

*Substituted for SF 441
4-26-95*

MAR 21 1995

Place On Calendar

HOUSE FILE 505

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 317)

Passed House, Date ^(p. 986) 3-27-95 Passed Senate, Date ^(p. 1599) 5/3/95

Vote: Ayes 91 Nays 0 Vote: Ayes 50 Nays 0

Approved May 25, 1995

*Repassed 5-3-95
Vote 96-0*

A BILL FOR

1 An Act relating to payment of expenses for persons with mental
2 retardation.

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

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HF 505

1 Section 1. Section 222.60, Code 1995, is amended by adding
2 the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. Prior to a county of legal
4 settlement approving the payment of expenses for a person
5 under this section, the county may require that the person be
6 diagnosed to determine if the person has mental retardation or
7 that the person be evaluated to determine the appropriate
8 level of services required to meet the person's needs relating
9 to mental retardation. The diagnosis and the evaluation may
10 be performed concurrently and shall be performed by an
11 individual or individuals approved by the county who are
12 qualified to perform the diagnosis or the evaluation.
13 Following the initial approval for payment of expenses, the
14 county of legal settlement may require that an evaluation be
15 performed at reasonable time periods. The cost of a county-
16 required diagnosis and an evaluation is at the county's
17 expense. In the case of a person without legal settlement or
18 whose legal settlement is unknown, the state may apply the
19 diagnosis and evaluation provisions of this paragraph at the
20 state's expense. A diagnosis or an evaluation under this
21 section may be part of a county's single entry point process
22 under section 331.440, provided that a diagnosis is performed
23 only by an individual qualified as provided in this section.

24 NEW UNNUMBERED PARAGRAPH. A diagnosis of mental
25 retardation under this section shall be made only when the
26 onset of the person's condition was prior to the age of
27 eighteen years and shall be based on an assessment of the
28 person's intellectual functioning and level of adaptive
29 skills. The diagnosis shall be made by an individual who is a
30 licensed psychologist or psychiatrist who is professionally
31 trained to administer the tests required to assess
32 intellectual functioning and to evaluate a person's adaptive
33 skills.

34 NEW UNNUMBERED PARAGRAