 4. Page 4, line 26, by inserting after the words
26 "of Iowa," the following: "the governor's planning
27 council for developmental disabilities,".

28 5. Page 6, line 19, by inserting after the word
29 "subsection." the following: "The department shall
30 report to the legislative fiscal committee of the
31 legislative council concerning implementation of the
32 prepaid mental health services plan for medical
33 assistance patients, including but not limited to the
34 decision-making process involved in the awarding of
35 any contract under this subsection."

36 6. Page 8, by striking lines 11 through 23.

37 7. Page 8, by inserting before line 24 the
38 following:

39 "9. The department of human services may employ
40 not more than two additional full-time equivalent
41 positions and shall use no more than \$45,000 of the
42 funds appropriated in this section to develop a
43 medical assistance home and community-based waiver for
44 persons with brain injury who currently reside in a
45 medical institution and who have been residents of a
46 medical institution for a minimum of thirty
47 consecutive days."

48 8. Page 8, by inserting before line 24 the
49 following:

50 "9. The department shall not provide medical

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Page 2

1 assistance coverage of drugs which are prescribed for
2 an individual for fertility purposes."

3 9. Page 11, by inserting after line 28 the
4 following:

5 " During the 1994-1995 fiscal year, the
6 department shall utilize the moneys deposited in the
7 child day care credit fund created in section 237A.28
8 for state child care assistance, in addition to the
9 moneys appropriated for that purpose in this section."

10 10. Page 15, line 8, by inserting after the word
11 "participants." the following: "The department may
12 adopt emergency rules to implement the provisions of
13 this subsection."

14 11. Page 16, line 13, by striking the figure
15 "74,600,612" and inserting the following:
16 "74,617,612".

17 12. Page 18, by inserting after line 7 the
18 following:

19 "f. The department shall not certify any
20 additional enhanced residential treatment beds except
21 those beds for which applications for certification
22 were received on or before February 1, 1994, unless
23 the director of human services approves the beds as
24 necessary, based on the type of children to be served
25 and the location of the enhanced residential treatment
26 beds. The department may adopt emergency rules to
27 implement the provisions of this paragraph.

28 g. Of the funds appropriated in this section, not
29 more than \$6,529,390 is allocated as the state match
30 funding for psychiatric medical institutions for
31 children."

32 13. Page 24, line 20, by inserting after the word
33 "purchased." the following: "The department may adopt
34 emergency rules to implement the provisions of this
35 subsection."

36 14. Page 24, by inserting after line 20 the
37 following:

38 "19. The director of human services shall appoint
39 a committee to advise the director concerning managed
40 care approaches and implementation considerations for
41 determining service necessity for children served by
42 psychiatric medical institutions for children (PMIC).
43 The members of the committee shall include persons who
44 are knowledgeable about these issues, as well as
45 representatives of PMIC providers and in-patient
46 psychiatric hospitals. The director shall select the
47 system under which service-necessity determinations
48 for PMICs will be managed and shall place the PMIC
49 determinations under that system on or after November
50 1, 1994. The director's decision shall be based on

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Page 3

1 the following criteria: the needs of the children
2 served by PMIC facilities under the system in effect
3 prior to November 1, 1994, the department's ability to
4 assure prompt access to care, the department's ability
5 to promote affordable effective care, the degree of
6 coordination with other services for which the state
7 is responsible, the department's ability to assure
8 that service decisions support the principles of least
9 restrictive and most appropriate care, and consistency
10 of the service management system with legal
11 expectations. If necessary to implement the
12 director's decision, the department may transfer
13 moneys appropriated in this section to the
14 appropriation in this Act for medical assistance and
15 amend the managed mental health care contract to
16 include PMICs, or include PMIC placements in the
17 statewide target for group foster care placements in
18 subsection 2, paragraph "a", in which case the
19 statewide target shall be increased to be not more
20 than 1,733, as determined by the director. If the
21 director decides to include PMICs in the statewide
22 target, the regional plans developed by the department
23 and the juvenile court pursuant to section 232.143
24 shall be revised to include PMIC placements. The
25 department may adopt emergency rules to implement the
26 provisions of this subsection.

27 20. The department shall appoint a committee to
28 review whether unnecessary or redundant reporting or
29 referral provisions are required by the department's
30 medical assistance children's service initiative.
31 Committee members shall include referral workers,
32 clinical assessment and consultation team members,
33 service providers, and other appropriate persons. The
34 committee shall submit a report to the director of
35 human services, and the director shall make a
36 determination regarding these issues by November 1,
37 1994. The department may adopt emergency rules to
38 appropriately revise the provisions in accordance with
39 the director's determination.

40 21. The department and the juvenile court shall
41 conduct an assessment of the service needs and
42 demographic characteristics of the children and
43 families served through the department's child
44 welfare, juvenile justice, and mental health systems.
45 The assessment shall be coordinated with the efforts
46 of the child welfare task force to develop profiles of
47 the general characteristics of children and families
48 utilizing those service systems. The department shall
49 report the findings of the assessment to the members
50 of the joint appropriations subcommittee on human

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Page 4

1 services and the legislative fiscal bureau by June 30,
2 1995."

3 15. Page 24, line 29, by striking the figure
4 "2,456,126" and inserting the following: "2,256,126".

5 16. Page 25, line 4, by inserting after the word
6 "grant." the following: "The department may adopt
7 emergency rules to implement the provisions of this
8 subsection."

9 17. Page 25, line 5, by striking the figure
10 "500,000" and inserting the following: "300,000".

11 18. Page 25, by striking lines 16 and 17 and
12 inserting the following: "during the adolescent years
13 by emphasizing sexual abstinence as the only
14 completely safe and effective means of avoiding
15 pregnancy and sexually transmitted diseases and by
16 providing information regarding the comparative
17 failure rates of contraceptives, and by emphasizing
18 responsible decision making in relationships,".

19 19. Page 26, line 1, by inserting after the word
20 "services." the following: "The department may adopt
21 emergency rules to implement the provisions of this
22 subsection."

23 20. Page 26, by striking lines 5 through 9.

24 21. Page 29, by striking lines 18 through 20 and
25 inserting the following: "appropriation."

26 22. Page 32, line 32, by striking the figure
27 "29,090,958" and inserting the following:
28 "29,277,958".

29 23. Page 37, line 13, by striking the figure
30 "134,000" and inserting the following: "321,000".

31 24. Page 37, by inserting after line 22 the
32 following:

33 "9. The department of human services shall
34 cooperate with the division of vocational
35 rehabilitation of the department of education in
36 assuring that counties are aware of any opportunities
37 to utilize purchase of service funds to match federal
38 funds available to provide vocational services to
39 persons eligible for services under subsection 6."

40 25. Page 38, by striking lines 16 through 20.

41 26. Page 42, line 13, by striking the figure
42 "345" and inserting the following: "341".

43 27. Page 42, line 14, by striking the figure
44 "360" and inserting the following: "356".

45 28. Page 42, line 15, by striking the figure
46 "401" and inserting the following: "397".

47 29. Page 42, line 16, by striking the figure
48 "427" and inserting the following: "423".

49 30. Page 43, line 7, by striking the figure
50 "250,000" and inserting the following: "21,000".

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1 31. Page 45, by inserting after line 25 the
2 following:

3 "Sec. _____. FISCAL YEAR 1993-1994 COUNCIL ON HUMAN
4 INVESTMENT APPROPRIATION. Moneys appropriated to the
5 department of human services for administrative costs
6 of the council on human investment in 1993 Iowa Acts,
7 chapter 180, section 60, shall be considered
8 encumbered for purposes of section 8.33 and shall be
9 used during the succeeding fiscal year for the purpose
10 designated."

11 32. Page 45, by inserting after line 25, the
12 following:

13 "Sec. 500. CHILD WELFARE TASK FORCE CONTINUED.
14 The date by which the child welfare task force
15 established in 1992 Iowa Acts, chapter 1241, section
16 11, is required to complete its duties is extended to
17 June 30, 1995. The task force shall perform planning
18 activities relating to the family preservation and
19 support services amendments to the federal Budget
20 Reconciliation Act of 1993, Pub. L. No. 103-66, §
21 13711 et seq. The task force shall issue an interim
22 report on or before November 15, 1994, concerning its
23 findings and activities and shall issue a final report
24 on or before the completion date provided in this
25 section. As part of the final report, the task force
26 shall examine profiles of general characteristics of
27 children and families which utilize the systems in the
28 state for child welfare, juvenile justice, and mental
29 health."

30 33. Page 45, by inserting after line 25 the
31 following:

32 "Sec. _____. Section 99E.10, subsection 1, paragraph
33 a, Code Supplement 1993, is amended by striking the
34 paragraph and inserting in lieu thereof the following:

35 a. An amount equal to three-tenths of one percent
36 of the gross lottery revenue shall be deposited in a
37 gamblers assistance fund in the office of the
38 treasurer of state. The director of human services
39 shall administer the fund and shall provide that
40 receipts are allocated on a monthly basis to provide
41 programs which may include, but are not limited to,
42 outpatient and follow-up treatment for persons
43 affected by problem gambling, rehabilitation and
44 residential treatment programs, information and
45 referral services, and education and preventive
46 services.

47 Sec. _____. Section 99F.11, subsection 3, Code 1993,
48 is amended to read as follows:

49 3. ~~Three~~ Three-tenths of one percent of the
50 adjusted gross receipts shall be deposited in the

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1 gamblers assistance fund specified in section 99E.10,
 2 subsection 1, paragraph "a".
 3 34. Page 46, by striking lines 5 through 26.
 4 35. Page 47, by inserting after line 12 the
 5 following:
 6 "____. Section 10, subsection 2, paragraph "f",
 7 relating to certification of additional enhanced
 8 residential treatment beds.
 9 _____. Section 10, subsection 19, relating to
 10 psychiatric medical institutions for children.
 11 _____. Section 10, subsection 20, relating to the
 12 department's medical assistance childrens' services
 13 initiative."
 14 36. Page 47, by striking lines 17 and 18.
 15 37. Page 47, by inserting before line 19, the
 16 following:
 17 "____. Section 500, relating to the continuation of
 18 the child welfare task force."
 19 38. Page 47, by inserting before line 19 the
 20 following:
 21 "Sec. 2001. REPEAL. Section 237.23, Code
 22 Supplement 1993, is repealed.
 23 Sec. _____. Section 2001 of this Act takes effect
 24 June 30, 1994."
 25 39. By renumbering, relettering, or redesignating
 26 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5511 FILED APRIL 7, 1994

*Senate Concurred**4-8-94**(P.1105)*

Motion to R/c by DeLukey 4/12/94 (P.1160)
Motion to R/c - Prevailed 4/12/94
S-5511 - With drawn 4/12/94

HOUSE AMENDMENT TO
SENATE FILE 2313

S-5579

- 1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 8 the
4 following:
5 "_____. The department shall consolidate the
6 individual planning and agreement provisions of the
7 family investment program and the family development
8 and self-sufficiency grant program to ensure service
9 coordination by providing that if a recipient is
10 participating in the grant program, the recipient's
11 family investment agreement shall be developed or
12 revised in consultation with the family development
13 and self-sufficiency grant program worker."
- 14 2. Page 3, line 6, by striking the figure
15 "344,490,351" and inserting the following:
16 "344,719,351".
- 17 3. Page 4, by striking line 19 and inserting the
18 following:
19 "c. The department shall conduct a study of the
20 needs of Iowans with mental retardation or other
21 developmental disabilities who require an intermediate
22 level of licensed care and shall make recommendations
23 regarding the means to best address the needs
24 identified, including the".
- 25 4. Page 4, line 26, by inserting after the words
26 "of Iowa," the following: "the governor's planning
27 council for developmental disabilities,".
- 28 5. Page 6, line 19, by inserting after the word
29 "subsection." the following: "The department shall
30 report to the legislative fiscal committee of the
31 legislative council concerning implementation of the
32 prepaid mental health services plan for medical
33 assistance patients, including but not limited to the
34 decision-making process involved in the awarding of
35 any contract under this subsection."
- 36 6. Page 8, by striking lines 11 through 23.
- 37 7. Page 8, by inserting before line 24 the
38 following:
39 "9. The department of human services may employ
40 not more than two additional full-time equivalent
41 positions and shall use no more than \$45,000 of the
42 funds appropriated in this section to develop a
43 medical assistance home and community-based waiver for
44 persons with brain injury who currently reside in a
45 medical institution and who have been residents of a
46 medical institution for a minimum of thirty
47 consecutive days."
- 48 8. Page 8, by inserting before line 24 the
49 following:
50 "10. The department shall not provide medical

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1 assistance coverage of drugs which are prescribed for
2 an individual for fertility purposes."

3 9. Page 8, by inserting before line 24 the
4 following:

5 "11. The department shall review the listing of
6 organ transplants covered by medical assistance. The
7 review shall include consideration of insurance
8 industry standards and practice methods and
9 procedures; one-year, two-year, and three-year
10 survival rates; and best available practices and
11 research. Coverage shall be determined by medical
12 necessity criteria. If the review concludes that
13 coverage of additional organ transplants is
14 appropriate, the department shall request the general
15 assembly to provide funding for the coverage for
16 fiscal year 1995-1996. The department shall review,
17 at least annually, the current listing of organ
18 transplants which may be covered by medical
19 assistance."

20 10. Page 11, by inserting after line 28 the
21 following:

22 " ____ . During the 1994-1995 fiscal year, the
23 department shall utilize the moneys deposited in the
24 child day care credit fund created in section 237A.28
25 for state child care assistance, in addition to the
26 moneys appropriated for that purpose in this section."

27 11. Page 15, line 8, by inserting after the word
28 "participants." the following: "The department may
29 adopt emergency rules to implement the provisions of
30 this subsection."

31 12. Page 16, line 13, by striking the figure
32 "74,600,612" and inserting the following:
33 "74,617,612".

34 13. Page 18, by inserting after line 7 the
35 following:

36 "f. The department shall not certify any
37 additional enhanced residential treatment beds except
38 those beds for which applications for certification
39 were received on or before February 1, 1994, unless
40 the director of human services approves the beds as
41 necessary, based on the type of children to be served
42 and the location of the enhanced residential treatment
43 beds. The department may adopt emergency rules to
44 implement the provisions of this paragraph.

45 g. Of the funds appropriated in this section, not
46 more than \$6,529,390 is allocated as the state match
47 funding for psychiatric medical institutions for
48 children."

49 14. Page 24, line 20, by inserting after the word
50 "purchased." the following: "The department may adopt

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

3 15. Page 24, by inserting after line 20 the
4 following:

5 "19. The director of human services shall appoint
6 a committee to advise the director concerning managed
7 care approaches and implementation considerations for
8 determining service necessity for children served by
9 psychiatric medical institutions for children (PMIC).
10 The members of the committee shall include persons who
11 are knowledgeable about these issues, as well as
12 representatives of PMIC providers and in-patient
13 psychiatric hospitals. The director shall select the
14 system under which service-necessity determinations
15 for PMICs will be managed and shall place the PMIC
16 determinations under that system on or after November
17 1, 1994. The director's decision shall be based on
18 the following criteria: the needs of the children
19 served by PMIC facilities under the system in effect
20 prior to November 1, 1994, the department's ability to
21 assure prompt access to care, the department's ability
22 to promote affordable effective care, the degree of
23 coordination with other services for which the state
24 is responsible, the department's ability to assure
25 that service decisions support the principles of least
26 restrictive and most appropriate care, and consistency
27 of the service management system with legal
28 expectations. If necessary to implement the
29 director's decision, the department may transfer
30 moneys appropriated in this section to the
31 appropriation in this Act for medical assistance and
32 amend the managed mental health care contract to
33 include PMICs, or include PMIC placements in the
34 statewide target for group foster care placements in
35 subsection 2, paragraph "a", in which case the
36 statewide target shall be increased to be not more
37 than 1,733, as determined by the director. If the
38 director decides to include PMICs in the statewide
39 target, the regional plans developed by the department
40 and the juvenile court pursuant to section 232.143
41 shall be revised to include PMIC placements. The
42 department may adopt emergency rules to implement the
43 provisions of this subsection.

44 20. The department shall appoint a committee to
45 review whether unnecessary or redundant reporting or
46 referral provisions are required by the department's
47 medical assistance children's service initiative.
48 Committee members shall include referral workers,
49 clinical assessment and consultation team members,
50 service providers, and other appropriate persons. The

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1 committee shall submit a report to the director of
2 human services, and the director shall make a
3 determination regarding these issues by November 1,
4 1994. The department may adopt emergency rules to
5 appropriately revise the provisions in accordance with
6 the director's determination.

7 21. The department and the juvenile court shall
8 conduct an assessment of the service needs and
9 demographic characteristics of the children and
10 families served through the department's child
11 welfare, juvenile justice, and mental health systems.
12 The assessment shall be coordinated with the efforts
13 of the child welfare task force to develop profiles of
14 the general characteristics of children and families
15 utilizing those service systems. The department shall
16 report the findings of the assessment to the members
17 of the joint appropriations subcommittee on human
18 services and the legislative fiscal bureau by June 30,
19 1995."

20 16. Page 24, line 29, by striking the figure
21 "2,456,126" and inserting the following: "2,256,126".

22 17. Page 25, line 4, by inserting after the word
23 "grant." the following: "The department may adopt
24 emergency rules to implement the provisions of this
25 subsection."

26 18. Page 25, line 5, by striking the figure
27 "500,000" and inserting the following: "300,000".

28 19. Page 25, by striking lines 16 and 17 and
29 inserting the following: "during the adolescent years
30 by emphasizing sexual abstinence as the only
31 completely safe and effective means of avoiding
32 pregnancy and sexually transmitted diseases and by
33 providing information regarding the comparative
34 failure rates of contraceptives, and by emphasizing
35 responsible decision making in relationships,".

36 20. Page 26, line 1, by inserting after the word
37 "services." the following: "The department may adopt
38 emergency rules to implement the provisions of this
39 subsection."

40 21. Page 26, by striking lines 5 through 9.

41 22. Page 29, by striking lines 18 through 20 and
42 inserting the following: "appropriation."

43 23. Page 32, line 32, by striking the figure
44 "29,090,958" and inserting the following:
45 "29,277,958".

46 24. Page 37, line 13, by striking the figure
47 "134,000" and inserting the following: "321,000".

48 25. Page 37, by inserting after line 22 the
49 following:

50 "9. The department of human services shall

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Page 5

1 cooperate with the division of vocational
2 rehabilitation of the department of education in
3 assuring that counties are aware of any opportunities
4 to utilize purchase of service funds to match federal
5 funds available to provide vocational services to
6 persons eligible for services under subsection 6."
7 26. Page 38, by striking lines 16 through 20.
8 27. Page 41, by striking lines 18 through 22.
9 28. Page 42, line 13, by striking the figure
10 "345" and inserting the following: "341".
11 29. Page 42, line 14, by striking the figure
12 "360" and inserting the following: "356".
13 30. Page 42, line 15, by striking the figure
14 "401" and inserting the following: "397".
15 31. Page 42, line 16, by striking the figure
16 "427" and inserting the following: "423".
17 32. Page 43, line 7, by striking the figure
18 "250,000" and inserting the following: "21,000".
19 33. Page 45, by inserting after line 25 the
20 following:
21 "Sec. _____. Section 99E.10, subsection 1, paragraph
22 a, Code Supplement 1993, is amended by striking the
23 paragraph and inserting in lieu thereof the following:
24 a. An amount equal to three-tenths of one percent
25 of the gross lottery revenue shall be deposited in a
26 gamblers assistance fund in the office of the
27 treasurer of state. The director of human services
28 shall administer the fund and shall provide that
29 receipts are allocated on a monthly basis to provide
30 programs which may include, but are not limited to,
31 outpatient and follow-up treatment for persons
32 affected by problem gambling, rehabilitation and
33 residential treatment programs, information and
34 referral services, and education and preventive
35 services.
36 Sec. _____. Section 99F.11, subsection 3, Code 1993,
37 is amended to read as follows:
38 3. Three Three-tenths of one percent of the
39 adjusted gross receipts shall be deposited in the
40 gamblers assistance fund specified in section 99E.10,
41 subsection 1, paragraph "a".
42 34. Page 45, by inserting after line 25 the
43 following:
44 "Sec. _____. FISCAL YEAR 1993-1994 COUNCIL ON HUMAN
45 INVESTMENT APPROPRIATION. Moneys appropriated to the
46 department of human services for administrative costs
47 of the council on human investment in 1993 Iowa Acts,
48 chapter 180, section 60, shall be considered
49 encumbered for purposes of section 8.33 and shall be
50 used during the succeeding fiscal year for the purpose
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Page 6

1 designated."

2 35. Page 45, by inserting after line 25, the
3 following:

4 "Sec. 500. CHILD WELFARE TASK FORCE CONTINUED.

5 The date by which the child welfare task force
6 established in 1992 Iowa Acts, chapter 1241, section
7 11, is required to complete its duties is extended to
8 June 30, 1995. The task force shall perform planning
9 activities relating to the family preservation and
10 support services amendments to the federal Budget
11 Reconciliation Act of 1993, Pub. L. No. 103-66, §
12 13711 et seq. The task force shall issue an interim
13 report on or before November 15, 1994, concerning its
14 findings and activities and shall issue a final report
15 on or before the completion date provided in this
16 section. As part of the final report, the task force
17 shall examine profiles of general characteristics of
18 children and families which utilize the systems in the
19 state for child welfare, juvenile justice, and mental
20 health."

21 36. Page 46, by striking lines 5 through 26.

22 37. Page 47, by inserting after line 12 the
23 following:

24 "____. Section 10, subsection 2, paragraph "f",
25 relating to certification of additional enhanced
26 residential treatment beds.

27 _____. Section 10, subsection 19, relating to
28 psychiatric medical institutions for children.

29 _____. Section 10, subsection 20, relating to the
30 department's medical assistance childrens' services
31 initiative."

32 38. Page 47, by striking lines 17 and 18.

33 39. Page 47, by inserting before line 19 the
34 following:

35 "Sec. 2001. REPEAL. Section 237.23, Code
36 Supplement 1993, is repealed.

37 Sec. _____. Section 2001 of this Act takes effect
38 June 30, 1994."

39 40. Page 47, by inserting before line 19, the
40 following:

41 "____. Section 500, relating to the continuation of
42 the child welfare task force."

43 41. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5579 FILED APRIL 12, 1994

ADOPTED

Senate Concurred
4. 12. 94
(P. 1160)

Delaney
Murphy
Kramer

SSB-2253
Appropriations
New

SENATE/HOUSE FILE 2313
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL
BY JOINT APPROPRIATIONS
SUBCOMMITTEE ON HUMAN
SERVICES)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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 human
4 services and health care and providing for effective and
5 applicability dates.

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

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1 Section 1. FAMILY INVESTMENT PROGRAM. There is
2 appropriated from the general fund of the state to the
3 department of human services for the fiscal year beginning
4 July 1, 1994, and ending June 30, 1995, the following amount,
5 or so much thereof as is necessary; to be used for the purpose
6 designated:

7 For assistance under the family investment program under
8 chapter 239:

9 \$ 37,139,476

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

13 2. The department shall continue to contract for services
14 in developing and monitoring an entrepreneurial training
15 waiver program to provide technical assistance in self-
16 employment training to families which receive assistance under
17 the family investment program, contingent on federal approval
18 of the annual waiver renewal requests. The waiver program
19 shall be provided for the fiscal year beginning July 1, 1994,
20 and ending June 30, 1995, or for as long as federal approval
21 of the statewide program is granted.

22 3. The department shall continue the special needs program
23 under the family investment program.

24 4. Notwithstanding section 239.6, the department is not
25 required to reconsider eligibility of family investment
26 program recipients every six months if a federal waiver is
27 granted.

28 5. Notwithstanding any contrary provision of chapter 239,
29 the department shall continue to implement the family
30 investment program in accordance with the provisions of the
31 waiver request approved by the United States department of
32 health and human services pursuant to 1993 Iowa Acts, chapter
33 97, section 3.

34 6. The department may adopt emergency rules for the family
35 investment, food stamp, and medical assistance programs to

1 change or delete welfare reform initiatives that threaten the
2 integrity or continuation of the program or that are not cost-
3 effective. Prior to the adoption of rules, the department
4 shall consult with the welfare reform council, members of the
5 public involved in development of the policy established in
6 the 1993 session, and the chairpersons and ranking members of
7 the human resources committees of the senate and the house of
8 representatives.

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, 1994, and
12 ending June 30, 1995, 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 for homeless prevention programs:

16 \$ 1,767,500

17 The emergency assistance provided for in this section shall
18 be available beginning October 1 of the fiscal year and shall
19 be provided only if all other publicly funded resources have
20 been exhausted. The emergency assistance includes, but is not
21 limited to, assisting people who face eviction, potential
22 eviction, or foreclosure, utility shutoff or fuel shortage,
23 loss of heating energy supply or equipment, homelessness,
24 utility or rental deposits, or other specified crisis which
25 threatens family or living arrangements. The emergency
26 assistance shall be available to migrant families who would
27 otherwise meet eligibility criteria. The department may adopt
28 emergency rules to implement the program including eligibility
29 criteria and benefit levels. The department may contract for
30 the administration and delivery of the program. The program
31 shall be terminated when funds are exhausted.

32 Sec. 3. MEDICAL ASSISTANCE. There is appropriated from
33 the general fund of the state to the department of human
34 services for the fiscal year beginning July 1, 1994, and
35 ending June 30, 1995, the following amount, or so much thereof

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

2 For medical assistance, including reimbursement for
3 abortion services, which shall be available under the medical
4 assistance program only for those abortions which are
5 medically necessary:

6 \$344,490,351

7 1. Medically necessary abortions are those performed under
8 any of the following conditions:

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

11 b. The attending physician certifies that the fetus is
12 physically deformed, mentally deficient, or afflicted with a
13 congenital illness.

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

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

22 e. Any spontaneous abortion, commonly known as a
23 miscarriage, if not all of the products of conception are
24 expelled.

25 2. Notwithstanding section 8.39, the department may
26 transfer funds appropriated in this section to a separate
27 account established in the department's case management unit
28 for expenditures required to provide case management services
29 for mental health, mental retardation, and developmental
30 disabilities services under medical assistance which are
31 jointly funded by the state and county, pending final
32 settlement of the expenditures. Funds received by the case
33 management unit in settlement of the expenditures shall be
34 used to replace the transferred funds and are available for
35 the purposes for which the funds were appropriated in this

1 section.

2 3. a. If a medical assistance recipient is receiving care
3 which is reimbursed under a federally approved home and
4 community-based services waiver but would otherwise be
5 approved for care in an intermediate care facility for the
6 mentally retarded, the recipient's county of legal settlement
7 shall reimburse the department on a monthly basis for the
8 portion of the recipient's cost of care which is not paid from
9 federal funds.

10 b. The department's admission requirements involving
11 medical assistance payment for an individual's placement in an
12 intermediate care facility for the mentally retarded shall
13 require, prior to the placement, referral of the individual
14 through an approved case management program. The case
15 management program shall identify any appropriate alternatives
16 to the placement and shall inform the individual of the
17 alternatives. The department may adopt emergency rules to
18 implement the provisions of this subsection.

19 c. The department shall conduct a study to determine the
20 feasibility of establishing a special classification of
21 nursing facility for persons with mental retardation or other
22 developmental disability whose ability to respond to active
23 treatment protocols is limited due to age or medical needs.
24 Participants in the study shall include representatives of the
25 department of inspections and appeals, Iowa state association
26 of counties, arc of Iowa, and the Iowa association of
27 residential and rehabilitation facilities.

28 4. a. The county of legal settlement shall be billed for
29 50 percent of the nonfederal share of the cost of case
30 management provided for adults, day treatment, and partial
31 hospitalization in accordance with sections 249A.26 and
32 249A.27, and 100 percent of the nonfederal share of the cost
33 of care which is reimbursed under a federally approved home
34 and community-based waiver that would otherwise be approved
35 for provision in an intermediate care facility for the

1 mentally retarded, provided under the medical assistance
2 program for persons with mental retardation, a developmental
3 disability, or chronic mental illness. The state shall have
4 responsibility for the remaining 50 percent of the nonfederal
5 share of the cost of case management provided for adults, day
6 treatment, and partial hospitalization. For persons without a
7 county of legal settlement, the state shall have
8 responsibility for 100 percent of the nonfederal share of the
9 cost of case management provided for adults, day treatment,
10 partial hospitalization, and the home and community-based
11 waiver services.

12 b. The state shall pay the entire nonfederal share of the
13 costs for case management services provided to persons 18
14 years of age or younger who are served in a medical assistance
15 home and community-based waiver program for persons with
16 mental retardation.

17 c. Medical assistance funding for case management services
18 for eligible persons 18 years of age and under shall also be
19 provided to persons residing in counties with child welfare
20 decategorization projects implemented in accordance with
21 section 232.188, provided these projects have included these
22 persons in their service plan and the decategorization project
23 county is willing to provide the nonfederal share of costs.

24 d. When paying the necessary and legal expenses of
25 intermediate care facilities for the mentally retarded
26 (ICFMR), the cost payment requirements of section 222.60 shall
27 be considered fulfilled when payment is made in accordance
28 with the medical assistance payment rates established for
29 ICFMRs by the department and the state or a county of legal
30 settlement is not obligated for any amount in excess of the
31 rates.

32 5. The department shall expand coverage of services to
33 children under medical assistance to include nutritional
34 counseling services for children not eligible for women,
35 infant and children (WIC) nutritional counseling services due

1 to exceeding the WIC age limit or who require services in
2 excess of those available under WIC. The department may adopt
3 emergency rules in order to implement this change.

4 6. Upon receipt of a federal waiver, the department may
5 adopt and implement emergency rules to establish a prepaid
6 mental health services plan for medical assistance patients.
7 The rules shall include but not be limited to defining the
8 structure of the program, establishing the scope of services
9 to be provided in the program, establishing client eligibility
10 for prepaid mental health services, establishing the basis and
11 rate of reimbursement for the program, defining the expected
12 outcome measures of the program, and defining a client appeal
13 process. Notwithstanding the provisions of subsection 4,
14 paragraph "a", of this section and section 249A.26, requiring
15 counties to pay all or part of the nonfederal share of certain
16 services provided to persons with disabilities under the
17 medical assistance program, the state shall pay 100 percent of
18 the nonfederal share of any services included in the plan
19 implemented pursuant to this subsection.

20 7. The department shall utilize not more than \$60,000 of
21 the funds appropriated in this section to continue the
22 AIDS/HIV health insurance premium payment program as
23 established in 1992 Iowa Acts, Second Extraordinary Session,
24 Chapter 1001, section 409, subsection 6. Of the funds
25 allocated in this subsection, not more than \$10,000 may be
26 expended for administrative purposes.

27 8. The department of human services shall seek a federal
28 waiver to implement a pilot project to allow up to 16 nursing
29 homes, as defined in section 155.1, to be operated under an
30 outcome-based alternative plan for regulatory compliance. The
31 waiver shall include a request for suspension of federal
32 regulations which the department identifies as more
33 restrictive than necessary to provide a safe and healthy
34 environment for residents of a nursing home. Following
35 approval of the waiver, the department shall establish a

1 request for proposal, or other research-based selection
2 process, and shall select up to 16 nursing homes to operate
3 under the alternative system, based upon criteria and
4 requirements which shall include but are not limited to all of
5 the following:

6 a. The department of inspections and appeals shall utilize
7 the regulations established for the pilot project for state
8 licensure survey purposes, except during adverse actions such
9 as fining and citation, conditional licensure or license
10 revocation proceedings, in which cases existing state
11 licensure rules shall be used. The department of inspections
12 and appeals shall investigate complaints registered against
13 homes involved in the pilot project utilizing the federal
14 regulations developed for those homes. State licensure rules
15 shall be utilized if adverse action results from a complaint
16 investigation. The nursing home shall comply with the
17 requirements of chapter 481 I.A.C. 61, applicable state law,
18 and applicable fire regulations.

19 b. The department shall adopt rules which establish the
20 minimum requirements for alternative nursing homes, and the
21 nursing homes shall comply with the minimum requirements
22 established.

23 c. The nursing homes shall develop and implement a written
24 plan of operation which is outcome-based and which establishes
25 goals for the home in meeting the outcomes identified. The
26 plan shall include an ongoing process for identifying and
27 attaining the outcomes identified. The plan shall also
28 include a method for evaluation of the effect of the
29 alternative form of operation on the quality of life of the
30 residents and the need for alternative methods of staff
31 development and service delivery.

32 d. The nursing homes shall provide for input from the
33 residents regarding the most appropriate environment and
34 services to the residents.

35 e. The nursing homes shall report annually to the

1 department regarding the success of the nursing homes in
2 reaching the goals established and regarding recommendations
3 for additional improvements in the structure and operation of
4 the nursing homes and the services provided the residents of
5 the homes.

6 f. The department shall annually report to the
7 chairpersons and ranking members of the joint appropriations
8 subcommittee on human services on the progress of the pilot
9 project and shall include in the report recommendations
10 regarding the use of alternatives to standard nursing homes.

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, 1994, and ending June
14 30, 1995, the following amount, or so much thereof as is
15 necessary, to be used for the purpose designated:

16 For medical contracts:

17 \$ 5,630,350

18 The department shall continue to contract for drug
19 utilization review under the medical assistance program.

20 The department may use not more than \$60,000 of the funds
21 appropriated in this section to contract for services to
22 expand the point of service reimbursement system.

23 Sec. 5. STATE SUPPLEMENTARY ASSISTANCE. There is
24 appropriated from the general fund of the state to the
25 department of human services for the fiscal year beginning
26 July 1, 1994, and ending June 30, 1995, the following amount,
27 or so much thereof as is necessary, to be used for the purpose
28 designated:

29 For state supplementary assistance:

30 \$ 19,315,000

31 The department shall increase the personal needs allowance
32 for residents of residential care facilities by the same
33 percentage and at the same time as federal supplemental
34 security income and federal social security benefits are
35 increased due to a recognized increase in the cost of living.

1 The department may adopt emergency rules to implement the
2 provisions of this paragraph.

3 Sec. 6. CHILD DAY CARE ASSISTANCE. There is appropriated
4 from the general fund of the state to the department of human
5 services for the fiscal year beginning July 1, 1994, and
6 ending June 30, 1995, the following amount, or so much thereof
7 as is necessary, to be used for the purposes designated:

8 For protective child day care assistance and state child
9 care assistance:

10 \$ 7,397,259

11 1. Of the funds appropriated in this section, \$3,146,286
12 shall be used for protective child day care assistance.

13 2. Of the funds appropriated in this section, \$2,430,934
14 shall be used for state child care assistance.

15 3. Based upon the availability of the funding provided in
16 subsection 2 the department shall establish waiting lists for
17 state child care assistance in descending order of
18 prioritization as follows:

19 a. Families who are at or below 100 percent of the federal
20 poverty level and are employed at least 30 hours a week.

21 b. Parents under the age of 21 who are employed full-time
22 or part-time or who are participating in an approved training
23 program or who are enrolled in an education program.

24 c. Families who are at or below 155 percent of the federal
25 poverty level who have a special needs child.

26 d. Families who are at or below 100 percent of the federal
27 poverty level, who are employed part-time at least 20 hours per
28 week.

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

1 transfer the excess amount of funds to another county in that
2 region. If the region determines that a specified portion of
3 the funds provided to the region is sufficient to meet the
4 region's current demand and projected growth for the remainder
5 of the fiscal year, the excess amount may be transferred for
6 use in another region.

7 b. For state child care assistance, eligibility shall be
8 limited to children whose family income is equal to or less
9 than 100 percent of the federal office of management and
10 budget poverty guidelines. However, on or after October 1,
11 1994, the department may increase the income eligibility limit
12 to be equal to or less than 75 percent of the Iowa median
13 family income. Persons receiving child care assistance on
14 June 30, 1994, shall not be cancelled due to the reduction in
15 the income guidelines.

16 c. The department may adopt emergency rules to comply with
17 the federal child care development block grant and federal at-
18 risk child care program; to streamline the existing day care
19 program; and to deliver the services within state and federal
20 funds appropriated.

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

28 5. Of the funds appropriated in this section, \$640,270 is
29 allocated for the statewide program for child day care
30 resource and referral services under section 237A.26.

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

34 7. a. Of the funds appropriated in this section,
35 \$1,179,769 shall be used for transitional child care

1 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.

7 8. Of the funds appropriated in this section, the
8 department shall use up to \$233,735 for department staff
9 necessary to meet federal requirements.

10 Sec. 7. JOBS PROGRAM. There is appropriated from the
11 general fund of the state to the department of human services
12 for the fiscal year beginning July 1, 1994, and ending June
13 30, 1995, the following amount, or so much thereof as is
14 necessary, to be used for the purposes designated:

15 For the federal-state job opportunities and basic skills
16 (JOBS) program, food stamp employment and training program,
17 family development and self-sufficiency grants, and
18 implementing family investment agreements, in accordance with
19 this section:

20 \$ 12,071,270

21 1. Of the funds appropriated in this section, \$11,161,970
22 is allocated for the JOBS program.

23 2. Notwithstanding any contrary provisions of chapter
24 249C, the department shall implement work and training
25 programs in accordance with the waiver request approved by the
26 United States department of health and human services pursuant
27 to 1993 Iowa Acts, chapter 97, section 3.

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

30 4. Of the funds appropriated in this section, \$779,315 is
31 allocated to the family development and self-sufficiency grant
32 program as provided under section 217.12.

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

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

12 c. Based upon the annual evaluation report concerning each
13 grantee funded by this allocation, the family development and
14 self-sufficiency council may use funds allocated to renew
15 grants.

16 Sec. 8. CHILD SUPPORT RECOVERY. 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, 1994, and
19 ending June 30, 1995, the following amount, or so much thereof
20 as is necessary, to be used for the purposes designated:

21 For child support recovery, including salaries, support,
22 maintenance, and miscellaneous purposes:

23 \$ 4,951,546

24 1. The director of human services, within the limitations
25 of the funds appropriated in this section, or funds
26 transferred from the family investment program for this
27 purpose, shall establish new positions and add employees to
28 the child support recovery unit if the director determines
29 that both the current and additional employees together can
30 reasonably be expected to maintain or increase net state
31 revenue at or beyond the budgeted level. If the director adds
32 employees, the department shall demonstrate the cost-
33 effectiveness of the current and additional employees by
34 reporting to the joint appropriations subcommittee on human
35 services the ratio of the total amount of administrative costs

1 for child support recoveries to the total amount of the child
2 support recovered.

3 2. Nonpublic assistance application and user fees received
4 by the child support recovery program are appropriated and
5 shall be used for the purposes of the child support recovery
6 program. The director of human services may add positions if
7 fees collected relating to the new positions are sufficient to
8 pay the salaries and support for the positions. The director
9 shall report any positions added pursuant to this subsection
10 to the chairpersons and ranking members of the joint
11 appropriations subcommittee on human services and the
12 legislative fiscal bureau.

13 3. The director of human services, in consultation with
14 the department of management and the legislative fiscal
15 committee, is authorized to receive and deposit state child
16 support incentive earnings in the manner specified under
17 applicable federal requirements.

18 4. The director of human services may establish new
19 positions and add state employees to the child support
20 recovery unit if the director determines the employees are
21 necessary to replace county-funded positions eliminated due to
22 termination, reduction, or nonrenewal of a chapter 28E
23 contract. However, the director must also determine that the
24 resulting increase in the state share of child support
25 recovery incentives exceeds the cost of the positions, the
26 positions are necessary to ensure continued federal funding of
27 the program, or the new positions can reasonably be expected
28 to recover more than twice the amount of money to pay the
29 salaries and support for the new positions.

30 5. The child support recovery unit shall continue to work
31 with the judicial department to determine the feasibility of a
32 pilot project utilizing a court-appointed referee for judicial
33 determinations on child support matters. The extent and
34 location of any pilot project shall be jointly developed by
35 the judicial department and the child support recovery unit.

1 6. Funding is provided within this appropriation for
2 expenses relating to a child support public awareness
3 campaign. The department shall transfer \$50,000 to the office
4 of the attorney general and the department and the attorney
5 general shall cooperate as necessary for continuation of the
6 campaign.

7 7. Of the funds appropriated in this section the
8 department shall use up to \$30,000 to establish a pilot
9 program option in not more than ten counties within one
10 judicial district to provide and supervise a community service
11 pilot project for absent parents who are ordered by the court
12 to perform community service for failure to pay child support
13 pursuant to section 598.23A. Funding shall be provided for
14 the administration of the pilot project which shall include
15 reimbursement for the services of an attorney employed by the
16 office of the attorney general, office equipment,
17 transportation costs of the attorney, service fees for
18 contempt of court actions, contracting fees for an agency to
19 provide and supervise the community service pilot project, and
20 transportation costs for community service participants.

21 Sec. 9. JUVENILE INSTITUTIONS. There is appropriated from
22 the general fund of the state to the department of human
23 services for the fiscal year beginning July 1, 1994, and
24 ending June 30, 1995, the following amount, or so much thereof
25 as is necessary, to be used for the purposes designated:

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

29 For the state juvenile institutions:

30 \$ 12,937,878

31 1. The following amounts of the funds appropriated in this
32 section are allocated for the Iowa juvenile home at Toledo:

33 \$ 4,799,897

34 2. The following amounts of the funds appropriated in this
35 section are allocated for the state training school at Eldora:

1 \$ 8,137,981

2 3. During the fiscal year beginning July 1, 1994, the
3 population levels at the state juvenile institutions shall not
4 exceed the population guidelines established under 1990 Iowa
5 Acts, chapter 1239, section 21.

6 4. Each state juvenile institution shall apply for
7 adolescent pregnancy prevention grants for the fiscal year
8 beginning July 1, 1994.

9 5. Within the funds appropriated in this section, the
10 department may reallocate funds as necessary to best fulfill
11 the needs of the institutions provided for in the
12 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 the appropriations. The report
17 shall include a comparison of actual to budgeted expenditures
18 for each institution.

19 Sec. 10. CHILD AND FAMILY SERVICES. There is appropriated
20 from the general fund of the state to the department of human
21 services for the fiscal year beginning July 1, 1994, and
22 ending June 30, 1995, the following amount, or so much thereof
23 as is necessary, to be used for the purpose designated:

24 For child and family services:

25 \$ 74,734,612

26 1. The department may transfer moneys appropriated in this
27 section as necessary to pay the nonfederal costs of services
28 reimbursed under medical assistance or the family investment
29 program which are provided to children who would otherwise
30 receive services paid under the appropriation in this section.
31 The department may transfer funds appropriated in this section
32 to the appropriations in this Act for general administration
33 and for field operations for resources necessary to implement
34 and operate the services funded in this section.

35 2. a. Of the funds appropriated in this section, up to

1 \$23,309,136 is allocated for group foster care maintenance and
2 services and for psychiatric medical institution for children
3 (PMIC) under chapter 135H services. For the fiscal year
4 beginning July 1, 1994, the statewide target, as provided in
5 section 232.143, for the average number of children placed in
6 group foster care and PMIC services in any day of the fiscal
7 year which are a charge upon or paid for by the state shall be
8 1,733. Notwithstanding the statewide target established in
9 this subsection and sections 232.52, 232.102, 232.117,
10 232.127, and 232.182, a target established in a region's group
11 foster care plan developed pursuant to section 232.143 may be
12 exceeded, a group foster care or PMIC placement may be
13 ordered, and state payment may be made if a clinical
14 assessment and consultation team finds that the placement is
15 necessary to meet the child's needs. If the daily average
16 target established in a region's group foster care plan is
17 exceeded, the department and courts in that region shall refer
18 at least five percent of the region's group foster care and
19 PMIC placements to a clinical assessment and consultation team
20 to determine if alternative services would meet the child's
21 service needs and to assist the region in reducing the number
22 of children in group foster care and PMIC placements in the
23 regional target within 45 days from the date the target was
24 exceeded. The department and the courts shall work together
25 to ensure that a region's group foster care and PMIC
26 expenditures shall not exceed the funds allocated to the
27 region for group foster care and PMIC placements in the 1994-
28 1995 fiscal year. The department may adopt emergency rules to
29 implement the provisions of this paragraph.

30 b. In each quarter of the fiscal year, the department
31 shall compare the actual number of group foster care and PMIC
32 placements in a region and the targets allocated to the region
33 for that quarter. The department shall develop a methodology
34 to provide, within the funds allocated in this subsection,
35 fiscal incentives to regions which have reduced the number or

1 length of group foster care or PMIC placements.

2 c. The department shall report quarterly to the
3 legislative fiscal bureau concerning the status of each
4 region's efforts to limit the number of group foster care and
5 PMIC placements in accordance with the regional plan
6 established pursuant to section 232.143.

7 d. Notwithstanding the formula specified in section
8 232.143, subsection 1, the department and the judicial
9 department shall develop a formula for allocating a portion of
10 the statewide target to each of the department's regions based
11 on factors determined by the department and the judicial
12 department which may include but are not limited to historical
13 usage of group foster care or PMIC beds and indicators of need
14 for group foster care or PMIC placements. The formula shall
15 be established by May 1, 1994. The department may adopt
16 emergency rules to implement the provisions of this paragraph.

17 e. The reimbursement rates paid for placement of children
18 out-of-state shall be calculated according to the same rate-
19 setting principles as those used for in-state providers,
20 unless the director determines that appropriate care cannot be
21 provided within the state.

22 f. Within the funds allocated for group foster care and
23 PMIC placements, the department shall develop one or more boot
24 camp programs with a maximum for all programs of 50 beds. The
25 department may adopt emergency rules to implement the
26 provisions of this paragraph. The rules may include but are
27 not limited to the development of the program description,
28 provider standards, cost principles, rate-setting, contract
29 requirements, service eligibility criteria, claims submission
30 criteria and program accountability standards. The department
31 shall work with juvenile service providers and other
32 interested parties in developing the rules authorized by this
33 paragraph.

34 3. Not more than 25 percent of the children placed in
35 foster care funded under the federal Social Security Act,

1 Title IV-E, shall be placed in foster care for a period of
2 more than 24 months.

3 4. The department shall continue to contract for a
4 statewide system for recruiting, retaining, and supporting
5 foster care families consistent with the recommendation of the
6 department's family foster care advisory committee. The
7 department may continue the contract for this purpose which
8 was initiated in the fiscal year beginning July 1, 1993, if
9 defined goals have been achieved. The department shall
10 involve the family foster care advisory committee in
11 overseeing the work of the contractor, and further defining
12 needs in the system.

13 5. In accordance with the provisions of section 232.188,
14 the department shall continue the demonstration program to
15 decategorize child welfare services in the five counties in
16 which the program has commenced. The department may approve
17 additional applications from a county or cluster of counties
18 to initiate a demonstration program provided the department,
19 the boards of supervisors in the counties, and the affected
20 judicial districts agree to implement the program. The
21 schedule for implementing the demonstration program in
22 additional counties shall provide that the program be
23 implemented on or after January 1, 1995. The department shall
24 establish, for the demonstration program counties, a child
25 welfare fund composed of all or part of the amount that would
26 otherwise be expected to be used for residents of the counties
27 for foster care, child and family services, family-centered
28 services, subsidized adoption, child day care, local purchase
29 portion of the mental health, mental retardation,
30 developmental disabilities, and brain injury community
31 services appropriated in this Act, state juvenile institution
32 care, mental health institute care, state hospital-school
33 care, juvenile detention, department-direct services, and
34 court-ordered evaluation and treatment of juvenile services.
35 Notwithstanding any other provision of law, the fund shall be

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

26 6. Of the funds appropriated in this section, up to
27 \$92,009 is allocated for continued foster care services to a
28 child who is 18 years of age or older in accordance with the
29 provisions of section 234.35, subsection 4, paragraph "c".
30 However, if funding in this appropriation would remain
31 unobligated at the end of the fiscal year, the allocation in
32 this subsection may be exceeded to the extent necessary to
33 provide the continued foster care services. The department
34 shall distribute the moneys allocated in this subsection to
35 the departmental regions based on each region's proportion of

1 the total number of children placed in foster care on March 31
2 preceding the beginning of the fiscal year, who, during the
3 fiscal year would no longer be eligible for foster care due to
4 age.

5 7. During the fiscal period of this appropriation, the
6 department, in coordination with the legislative fiscal bureau
7 and the judicial department, shall continue to track those
8 out-of-home placements of children in which the state or a
9 county is financially involved. The tracking information
10 shall be submitted quarterly to the governor, the chairpersons
11 and ranking members of the joint appropriations subcommittee
12 on human services, and the legislative fiscal bureau and shall
13 include all of the following information:

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

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

27 8. Notwithstanding section 232.142, subsection 3, the
28 financial aid paid by the state for the establishment,
29 improvements, operation, and maintenance of county or
30 multicounty juvenile detention homes in the fiscal year
31 beginning July 1, 1994, shall be limited to \$510,000. Funds
32 allocated in this subsection shall be prorated among eligible
33 detention homes.

34 9. The amount of the appropriation made in this section
35 available for foster care is based upon expansion of the

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

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

23 11. Notwithstanding section 234.35, subsection 1, state
24 funding for shelter care paid pursuant to section 234.35,
25 subsection 1, paragraph "h", shall be limited to \$6,710,720
26 for the fiscal year beginning July 1, 1994. The department
27 may adopt emergency rules to implement the provisions of this
28 subsection.

29 12. Of the funds appropriated in this section, not more
30 than \$500,297 may be used to develop and maintain the state's
31 implementation of the national adoption and foster care
32 information system pursuant to the requirements of Pub. L. No.
33 99-509. The department may transfer funds as necessary from
34 the appropriations in this Act for field operations and
35 general administration to implement this subsection. Moneys

1 allocated in accordance with this subsection shall be
2 considered encumbered for the purposes of section 8.33.
3 13. The department shall continue training seminars
4 throughout the state on the use of reasonable efforts to
5 prevent or eliminate the need for removal of a child from the
6 child's home, and on family-centered approaches to serving
7 children and families. The department shall work with the
8 judicial department to make the training applicable and
9 available to court officers involved with referrals of
10 children to foster care. In addition, the department shall
11 work with the supreme court to provide ongoing instruction and
12 technical assistance in selected counties in the state
13 concerning application of reasonable efforts. Counties shall
14 be selected by targeting those with a high rate of placement
15 of children outside the children's homes. The recipients of
16 technical assistance shall include court officials, department
17 of human services referral workers, and child welfare service
18 providers. Trainers shall include respected peers and
19 colleagues of the training recipients. The department shall
20 also incorporate family-centered approaches to serving
21 families into the department's general child welfare training
22 for child welfare workers. The department shall use not more
23 than \$132,006 of the funds appropriated in this section for
24 the contract. The department shall seek assistance from the
25 reasonable efforts model court project, the child welfare
26 league of America, the national association of family-based
27 services, the national conference of state legislatures, and
28 private foundations; and shall draw from successful
29 initiatives used in other states in implementing the
30 provisions of this subsection.

31 14. Of the funds appropriated in this section, not more
32 than \$1,036,680 may be used for respite services to families
33 of children with mental retardation or other developmental
34 disabilities, who would otherwise enter or continue group care
35 placement.

1 15. Of the funds appropriated in this section, up to
2 \$682,766 may be used as determined by the department for any
3 of the following purposes:

4 a. For general administration of the department to improve
5 staff training efforts.

6 b. For oversight of termination of parental rights and
7 permanency planning efforts on a statewide basis.

8 c. For personnel, assigned by the attorney general, to
9 provide additional services relating to termination of
10 parental rights and child in need of assistance cases.

11 d. For specialized permanency planning field operations
12 staff.

13 16. The department shall continue to contract for family
14 foster care homes developed for children who present severe
15 emotional or behavioral management problems who might
16 otherwise be placed in group foster care. Contracts shall
17 provide that the family receives a certain fixed payment
18 regardless of placements, and shall specify that at least one
19 parent shall generally be available in the home 24 hours per
20 day in order to provide intensive and consistent structure and
21 therapeutic intervention, and to respond to crises. Each home
22 shall serve a maximum of three children.

23 17. Upon receipt of federal approval, the department shall
24 utilize the federal emergency assistance program to fund
25 approved children and family services under this section and
26 other programs providing emergency services to families and
27 children. The department may transfer moneys appropriated in
28 this section, as necessary, to pay the nonfederal share of
29 services reimbursed under the emergency assistance program
30 which are provided to children and families who would
31 otherwise receive the services. The department may adopt
32 emergency rules to implement the provisions of this
33 subsection. The rules may include but are not limited to the
34 development of program descriptions, provider standards, cost
35 principles, rate-setting, contract requirements, service and

1 financial eligibility criteria, claims submission criteria and
2 program accountability standards. The department shall work
3 with affected parties in developing the rules authorized in
4 this subsection.

5 18. The department shall adopt rules for purchase of
6 recruitment and home studies as necessary to secure an
7 adequate number of foster families to serve children needing
8 foster care placement. In implementing the provisions of this
9 subsection, the department may issue requests for proposals,
10 establish a flat fee schedule, or expand the pool of providers
11 from which the services are purchased.

12 Sec. 11. COMMUNITY-BASED PROGRAMS. 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, 1994, and
15 ending June 30, 1995, the following amount, or so much thereof
16 as is necessary, to be used for the purpose designated:

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

20 \$ 2,456,126

21 1. Of the funds appropriated in this section, \$652,451
22 shall be used for adolescent pregnancy prevention grants,
23 including not more than \$152,451 for programs to prevent
24 second or subsequent pregnancies during the adolescent years
25 and to provide support services for pregnant or parenting
26 adolescents. Rules adopted by the department may allow for
27 revision of existing grant categories and the addition of
28 grant categories which allow for the development and
29 initiation of a statewide adolescent pregnancy prevention
30 campaign and of a statewide assessment or evaluation grant.

31 2. Of the funds appropriated in this section, \$500,000
32 shall be used for grants to community or regional groups which
33 demonstrate broad-based representation from community
34 representatives including but not limited to schools,
35 churches, human service-related organizations, and businesses.

1 Priority in the awarding of grants shall be given to groups
2 which provide services to both urban and rural areas within
3 the proximity of the community or region and which provide
4 age-appropriate services adapted for both male and female
5 youth at the elementary, middle, and high school levels. A
6 program shall focus on the prevention of initial pregnancies
7 during the adolescent years by emphasizing responsible
8 decision-making in relationships, managing of peer and social
9 pressures, development of self-esteem, the costs and
10 responsibilities of parenting, and information regarding the
11 alternative of adoption for placement of a child. The program
12 shall also include an evaluation and assessment component
13 which includes evaluation of and recommendations for
14 improvement of the program by the youth and parents involved.
15 Evaluation and assessment reports shall be provided to the
16 department of human services, at a time determined by the
17 department in the grant award.

18 3. Of the funds appropriated in this section, \$532,789
19 shall be used by the department for child abuse prevention
20 grants.

21 4. Of the funds appropriated in this section, \$31,900
22 shall be used by the department for child neutral visitation
23 grants. It is the intent of the general assembly that funds
24 shall be provided by the state for this purpose only for this
25 fiscal year.

26 5. Of the funds appropriated in this section, an
27 additional \$300,000, based upon the amount allocated for this
28 purpose in the previous fiscal year, shall be used for family
29 planning services.

30 Sec. 12. COURT-ORDERED SERVICES PROVIDED TO JUVENILES.

31 There is appropriated from the general fund of the state to
32 the department of human services for the fiscal year beginning
33 July 1, 1994, and ending June 30, 1995, the following amount,
34 or so much thereof as is necessary, to be used for the purpose
35 designated:

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

4 \$ 3,090,000

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

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

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

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

35 a. Maximize the utilization of funds which may be

1 available from the medical assistance program including usage
2 of the early and periodic screening, diagnosis, and treatment
3 (EPSDT) program.

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

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

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

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

33 6. Notwithstanding any provision of law to the contrary, a
34 district or juvenile court shall not order a county to pay for
35 any service provided to a juvenile pursuant to an order

1 entered under chapter 232 which is a charge upon the state
2 under section 232.141, subsection 4.

3 7. Of the funds appropriated in this section, not more
4 than \$200,000 may be used by the judicial department for
5 administration of the requirements under this section and for
6 travel associated with court-ordered placements which are a
7 charge upon the state pursuant to section 232.141, subsection
8 4.

9 8. Of the funds appropriated in this section, not more
10 than \$200,000 may be transferred to the appropriation in this
11 Act for child and family services and used to provide school-
12 based supervision of children adjudicated under chapter 232.

13 Sec. 13. MENTAL HEALTH INSTITUTES. 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, 1994, and
16 ending June 30, 1995, the following amount, or so much thereof
17 as is necessary, to be used for the purposes designated:

18 For the state mental health institutes for salaries,
19 support, maintenance, and miscellaneous purposes:

20 \$ 42,470,116

21 1. The funds appropriated in this section are allocated as
22 follows:

23 a. State mental health institute at Cherokee:

24 \$ 14,425,374

25 b. State mental health institute at Clarinda:

26 \$ 6,008,952

27 c. State mental health institute at Independence:

28 \$ 17,153,764

29 d. State mental health institute at Mount Pleasant:

30 \$ 4,882,026

31 2. Within the funds appropriated in this section, the
32 department may reallocate funds as necessary to best fulfill
33 the needs of the institutions provided for in the
34 appropriation.

35 3. The department shall report to the legislative fiscal

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

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

12 5. The department shall develop a proposal for
13 implementing a forensic mental health unit. The proposal
14 shall be submitted to the governor and the members of the
15 joint appropriations subcommittee on human services on or
16 before January 15, 1995.

17 Sec. 14. HOSPITAL-SCHOOLS. There is appropriated from the
18 general fund of the state to the department of human services
19 for the fiscal year beginning July 1, 1994, and ending June
20 30, 1995, the following amount, or so much thereof as is
21 necessary, to be used for the purposes designated:

22 For the state hospital-schools, for salaries, support,
23 maintenance, and miscellaneous purposes:

24 \$ 65,789,681

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

27 a. State hospital-school at Glenwood:

28 \$ 35,497,594

29 b. State hospital-school at Woodward:

30 \$ 30,292,087

31 2. Within the funds appropriated in this section, the
32 department may reallocate funds as necessary to best fulfill
33 the needs of the institutions provided for in the
34 appropriation.

35 3. The department shall report to the legislative fiscal

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

6 Sec. 15. MENTAL ILLNESS -- MENTAL RETARDATION --
7 DEVELOPMENTAL DISABILITIES SPECIAL SERVICES. There is
8 appropriated from the general fund of the state to the
9 department of human services for the fiscal year beginning
10 July 1, 1994, and ending June 30, 1995, the following amount,
11 or so much thereof as is necessary, to be used for the purpose
12 designated:

13 For mental illness, mental retardation, and developmental
14 disabilities special services:

15 \$ 121,220

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

28 2. The funds appropriated in this section are to provide
29 funds for construction and start-up costs to develop community
30 living arrangements to provide for persons who are mentally
31 ill and homeless. These funds may be used to match federal
32 Stewart B. McKinney Homeless Assistance Act grant funds.

33 Sec. 16. FAMILY SUPPORT SUBSIDY PROGRAM. There is
34 appropriated from the general fund of the state to the
35 department of human services for the fiscal year beginning

1 July 1, 1994, and ending June 30, 1995, the following amount,
2 or so much thereof as is necessary, to be used for the purpose
3 designated:

4 For the family support subsidy program:

5 \$ 1,082,550

6 Sec. 17. SPECIAL NEEDS GRANTS. There is appropriated from
7 the general fund of the state to the department of human
8 services for the fiscal year beginning July 1, 1994, and
9 ending June 30, 1995, the following amount, or so much thereof
10 as is necessary, to be used for the purpose designated:

11 To provide special needs grants to families with a family
12 member at home who has a developmental disability or to a
13 person with a developmental disability:

14 \$ 53,212

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

26 Sec. 18. MI/MR/DD STATE CASES. There is appropriated from
27 the general fund of the state to the department of human
28 services for the fiscal year beginning July 1, 1994, and
29 ending June 30, 1995, the following amount, or so much thereof
30 as is necessary, to be used for the purposes designated:

31 For purchase of local services for persons with mental
32 illness, mental retardation, and developmental disabilities
33 services where the client has no established county of legal
34 settlement:

35 \$ 5,973,492

1 Sec. 19. MENTAL ILLNESS -- MENTAL RETARDATION -- DE-
2 VELOPMENTAL DISABILITIES -- BRAIN INJURY -- COMMUNITY
3 SERVICES. There is appropriated from the general fund of the
4 state to the department of human services for the fiscal year
5 beginning July 1, 1994, and ending June 30, 1995, the
6 following amount, or so much thereof as is necessary, to be
7 used for the purpose designated:

8 For mental illness, mental retardation, developmental
9 disabilities, and brain injury community services in
10 accordance with the provisions of this Act:

11 \$ 28,956,958

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

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

21 b. Fifty percent based upon the county's proportion of the
22 state's general population.

23 2. a. A county shall utilize the funding the county
24 receives pursuant to subsection 1 for services provided to
25 persons with mental illness, mental retardation, developmental
26 disability, or brain injury (MI/MR/DD/BI). However, no more
27 than 50 percent of the funding shall be used for services
28 provided to any one of the service populations.

29 b. A county shall use at least 50 percent of the funding
30 the county receives under subsection 1 for contemporary
31 services provided to persons with MI/MR/DD/BI.

32 c. The mental health and mental retardation commission
33 shall adopt rules pursuant to chapter 17A describing the
34 contemporary services. The commission may adopt emergency
35 rules to implement this subsection.

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

5 4. The department shall submit an annual report concerning
6 each population served and each service funded in this section
7 to the chairpersons and ranking members of the joint
8 appropriations subcommittee on human services and the
9 legislative fiscal bureau.

10 5. a. Provision of funding under subsection 1 is
11 contingent upon a county participating in the county's mental
12 illness, mental retardation, developmental disabilities, and
13 brain injury (MI/MR/DD/BI) planning councils established
14 pursuant to 1992 Iowa Acts, chapter 1241, section 25,
15 subsection 4.

16 b. A planning council shall develop plans for the
17 provision of services for the fiscal year beginning July 1,
18 1994, for persons with MI/MR/DD/BI in the county or counties
19 comprising the planning council.

20 c. County MI/MR/DD/BI expenditure reports for the prior
21 fiscal year are due to the department on October 15 of each
22 year. The county MI/MR/DD/BI plan for the fiscal year
23 beginning July 1, 1994, is due to the department April 1,
24 1994.

25 d. If a county has not established or is not affiliated
26 with a community mental health center under chapter 230A, the
27 county shall expend a portion of the money received under this
28 appropriation to contract with a community mental health
29 center to provide mental health services to the county's
30 residents. If such a contractual relationship is unworkable
31 or undesirable, the mental health and mental retardation
32 commission may waive the expenditure requirement. However, if
33 the commission waives the requirement, the commission shall
34 address the specific concerns of the county and shall attempt
35 to facilitate the provision of mental health services to the

1 county's residents through an affiliation agreement or other
2 means.

3 e. (1) A county is entitled to receive money from this
4 appropriation if that county raised by county levy and
5 expended for mental health, mental retardation, and
6 developmental disabilities services, in the preceding fiscal
7 year, an amount of money at least equal to the amount so
8 raised and expended for those purposes during the fiscal year
9 beginning July 1, 1980.

10 (2) With reference to the fiscal year beginning July 1,
11 1980, money "raised by county levy and expended for mental
12 health, mental retardation, and developmental disabilities
13 services" means the county's maintenance of effort determined
14 by using the general allocation application for the state
15 community mental health and mental retardation services fund
16 under section 225C.10, subsection 1, Code 1993. The
17 department, with the agreement of each county, shall establish
18 the actual amount expended by each county for persons with
19 mental illness, mental retardation, or a developmental
20 disability in the fiscal year which ended on July 1, 1980, and
21 this amount shall be deemed each county's maintenance of
22 effort.

23 6. a. Of the funds appropriated in this section,
24 \$13,287,625 is allocated for distribution to counties for
25 local purchase of services for persons with mental illness or
26 mental retardation or other developmental disability.

27 b. The funds allocated in this subsection shall be
28 expended by counties in accordance with eligibility guidelines
29 established in the department's rules outlining general
30 provisions for service administration. Services eligible for
31 payment with funds allocated in this subsection are limited to
32 any of the following which are provided in accordance with the
33 department's administrative rules for the services: community
34 supervised apartment living arrangements, residential services
35 for adults, sheltered work, supported employment, supported

1 work training, transportation, and work activity.

2 c. In purchasing services with funds allocated in this
3 subsection, a county shall designate a person to provide for
4 eligibility determination and development of a case plan for
5 individuals for whom the services are purchased. The
6 designated person shall be a medical assistance case manager
7 serving the person's county of residence. If an individual
8 does not have a case manager, the individual's eligibility
9 shall be determined by a social services caseworker of the
10 department serving the individual's county of residence. The
11 case plan shall be developed in accordance with the
12 department's rules outlining general provisions for service
13 administration.

14 d. Services purchased with funds allocated in this
15 subsection must be the result of a referral by the person who
16 identified the services in developing the individual's case
17 plan.

18 e. Services purchased with funds allocated in this
19 subsection must be under a purchase of service contract
20 established in accordance with the department's administrative
21 rules for purchase of service.

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

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

28 (2) Fifty percent based upon the amount provided to the
29 county for local purchase services in the preceding fiscal
30 year.

31 g. Each county shall submit to the department a plan for
32 funding of the services eligible for payment under this
33 subsection. The plan may provide for allocation of the funds
34 for one or more of the eligible services. The plan shall
35 identify the funding amount the county allocates for each

1 service and the time period for which the funding will be
2 available. Only those services which have funding allocated
3 in the plan are eligible for payment with funds provided in
4 this subsection.

5 h. A county shall provide advance notice to the individual
6 receiving services, the service provider, and the person
7 responsible for developing the case plan of the date the
8 county determines that funding will no longer be available for
9 a service.

10 i. Moneys allocated to a county pursuant to paragraph "f"
11 shall be provided to the county as claims are submitted to the
12 state.

13 j. The moneys provided under this subsection do not
14 establish an entitlement to the services funded under this
15 subsection.

16 7. Of the funds allocated in subsection 1, not more than
17 \$248,862 shall be provided to those counties having
18 supplemental per diem contracts in effect on June 30, 1994,
19 under 1993 Iowa Acts, chapter 172, section 16, subsection 2.
20 The amount provided to each county shall be equal to the
21 amount the county would be eligible to receive under the
22 supplemental per diem contracts in effect on June 30, 1994, if
23 the contracts were continued in effect for the entire fiscal
24 year beginning July 1, 1994.

25 Sec. 20. FIELD OPERATIONS. There is appropriated from the
26 general fund of the state to the department of human services
27 for the fiscal year beginning July 1, 1994, and ending June
28 30, 1995, the following amount, or so much thereof as is
29 necessary, to be used for the purpose designated:

30 For field operations, including salaries, support,
31 maintenance, and miscellaneous purposes:

32 \$ 37,567,639

33 Sec. 21. GENERAL ADMINISTRATION. There is appropriated
34 from the general fund of the state to the department of human
35 services for the fiscal year beginning July 1, 1994, and

1 ending June 30, 1995, the following amount, or so much thereof
2 as is necessary, to be used for the purpose designated:

3 For general administration, including salaries, support,
4 maintenance, and miscellaneous purposes:
5 \$ 9,587,716

6 Of the funds appropriated in this section, \$57,090 is
7 allocated for the prevention of disabilities policy council
8 established in section 225B.3.

9 Sec. 22. COUNCIL ON HUMAN INVESTMENT. 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, 1994, and ending June 30, 1995, the following amount
13 so much thereof as is necessary, to be used for the purpose
14 designated:

15 For administrative costs relating to the council on human
16 investment:
17 \$ 139,200

18 Sec. 23. 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, 1994, and ending June
21 30, 1995, 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. 24. "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, 1994, and ending June 30, 1995,
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 \$ 1,411,703

1 Sec. 25. 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, 1994, the
5 department of human services may allocate any increases in
6 payments for durable medical products and supplies so that
7 equipment and supplies which have greater wholesale cost
8 increases may be reimbursed at a higher rate and those which
9 have a lower or no wholesale cost increase may be reimbursed
10 at a lower rate or have no increase.

11 b. For the fiscal year beginning July 1, 1994, 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, 1994.

16 c. For the fiscal year beginning July 1, 1994, early and
17 periodic screening, diagnosis, and treatment program providers
18 shall have their medical assistance rates for screening
19 increased by 5 percent over the rates in effect on June 30,
20 1994.

21 d. For the fiscal year beginning July 1, 1994, skilled
22 nursing facilities shall have their medical assistance rates
23 increased by 4.9 percent over the rates in effect on June 30,
24 1994.

25 e. The dispensing fee for pharmacists shall remain at the
26 rate in effect on June 30, 1994. The reimbursement policy for
27 drug product costs shall be in accordance with federal
28 requirements.

29 f. (1) Reimbursement rates for in-patient services shall
30 be increased by an average of 4.2 percent over the rates in
31 effect on June 30, 1994. Effective July 1, 1994, the
32 department shall implement a new outpatient hospital
33 reimbursement system based on ambulatory patient groups. The
34 new system shall be designed in a manner so that the costs
35 under the new system remain within the amount estimated for

1 these services by the department. Payments made for
2 reimbursement under the new system may be retrospectively
3 adjusted during the first 24 months of a transition period
4 beginning July 1, 1994, and ending June 30, 1996, by not more
5 than 5 percent in order to ensure that the reimbursements
6 under the new system are reasonable. New weights for
7 ambulatory patient groups, shall be recalculated using the
8 claims data from the fiscal year beginning July 1, 1994, and
9 ending June 30, 1995, for use starting January 1, 1996.

10 (2) Effective July 1, 1994, the department shall revise
11 the medical assistance payment policy in effect for fiscal
12 year 1993-1994 to provide that reimbursement for costs of
13 screening and treatment provided in the hospital emergency
14 room is made pursuant to the prospective payment methodology
15 developed by the department for the payment of outpatient
16 services provided under the medical assistance program. The
17 department shall implement the prospective payment methodology
18 for reimbursement of screening and treatment costs provided in
19 the hospital emergency room at the same time the prospective
20 payment methodology for outpatient services is implemented..

21 g. Reimbursement rates for rural health clinics shall be
22 increased in accordance with increases under the federal
23 medicare program.

24 h. Home health agencies certified for the federal medicare
25 program, hospice services, and acute care mental hospitals
26 shall be reimbursed for their current federal medicare audited
27 costs.

28 i. The basis for establishing the maximum medical
29 assistance reimbursement rate for nursing facilities shall be
30 the 70th percentile of facility costs as calculated from the
31 June 30, 1994, unaudited compilation of cost and statistical
32 data. However, to the extent funds are available within the
33 amount projected for reimbursement of nursing facilities
34 within the appropriation for medical assistance in this Act,
35 and within the appropriation for medical assistance as a

1 whole, the department shall adjust the maximum medical
2 assistance reimbursement for nursing facilities to the 70th
3 percentile, as calculated on December 31, 1994, unaudited
4 compilation of cost and statistical data and the adjustment
5 shall take effect January 1, 1995.

6 j. The department may revise the fee schedule used for
7 physician reimbursement.

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

11 1. The department shall review and utilize small area
12 analysis or similar analysis to identify differences in
13 hospital in-patient utilization. In addition, the department
14 shall identify incentives to reward efficient, effective, and
15 quality care.

16 2. For the fiscal year beginning July 1, 1994, the maximum
17 cost reimbursement rate for residential care facilities
18 reimbursed by the department shall be \$20.02 per day. The
19 flat reimbursement rate for facilities electing not to file
20 semiannual cost reports shall be \$14.31 per day. For the
21 fiscal year beginning July 1, 1994, the maximum reimbursement
22 rate for providers reimbursed under the in-home health-related
23 care program shall be \$390.15 per month.

24 3. Unless otherwise directed in this section, when the
25 department's reimbursement methodology for any provider
26 reimbursed in accordance with this section includes an
27 inflation factor, this factor shall not exceed the amount by
28 which the consumer price index for all urban consumers
29 increased during the calendar year ending December 31, 1993.

30 4. Notwithstanding section 234.38, in the fiscal year
31 beginning July 1, 1994, the foster family basic monthly
32 maintenance rate and the maximum adoption subsidy rate for
33 children ages 0 through 5 years shall be \$345, the rate for
34 children ages 6 through 11 years shall be \$360, the rate for
35 children ages 12 through 15 years shall be \$401, and the rate

1 for children ages 16 and older shall be \$427. Effective July
2 1, 1994, the monthly allowance for children in independent
3 living shall be \$441. Effective July 1, 1994, the department
4 shall increase the maximum start-up allowance for children in
5 independent living from \$250 to \$400.

6 5. For the fiscal year beginning July 1, 1994, the maximum
7 reimbursement rates for social service providers shall be the
8 same as the rates in effect on June 30, 1994, except under any
9 of the following circumstances:

10 a. If a new service was added after June 30, 1994, the
11 initial reimbursement rate for the service shall be based upon
12 actual and allowable costs.

13 b. If a social service provider loses a source of income
14 used to determine the reimbursement rate for the provider, the
15 provider's reimbursement rate may be adjusted to reflect the
16 loss of income, provided that the lost income was used to
17 support actual and allowable costs of a service purchased
18 under a purchase of service contract.

19 6. The department may adopt emergency rules to implement
20 the provisions of this section.

21 Sec. 26. ASSISTANCE TO GAMBLERS. 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, 1994, and
24 ending June 30, 1995, the following amount, or so much thereof
25 as is necessary, to be used for the purpose designated:

26 For the gamblers assistance program:
27 \$ 250,000

28 The Iowa lottery board and the state racing and gaming
29 commission shall cooperate with the gamblers assistance
30 program to incorporate information regarding the gamblers
31 assistance program and its toll-free telephone number in
32 printed materials distributed by the board and commission.
33 The commission may require licensees to have the information
34 available in a conspicuous place as a condition of licensure.

35 Sec. 27. STATE INSTITUTIONS -- CLOSINGS AND REDUCTIONS.

1 If a state institution administered by the department of human
2 services is to be closed or reduced in size, prior to the
3 closing or reduction the department shall initiate and
4 coordinate efforts in cooperation with the Iowa department of
5 economic development to develop new jobs in the area in which
6 the state institution is located. In addition, the department
7 may take other actions to utilize the facilities of an
8 institution, including but not limited to assisting not-for-
9 profit users with remodeling and lease costs by forgiving
10 future rental or lease payments to the extent necessary for a
11 period not to exceed five years.

12 Sec. 28. INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
13 RETARDED -- CERTIFICATE OF NEED.

14 1. Notwithstanding the provisions of 1993 Iowa Acts,
15 chapter 172, section 28, prohibiting the Iowa department of
16 public health and the health facilities council from
17 processing applications for and considering certificates of
18 need for new or changed institutional health services for an
19 intermediate care facility for the mentally retarded, for the
20 fiscal year beginning July 1, 1994, the department and council
21 shall process applications and consider applications if either
22 of the following conditions are met:

23 a. An institutional health facility is reducing the size
24 of the facility's intermediate care facility for the mentally
25 retarded program and wishes to convert an existing number of
26 the facility's approved beds in that program to smaller living
27 environments in accordance with state policies in effect
28 regarding the size and location of such facilities.

29 b. An institutional health facility proposes to locate a
30 new intermediate care facility for the mentally retarded in an
31 area of the state identified by the department of human
32 services as underserved by intermediate care facility for the
33 mentally retarded beds.

34 2. Both of the following requirements shall apply to an
35 application considered under this section:

1 a. The new or changed beds shall not result in an increase
2 in the total number of medical assistance certified
3 intermediate care facility for the mentally retarded beds in
4 the state as of July 1, 1994.

5 b. A letter of support for the application is provided by
6 the director of human services and the county board of
7 supervisors, or the board's designee, in the county in which
8 the beds would be located.

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

11 Sec. 29. Section 232.143, Code Supplement 1993, is amended
12 to read as follows:

13 232.143 REGIONAL GROUP FOSTER CARE TARGET.

14 1. A statewide target for the average number of children
15 in group foster care and psychiatric medical institution for
16 children placements on any day of a fiscal year, which
17 placements are a charge upon or are paid for by the state,
18 shall be established annually by the general assembly. The
19 department and the judicial department shall jointly develop a
20 formula for allocating a portion of the statewide target
21 established by the general assembly to each of the
22 department's regions. The formula shall be based upon the
23 region's proportion of the state population of children and of
24 the statewide number of children placed in group foster care
25 in the previous five completed fiscal years. The number
26 determined in accordance with the formula shall be the group
27 foster care and psychiatric medical institution for children
28 placement target for that region.

29 2. For each of the department's regions, representatives
30 appointed by the department and the juvenile court shall
31 establish a plan for containing the number of children placed
32 in group foster care ordered-by-the-court and psychiatric
33 medical institutons for children pursuant to a court order
34 within the target allocated to that region pursuant to
35 subsection 1. The plan shall include monthly targets and

1 strategies for developing alternatives to group foster care
2 and psychiatric medical institution for children placements in
3 order to contain expenditures for services provided to
4 children within the amount appropriated by the general
5 assembly for that purpose. Each regional plan shall be
6 established in advance of the fiscal year to which the
7 regional plan applies. To the extent possible, the department
8 and the juvenile court shall coordinate the planning required
9 under this subsection with planning for services paid under
10 section 232.141, subsection 4. The department's regional
11 administrator shall communicate regularly, as specified in the
12 regional plan, with the juvenile courts within that region
13 concerning the current status of the regional plan's
14 implementation.

15 3. State payment for group foster care and psychiatric
16 medical institution for children placements shall be limited
17 to those placements which are in accordance with the regional
18 plans developed pursuant to subsection 2.

19 Sec. 30. Section 252.16, subsection 6, Code 1993, is
20 amended to read as follows:

21 6. Subsections 1, 2, 3, and 7, and 8 do not apply to a
22 blind person who is receiving assistance under the laws of
23 this state. A blind person receiving assistance who has
24 resided in one county of this state for a period of six months
25 acquires legal settlement for support as provided in this
26 chapter. However, a blind person who is an inpatient or
27 resident of, or is supported by a state hospital-school
28 created under chapter 222, a state mental health institute
29 created under chapter 226, or the Iowa braille and sight
30 saving school administered by the state board of regents does
31 not acquire legal settlement in the county in which the
32 institution is located.

33 Sec. 31. Section 256B.15, subsection 7, Code 1993, is
34 amended to read as follows:

35 7. Except as otherwise provided in this subsection, all

1 reimbursements received by the area education agencies for
2 eligible services shall be paid annually to the treasurer of
3 state. The area education agencies shall, after determining
4 the administrative costs associated with the implementation of
5 medical assistance reimbursement for the eligible services, be
6 permitted to retain up to twenty-five percent of the federal
7 portion of the total amount reimbursed to pay for the
8 administrative costs. Funds received under this subsection
9 shall not be considered or included as part of the area
10 education agencies' budgets when calculating funds that are to
11 be received by area education agencies during a fiscal year.
12 Except as otherwise provided in this subsection, the treasurer
13 of state shall credit all receipts received under this
14 subsection to the general fund of the state. The treasurer of
15 state shall credit receipts received under medical assistance
16 to the department of human services to pay contractual fees
17 incurred by the department to maximize federal funding for
18 special educational services. All remaining receipts shall be
19 credited to the general fund of the state.

20 Sec. 32. EMERGENCY RULES. If specifically authorized by a
21 provision of this Act, the department of human services or the
22 mental health and mental retardation commission may adopt
23 administrative rules under section 17A.4, subsection 2, and
24 section 17A.5, subsection 2, paragraph "b", to implement the
25 provisions and the rules shall become effective immediately
26 upon filing, unless a later effective date is specified in the
27 rules. In addition, the department may adopt administrative
28 rules in accordance with the provisions of this section as
29 necessary to comply with federal requirements or to adjust to
30 a change in the level of federal funding which affect refugee
31 programs during the fiscal year beginning July 1, 1994, and
32 ending June 30, 1995. Any rules adopted in accordance with
33 the provisions of this section shall also be published as
34 notice of intended action as provided in section 17A.4.

35 Sec. 33. EFFECTIVE DATE. The following provisions of this

1 Act, being deemed of immediate importance, take effect upon
2 enactment.

3 1. Section 12, subsection 1, relating to a determination
4 of allocations by the state court administrator.

5 2. Section 19, subsection 5, paragraph "c", relating to
6 submission of MI/MR/DD/BI plans to the department.

7 3. Section 29, relating to the amendment to section
8 256B.15, subsection 7.

9

EXPLANATION

10 The bill makes appropriations for the 1994-1995 fiscal year
11 to the department of human services and the prevention of
12 disabilities policy council for human services and health care
13 programs.

14 The provisions of section 10, subsection 8, limiting state
15 financial aid for county or multicounty juvenile homes, and
16 subsection 11, limiting state payment for shelter care, may
17 constitute a state mandate as defined in section 25B.3.

18 Additional provisions in the bill provide for alternative
19 utilization of the facilities of state institutions and for
20 new job development which may be necessary due to the closing
21 or reduction in size of state institutions; section 232.143 is
22 amended to include psychiatric medical institutions for
23 children (PMICs) in the calculation of the statewide target
24 for group foster care; section 252.16 is amended to provide
25 for an exception to the attaining of legal settlement for a
26 blind person who is an inpatient or resident of a state
27 hospital-school, state mental health institute, or the Iowa
28 braille and sight saving school; and section 256B.15 is
29 amended to allow for the crediting of receipts received under
30 medical assistance for special education services to the
31 department of human services for contractual fees incurred.

32 The bill provides effective date provisions.

33

34

35

SENATE FILE 2313

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 HUMAN SERVICES AND HEALTH CARE AND PROVIDING FOR EFFECTIVE AND APPLICABILITY DATES.

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

Section 1. FAMILY INVESTMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For assistance under the family investment program under chapter 239:
..... \$ 37,139,476

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

2. The department shall continue to contract for services in developing and monitoring an entrepreneurial training waiver program to provide technical assistance in self-employment training to families which receive assistance under the family investment program, contingent on federal approval of the annual waiver renewal requests. The waiver program shall be provided for the fiscal year beginning July 1, 1994, and ending June 30, 1995, or for as long as federal approval of the statewide program is granted.

3. The department shall continue the special needs program under the family investment program.

4. Notwithstanding section 239.6, the department is not required to reconsider eligibility of family investment program recipients every six months if a federal waiver is granted.

5. Notwithstanding any contrary provision of chapter 239, the department shall continue to implement the family investment program in accordance with the provisions of the waiver request approved by the United States department of health and human services pursuant to 1993 Iowa Acts, chapter 97, section 3.

6. The department may adopt emergency rules for the family investment, food stamp, and medical assistance programs to change or delete welfare reform initiatives that threaten the integrity or continuation of the program or that are not cost-effective. Prior to the adoption of rules, the department shall consult with the welfare reform council, members of the public involved in development of the policy established in the 1993 session, and the chairpersons and ranking members of the human resources committees of the senate and the house of representatives.

7. The department shall consolidate the individual planning and agreement provisions of the family investment program and the family development and self-sufficiency grant

program to ensure service coordination by providing that if a recipient is participating in the grant program, the recipient's family investment agreement shall be developed or revised in consultation with the family development and self-sufficiency grant program worker.

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, 1994, and ending June 30, 1995, 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 for homeless prevention programs:

..... \$ 1,767,500

The emergency assistance provided for in this section shall be available beginning October 1 of the fiscal year 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. The department may adopt emergency rules to implement the program including eligibility criteria and benefit levels. The department may contract for the administration and delivery of the program. The program shall be terminated when funds are exhausted.

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, 1994, and ending June 30, 1995, 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:

..... \$344,719,351

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. 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 for mental health, mental retardation, and developmental disabilities services under medical assistance 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 for which the funds were appropriated in this section.

3. a. If a medical assistance recipient is receiving care which is reimbursed under a federally approved home and community-based services waiver but would otherwise be approved for care in an intermediate care facility for the mentally retarded, the recipient's county of legal settlement shall reimburse the department on a monthly basis for the

portion of the recipient's cost of care which is not paid from federal funds.

b. The department's admission requirements involving medical assistance payment for an individual's placement in an intermediate care facility for the mentally retarded shall require, prior to the placement, referral of the individual through an approved case management program. The case management program shall identify any appropriate alternatives to the placement and shall inform the individual of the alternatives. The department may adopt emergency rules to implement the provisions of this subsection.

c. The department shall conduct a study of the needs of Iowans with mental retardation or other developmental disabilities who require an intermediate level of licensed care and shall make recommendations regarding the means to best address the needs identified, including the feasibility of establishing a special classification of nursing facility for persons with mental retardation or other developmental disability whose ability to respond to active treatment protocols is limited due to age or medical needs. Participants in the study shall include representatives of the department of inspections and appeals, Iowa state association of counties, arc of Iowa, the governor's planning council for developmental disabilities, and the Iowa association of residential and rehabilitation facilities.

4. a. The county of legal settlement shall be billed for 50 percent of the nonfederal share of the cost of case management provided for adults, day treatment, and partial hospitalization in accordance with sections 249A.26 and 249A.27, and 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 for 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 for 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 18 years of age or younger who are served in a medical assistance home and community-based waiver program for persons with mental retardation.

c. Medical assistance funding for case management services for eligible persons 18 years of age and under shall also be provided to persons residing in counties with child welfare decategorization projects implemented in accordance with section 232.188, provided these projects have included these persons in their service plan and the decategorization project county is willing to provide the nonfederal share of costs.

d. When paying the necessary and legal expenses of intermediate care facilities for the mentally retarded (ICFMR), the cost payment requirements of section 222.60 shall be considered fulfilled when payment is made in accordance with the medical assistance payment rates established for ICFMRs by the department and the state or a county of legal settlement is not obligated for any amount in excess of the rates.

5. The department shall expand coverage of services to children under medical assistance to include nutritional counseling services for children not eligible for women, infant and children (WIC) nutritional counseling services due to exceeding the WIC age limit or who require services in excess of those available under WIC. The department may adopt emergency rules in order to implement this change.

6. Upon receipt of a federal waiver, the department may adopt and implement emergency rules to establish a prepaid mental health services plan for medical assistance patients.

The rules shall include but not be limited to defining the structure of the program, establishing the scope of services to be provided in the program, establishing client eligibility for prepaid mental health services, establishing the basis and rate of reimbursement for the program, defining the expected outcome measures of the program, and defining a client appeal process. Notwithstanding the provisions of subsection 4, paragraph "a", of this section and section 249A.26, requiring counties to pay all or part of the nonfederal share of certain services provided to persons with disabilities under the medical assistance program, the state shall pay 100 percent of the nonfederal share of any services included in the plan implemented pursuant to this subsection. The department shall report to the legislative fiscal committee of the legislative council concerning implementation of the prepaid mental health services plan for medical assistance patients, including but not limited to the decision-making process involved in the awarding of any contract under this subsection.

7. 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, subsection 6. Of the funds allocated in this subsection, not more than \$10,000 may be expended for administrative purposes.

8. The department of human services shall seek a federal waiver to implement a pilot project to allow up to 16 nursing homes, as defined in section 155.1, to be operated under an outcome-based alternative plan for regulatory compliance. The waiver shall include a request for suspension of federal regulations which the department identifies as more restrictive than necessary to provide a safe and healthy environment for residents of a nursing home. Following approval of the waiver, the department shall establish a request for proposal, or other research-based selection process, and shall select up to 16 nursing homes to operate under the alternative system, based upon criteria and

requirements which shall include but are not limited to all of the following:

a. The department of inspections and appeals shall utilize the regulations established for the pilot project for state licensure survey purposes, except during adverse actions such as fining and citation, conditional licensure or license revocation proceedings, in which cases existing state licensure rules shall be used. The department of inspections and appeals shall investigate complaints registered against homes involved in the pilot project utilizing the federal regulations developed for those homes. State licensure rules shall be utilized if adverse action results from a complaint investigation. The nursing home shall comply with the requirements of chapter 481 I.A.C. 61, applicable state law, and applicable fire regulations.

b. The department shall adopt rules which establish the minimum requirements for alternative nursing homes, and the nursing homes shall comply with the minimum requirements established.

c. The nursing homes shall develop and implement a written plan of operation which is outcome-based and which establishes goals for the home 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.

d. The nursing homes shall provide for input from the residents regarding the most appropriate environment and services to the residents.

e. The nursing homes shall report annually to the department regarding the success of the nursing homes in reaching the goals established and regarding recommendations for additional improvements in the structure and operation of the nursing homes and the services provided the residents of the homes.

f. The department shall annually report to the chairpersons and ranking members of the joint appropriations subcommittee on human services on the progress of the pilot project and shall include in the report recommendations regarding the use of alternatives to standard nursing homes.

9. The department of human services may employ not more than two additional full-time equivalent positions and shall use no more than \$45,000 of the funds appropriated in this section to develop a medical assistance home and community-based waiver for persons with brain injury who currently reside in a medical institution and who have been residents of a medical institution for a minimum of thirty consecutive days.

10. The department shall not provide medical assistance coverage of drugs which are prescribed for an individual for fertility purposes.

11. The department shall review the listing of organ transplants covered by medical assistance. The review shall include consideration of insurance industry standards and practice methods and procedures; one-year, two-year, and three-year survival rates; and best available practices and research. Coverage shall be determined by medical necessity criteria. If the review concludes that coverage of additional organ transplants is appropriate, the department shall request the general assembly to provide funding for the coverage for fiscal year 1995-1996. The department shall review, at least annually, the current listing of organ transplants which may be covered by medical assistance.

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, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts:

..... \$ 5,630,350

1. The department shall continue to contract for drug utilization review under the medical assistance program.

2. The department shall determine, in consultation with the drug utilization review commission, the feasibility of assigning a unique identification number to each individual pharmacist.

3. The department may use not more than \$60,000 of the funds appropriated in this section to contract for services to expand the point of service reimbursement system.

4. The department shall conduct a study of the reimbursement methodology for home intravenous pharmacy products and services and develop a proposal for revising the methodology to provide adequate compensation for the products and services. The proposal shall be submitted to the governor and the legislative fiscal bureau on or before January 1, 1995.

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, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For state supplementary assistance:

..... \$ 19,315,000

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, 1994, and ending June 30, 1995, 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:

..... \$ 7,397,259

1. Of the funds appropriated in this section, \$1,146,286 shall be used for protective child day care assistance.
2. Of the funds appropriated in this section, \$2,430,934 shall be used for state child care assistance.
3. Based upon the availability of the funding provided in subsection 2 the department shall establish waiting lists for state child care assistance in descending order of prioritization as follows:
 - a. Families who are at or below 100 percent of the federal poverty level and are employed at least 30 hours a week.
 - b. Parents under the age of 21 who are employed full-time or part-time or who are participating in an approved training program or who are enrolled in an education program.
 - c. Families who are at or below 155 percent of the federal poverty level who have a special needs child.
 - d. Families who are at or below 100 percent of the federal poverty level who are employed part-time at least 20 hours per week.
4. a. The funds allocated 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, 1994, the department may increase the income eligibility limit to be equal to or less than 75 percent of the Iowa median family income.

- 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; 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.
5. Of the funds appropriated in this section, \$640,270 is allocated for the statewide program for child day care resource and referral services under section 237A.26.
6. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child day care assistance and related programs.
7. a. Of the funds appropriated in this section, \$1,179,769 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.
8. During the 1994-1995 fiscal year, the department shall utilize the moneys deposited in the child day care credit fund created in section 237A.28 for state child care assistance, in addition to the moneys appropriated for that purpose in this section.
- 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, 1994, and ending June 30, 1995, 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 family investment agreements, in accordance with this section:

..... \$ 12,071,270

1. Of the funds appropriated in this section, \$11,161,970 is allocated for the JOBS program.

2. Notwithstanding any contrary provisions of chapter 249C, the department shall implement work and training programs in accordance with the waiver request approved by the United States department of health and human services pursuant to 1993 Iowa Acts, chapter 97, section 3.

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

4. Of the funds appropriated in this section, \$779,315 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 match funding is generated by a family development and self-sufficiency grantee, the federal funding received shall be used 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.

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, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 4,951,546

1. The director of human services, within the limitations of the funds appropriated in this section, or funds transferred from the family investment program for this purpose, shall establish new positions and add employees to the child support recovery unit if the director determines that both the current and additional employees together can reasonably be expected to maintain or increase net state revenue at or beyond the budgeted level. If the director adds 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. Nonpublic assistance application and user fees received by the child support recovery program are appropriated and shall be used for the purposes of the child support recovery program. The director of human services may add positions if fees collected relating to the new positions are sufficient to pay the salaries and support for the positions. The director shall report any 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, is authorized to 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 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 continue to work with the judicial department to determine the feasibility of a pilot project utilizing a court-appointed referee for judicial determinations on child support matters. 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.

7. Of the funds appropriated in this section the department shall use up to \$30,000 to establish a pilot program option in not more than ten counties within one judicial district to provide and supervise a community service pilot project for absent parents who are ordered by the court to perform community service for failure to pay child support pursuant to section 598.23A. Notwithstanding the existing community service work requirements of section 598.23A, the department, in cooperation with the office of the attorney general, shall establish parameters for the participation of an absent parent in the pilot program. Funding shall be provided for the administration of the pilot project which shall include reimbursement for the services of an attorney

employed by the office of the attorney general, office equipment, transportation costs of the attorney, service fees for contempt of court actions, contracting fees for an agency to provide and supervise the community service pilot project, and transportation costs for community service participants. The department may adopt emergency rules to implement the provisions of this subsection.

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, 1994, and ending June 30, 1995, the following amount, 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:

..... \$ 12,937,878

1. The following amounts of the funds appropriated in this section are allocated for the Iowa juvenile home at Toledo:

..... \$ 4,799,897

2. The following amounts of the funds appropriated in this section are allocated for the state training school at Eldora:

..... \$ 8,137,981

3. During the fiscal year beginning July 1, 1994, 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 for the fiscal year beginning July 1, 1994.

5. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in the 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 the appropriations. The report shall include a comparison of actual to budgeted expenditures for each institution.

Sec. 10. 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, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... \$ 74,617,612

1. The department may transfer moneys appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under medical assistance or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations in this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

2. a. Of the funds appropriated in this section, up to \$23,309,136 is allocated for group foster care maintenance and services. For the fiscal year beginning July 1, 1994, the statewide target, as provided in section 232.143, for the average number of children placed in group foster care services in any day of the fiscal year which are a charge upon or 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 developed 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 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 alternative services would meet the child's service needs and to assist the region in reducing the number of children in group foster care placements in 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 placements in the 1994-1995 fiscal year. The department may adopt emergency rules to implement the provisions of this paragraph.

b. In each quarter of the fiscal year, the department shall compare the actual number of group foster care placements in a region and the targets allocated to the region for that quarter. The department shall develop a methodology to provide, within the funds allocated in this subsection, fiscal incentives to regions which have reduced the number or length of group foster care placements.

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. 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, 1994. The department may adopt emergency rules to implement the provisions of this paragraph.

e. The reimbursement rates paid for placement of children out-of-state shall be calculated according to the same rate-setting principles as those used for in-state providers, unless the director determines that appropriate care cannot be provided within the state.

f. The department shall not certify any additional enhanced residential treatment beds except those beds for which applications for certification were received on or before February 1, 1994, unless the director of human services approves the beds as necessary, based on the type of children to be served and the location of the enhanced residential treatment beds. The department may adopt emergency rules to implement the provisions of this paragraph.

g. Of the funds appropriated in this section, not more than \$6,529,390 is allocated as the state match funding for psychiatric medical institutions for children.

3. 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.

4. 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 for this purpose which was initiated in the fiscal year beginning July 1, 1993, 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.

5. 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, 1995. 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 the 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 beginning of the next 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.

6. Of the funds appropriated in this section, up to \$92,009 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". However, if funding in this appropriation would remain unobligated at the end of the fiscal year, the allocation in this subsection may be exceeded to the extent necessary to provide the continued foster care services. 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.

7. 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).

8. Notwithstanding section 232.142, subsection 3, the financial aid paid by the state for the establishment, improvements, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 1994, shall be limited to \$510,000. Funds allocated in this subsection shall be prorated among eligible detention homes.

9. 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 \$100,000 of those funds 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.

10. 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.

11. Notwithstanding section 234.35, subsection 1, state funding for shelter care paid pursuant to section 234.35, subsection 1, paragraph "h", shall be limited to \$6,710,720 for the fiscal year beginning July 1, 1994. The department may adopt emergency rules to implement the provisions of this subsection.

12. Of the funds appropriated in this section, not more than \$500,297 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. The department may transfer funds as necessary from the appropriations in this Act for field operations and general administration to implement this subsection. Moneys allocated in accordance with this subsection shall be considered encumbered for the purposes of section 8.33.

13. The department shall continue training seminars 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, and on family-centered approaches to serving children and families. 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 addition, the department shall work 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 also incorporate family-centered approaches to serving families into the department's general child welfare training for child welfare workers. The department shall use not more than \$132,006 of the funds appropriated in this section for the contract. The department shall seek assistance from the reasonable efforts model court project, the child welfare league of America, the national association of family-based services, the national conference of state legislatures, and private foundations; and shall draw from successful initiatives used in other states in implementing the provisions of this subsection.

14. Of the funds appropriated in this section, not more than \$1,016,680 may be used for respite services to families of children with mental retardation or other developmental disabilities, who would otherwise enter or continue group care placement.

15. Of the funds appropriated in this section, up to \$682,766 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.
- c. For personnel, assigned by the attorney general, to provide additional services relating to termination of parental rights and child in need of assistance cases.
- d. For specialized permanency planning field operations staff.

16. The department shall continue to contract for family foster care homes developed for children who present severe emotional or behavioral management problems who might otherwise be placed in group foster care. 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 per 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.

17. Upon receipt of federal approval, the department shall utilize the federal emergency assistance program to fund approved children and family services under this section and other programs providing emergency services to families and children. The department may transfer moneys appropriated in this section, as necessary, to pay the nonfederal share of services reimbursed under the emergency assistance program which are provided to children and families who would otherwise receive the services. 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 standards, cost principles, rate-setting, contract requirements, service and financial eligibility criteria, claims submission criteria and program accountability standards. The department shall work with affected parties in developing the rules authorized in this subsection.

18. The department shall adopt rules for purchase of recruitment and home studies as necessary to secure an adequate number of foster families to serve children needing foster care placement. In implementing the provisions of this subsection, the department may issue requests for proposals, establish a flat fee schedule, or expand the pool of providers from which the services are purchased. The department may adopt emergency rules to implement the provisions of this subsection.

19. The director of human services shall appoint a committee to advise the director concerning managed care approaches and implementation considerations for determining service necessity for children served by psychiatric medical institutions for children (PMIC). The members of the committee shall include persons who are knowledgeable about these issues, as well as representatives of PMIC providers and in-patient psychiatric hospitals. The director shall select the system under which service-necessity determinations for PMICs will be managed and shall place the PMIC determinations under that system on or after November 1, 1994. The director's decision shall be based on the following criteria: the needs of the children served by PMIC facilities under the system in effect prior to November 1, 1994, the department's ability to assure prompt access to care, the department's ability to promote affordable effective care, the degree of coordination with other services for which the state is responsible, the department's ability to assure that service decisions support the principles of least restrictive and most appropriate care, and consistency of the service management system with legal expectations. If necessary to implement the

director's decision, the department may transfer moneys appropriated in this section to the appropriation in this Act for medical assistance and amend the managed mental health care contract to include PMICs, or include PMIC placements in the statewide target for group foster care placements in subsection 2, paragraph "a", in which case the statewide target shall be increased to be not more than 1,733, as determined by the director. If the director decides to include PMICs in the statewide target, the regional plans developed by the department and the juvenile court pursuant to section 232.143 shall be revised to include PMIC placements. The department may adopt emergency rules to implement the provisions of this subsection.

20. The department shall appoint a committee to review whether unnecessary or redundant reporting or referral provisions are required by the department's medical assistance children's service initiative. Committee members shall include referral workers, clinical assessment and consultation team members, service providers, and other appropriate persons. The committee shall submit a report to the director of human services, and the director shall make a determination regarding these issues by November 1, 1994. The department may adopt emergency rules to appropriately revise the provisions in accordance with the director's determination.

21. The department and the juvenile court shall conduct an assessment of the service needs and demographic characteristics of the children and families served through the department's child welfare, juvenile justice, and mental health systems. The assessment shall be coordinated with the efforts of the child welfare task force to develop profiles of the general characteristics of children and families utilizing those service systems. The department shall report the findings of the assessment to the members of the joint appropriations subcommittee on human services and the legislative fiscal bureau by June 30, 1995.

Sec. 11. 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, 1994, and ending June 30, 1995, 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:

..... \$ 2,256,126

1. Of the funds appropriated in this section, \$652,451 shall be used for adolescent pregnancy prevention grants, including not more than \$152,451 for programs to prevent second or subsequent pregnancies during the adolescent years and to provide support services for pregnant or parenting adolescents. Rules adopted by the department may allow for revision of existing grant categories and the addition of grant categories which allow for the development and initiation of a statewide adolescent pregnancy prevention campaign and of a statewide assessment or evaluation grant. The department may adopt emergency rules to implement the provisions of this subsection.

2. Of the funds appropriated in this section, \$300,000 shall be used for grants to community or regional groups which demonstrate broad-based representation from community representatives including but not limited to schools, churches, human service-related organizations, and businesses. Priority in the awarding of grants shall be given to groups which provide services to both urban and rural areas within the proximity of the community or region and which provide age-appropriate programs adapted for both male and female youth at the elementary, middle, and high school levels. A program shall focus on the prevention of initial pregnancies during the adolescent years by emphasizing sexual abstinence as the only completely safe and effective means of avoiding pregnancy and sexually transmitted diseases and by providing information regarding the comparative failure rates of contraceptives, and by emphasizing responsible decision making in relationships, managing of peer and social pressures, development of self-esteem, the costs and responsibilities of

parenting, and information regarding the alternative of adoption for placement of a child. The program shall also include an evaluation and assessment component which includes evaluation of and recommendations for improvement of the program by the youth and parents involved. Evaluation and assessment reports shall be provided to the department of human services, at a time determined by the department in the grant award. Community or regional groups interested in applying for a grant under this subsection may be issued a planning grant or may utilize grant moneys for the costs of technical assistance to analyze community needs, match service providers to needs, negotiate service provision strategies, or other assistance to focus grant services provided under this subsection. The technical assistance may be provided by organizations affiliated with institutions under the authority of the state board of regents or other organizations experienced in providing technical assistance concerning similar services. The department may adopt emergency rules to implement the provisions of this subsection.

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

4. Of the funds appropriated in this section, an additional \$300,000, based upon the amount allocated for this purpose in the previous fiscal year, shall be used for family planning services.

Sec. 12. 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, 1994, and ending June 30, 1995, the following amount, 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:
..... \$ 3,090,000

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.

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 district 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 district allocation to pay for the service. The chief juvenile court officer shall work with the judicial district planning group to 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, not more than \$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. Of the funds appropriated in this section, not more than \$200,000 may be transferred to the appropriation in this Act for child and family services and used to provide school-based supervision of children adjudicated under chapter 232.

Sec. 13. 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, 1994, and ending June 30, 1995, the following amount, 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:

..... \$ 42,470,116

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

a. State mental health institute at Cherokee:

..... \$ 14,425,374

b. State mental health institute at Clarinda:

..... \$ 6,008,952

c. State mental health institute at Independence:

..... \$ 17,153,764

d. State mental health institute at Mount Pleasant:

..... \$ 4,882,026

2. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in the 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.

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

5. The department shall develop a proposal for implementing a forensic mental health unit. The proposal shall be submitted to the governor and the members of the joint appropriations subcommittee on human services on or before January 15, 1995.

Sec. 14. 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, 1994, and ending June 30, 1995, the following amount, 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:

..... \$ 65,789,681

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

a. State hospital-school at Glenwood:

..... \$ 35,497,594

b. State hospital-school at Woodward:

..... \$ 30,292,087

2. Within the funds appropriated in this section, the department may reallocate funds as necessary to best fulfill the needs of the institutions provided for in the 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. 15. MENTAL ILLNESS -- 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, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental illness, mental retardation, and developmental disabilities special services:
..... \$ 121,220

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 the 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. As the facilities are developed, the department shall assure that clients are referred to the facilities upon their development.

2. The funds appropriated in this section are to provide funds for construction and start-up costs to develop community living arrangements to provide for persons who are mentally ill and homeless. These funds may be used to match federal Stewart B. McKinney Homeless Assistance Act grant funds.

Sec. 16. 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, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program:

..... \$ 1,082,550

Sec. 17. 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, 1994, and ending June 30, 1995, 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. 18. MI/MR/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, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 5,973,492

Sec. 19. 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, 1994, and ending June 30, 1995, 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:

..... \$ 29,277,958

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, or brain injury (MI/MR/DD/BI). However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with MI/MR/DD/BI.

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.

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.

e. (1) A county is entitled to receive money from this appropriation if that county raised by county levy and expended for mental health, mental retardation, and developmental disabilities services, in the preceding fiscal year, an amount of money at least equal to the amount so raised and expended for those purposes during the fiscal year beginning July 1, 1980.

(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 which ended on July 1, 1980, and this amount shall be deemed each county's maintenance of effort.

6. a. Of the funds appropriated in this section, \$13,287,625 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: adult support, adult day care, administrative support for volunteers, community supervised apartment living arrangements, residential services for adults, sheltered work, supported employment, supported work training, transportation, and work activity.

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.

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 under this subsection do not establish an entitlement to the services funded under this subsection.

7. Of the funds allocated in subsection 1, not more than \$248,862 shall be provided to those counties having supplemental per diem contracts in effect on June 30, 1994, under 1993 Iowa Acts, chapter 172, section 16, subsection 2. The amount provided to each county shall be equal to the amount the county would be eligible to receive under the supplemental per diem contracts in effect on June 30, 1994, if the contracts were continued in effect for the entire fiscal year beginning July 1, 1994.

8. Of the funds appropriated in this section, \$321,000 shall be allocated to counties in accordance with the methodology for distribution of local purchase of services moneys in subsection 6, paragraph "c". The moneys provided pursuant to this subsection shall be used by counties to increase reimbursement rates for local purchase services listed in subsection 6, paragraph "b". The moneys provided in this subsection shall not be considered by the department in any calculation or methodology involving the purchase of service system.

9. The department of human services shall cooperate with the division of vocational rehabilitation of the department of education in assuring that counties are aware of any opportunities to utilize purchase of service funds to match federal funds available to provide vocational services to persons eligible for services under subsection 6.

Sec. 20. 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, 1994, and ending June 30, 1995, 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:
..... \$ 37,567,639

Sec. 21. 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, 1994, and ending June 30, 1995, 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:
..... \$ 9,587,716

Of the funds appropriated in this section, \$57,090 is allocated for the prevention of disabilities policy council established in section 2258.3.

Sec. 22. COUNCIL ON HUMAN INVESTMENT. There is appropriated from the general fund of the state to the

department of human services for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount or so much thereof as is necessary, to be used for the purpose designated:

For administrative costs relating to the council on human investment:
..... \$ 139,200

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, 1994, and ending June 30, 1995, 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, 1994, and ending June 30, 1995, 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:
..... \$ 1,411,703

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, 1994, the department of human services may allocate any increases in payments 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, 1994, 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, 1994.

c. For the fiscal year beginning July 1, 1994, early and periodic screening, diagnosis, and treatment program providers shall have their medical assistance rates for screening increased by 5 percent over the rates in effect on June 30, 1994.

d. For the fiscal year beginning July 1, 1994, skilled nursing facilities shall have their medical assistance rates increased by 4.9 percent over the rates in effect on June 30, 1994.

e. The dispensing fee for pharmacists shall remain at the rate in effect on June 30, 1994. The reimbursement policy for drug product costs shall be in accordance with federal requirements.

f. (1) Reimbursement rates for in-patient services shall be increased by an average of 4.2 percent over the rates in effect on June 30, 1994. Effective July 1, 1994, the department shall implement a new outpatient hospital reimbursement system based upon ambulatory patient groups. Reimbursements made in the initial twelve-month implementation period of the new system shall be retrospectively adjusted so that the reimbursement made is within a five percent deviation of the lower of cost or charges for the services provided during the fiscal year ending June 30, 1994, as adjusted to reflect actual changes in inflation, increased insureds, utilization per insured, and acuity of service.

(2) Effective July 1, 1994, the department shall implement a revised medical assistance payment policy to provide that reimbursement for costs of screening and treatment provided in the hospital emergency room is made pursuant to the prospective payment methodology developed by the department for the payment of outpatient services provided under the medical assistance program. The department shall implement both the revised policy for screening and treatment costs and the prospective payment methodology for other medical

assistance services at the same time. The payment system for reimbursement of costs of screening and treatment provided in the hospital emergency room in effect during the fiscal year beginning July 1, 1993, shall not continue beyond June 30, 1994.

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 70th percentile of facility costs as calculated from the June 30, 1994, 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, and within the appropriation for medical assistance as a whole, the department shall adjust the maximum medical assistance reimbursement for nursing facilities to the 70th percentile, as calculated on December 31, 1994, unaudited compilation of cost and statistical data and the adjustment shall take effect January 1, 1995.

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.

l. The department shall review and utilize small area analysis or similar analysis to identify differences in hospital in-patient utilization. In addition, the department shall identify incentives to reward efficient, effective, and quality care.

m. The drug utilization review commission shall conduct a study to review alternative payment systems for compensation

b. A waiver of federal requirements to provide transitional child care assistance benefits to family investment program recipients who have earned income and who are terminated from the family investment program due to receipt of child support.

c. A waiver of federal requirements to provide that if the department determines that state funding is not sufficient to pay the state share of costs of all recipients who would be eligible for transitional child care assistance benefits under this subsection, the department may deny eligibility for the benefits or establish a waiting list for access to the benefits.

2. Subject to federal approval of the waiver requests in subsection 1, the department shall determine the extent by which funding allocated in this Act for transitional child care assistance is sufficient to provide transitional child care assistance benefits in accordance with the federally approved waivers. The department shall provide the benefits in accordance with the federal waivers and to the extent funding is determined to be available.

Sec. 28. 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. In addition, the department may take other actions to utilize the facilities of an institution, including but not limited to assisting not-for-profit users with remodeling and lease costs by forgiving future rental or lease payments to the extent necessary for a period not to exceed five years.

Sec. 29. INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED -- CERTIFICATE OF NEED.

1. Notwithstanding the provisions of 1993 Iowa Acts, chapter 172, section 28, prohibiting the Iowa department of public health and the health facilities council from

processing applications for and considering certificates of need for new or changed institutional health services for an intermediate care facility for the mentally retarded, for the fiscal year beginning July 1, 1994, the department and council shall process applications and consider applications if either of the following conditions are met:

a. An institutional health facility is reducing the size of the facility's intermediate care facility for the mentally retarded program and wishes to convert an existing number of the facility's approved beds in that program to smaller living environments in accordance with state policies in effect regarding the size and location of such facilities.

b. An institutional health facility proposes to locate a new intermediate care facility for the mentally retarded in an area of the state identified by the department of human services as underserved by intermediate care facility for the mentally retarded beds.

2. Both of the following requirements shall apply to an application considered under this section:

a. The new or changed beds shall not result in an increase in the total number of medical assistance certified intermediate care facility for the mentally retarded beds in the state as of July 1, 1994.

b. A letter of support for the application is provided by the director of human services and the county board of supervisors, or the board's designee, in the county in which the beds would be located.

3. The department of human services may adopt emergency rules to implement the provisions of this section.

Sec. 30. FISCAL YEAR 1993-1994 COUNCIL ON HUMAN INVESTMENT APPROPRIATION. Moneys appropriated to the department of human services for administrative costs of the council on human investment in 1993 Iowa Acts, chapter 180, section 60, shall be considered encumbered for purposes of section 8.33 and shall be used during the succeeding fiscal year for the purpose designated.

Sec. 31. CHILD WELFARE TASK FORCE CONTINUED. The date by which the child welfare task force established in 1992 Iowa Acts, chapter 1241, section 11, is required to complete its duties is extended to June 30, 1995. The task force shall perform planning activities relating to the family preservation and support services amendments to the federal Budget Reconciliation Act of 1993, Pub. L. No. 103-66, § 13711 et seq. The task force shall issue an interim report on or before November 15, 1994, concerning its findings and activities and shall issue a final report on or before the completion date provided in this section. As part of the final report, the task force shall examine profiles of general characteristics of children and families which utilize the systems in the state for child welfare, juvenile justice, and mental health.

Sec. 32. Section 99F.10, subsection 1, paragraph a, Code Supplement 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

a. An amount equal to three-tenths of one percent of the gross lottery revenue shall be deposited in a gamblers assistance fund in the office of the treasurer of state. The director of human services shall administer the fund and shall provide that receipts are allocated on a monthly basis to provide programs which may include, but are not limited to, outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, and education and preventive services.

Sec. 33. Section 99F.11, subsection 3, Code 1993, is amended to read as follows:

3. Three Three-tenths of one percent of the adjusted gross receipts shall be deposited in the gamblers assistance fund specified in section 99E.10, subsection 1, paragraph "a".

Sec. 34. Section 252.16, subsection 6, Code 1993, is amended to read as follows:

6. Subsections 1, 2, 3, and 7, and 8 do not apply to a blind person who is receiving assistance under the laws of

this state. A blind person receiving assistance who has resided in one county of this state for a period of six months acquires legal settlement for support as provided in this chapter. However, a blind person who is an inpatient or resident of, or is supported by a state hospital-school created under chapter 222, a state mental health institute created under chapter 226, or the Iowa braille and sight saving school administered by the state board of regents does not acquire legal settlement in the county in which the institution is located.

Sec. 35. 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 and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules. 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 year beginning July 1, 1994, 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. 36. EFFECTIVE DATE. The following provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. Section 10, subsection 2, paragraph "d", relating to development of a formula for allocating certain group foster care beds.

2. Section 10, subsection 2, paragraph "f", relating to certification of additional enhanced residential treatment beds.

3. Section 10, subsection 19, relating to psychiatric medical institutions for children.

4. Section 10, subsection 20, relating to the department's medical assistance childrens' services initiative.

5. Section 12, subsection 1, relating to a determination of allocations by the state court administrator.

6. Section 19, subsection 5, paragraph "c", relating to submission of MI/MR/DD/BI plans to the department.

7. Section 31, relating to the continuation of the child welfare task force.

Sec. 37. REPEAL. Section 237.23, Code Supplement 1993, is repealed.

Sec. 38. Section 37 of this Act takes effect June 30, 1994.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2313, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 14, 1994

TERRY E. BRANSTAD
Governor

SF 2313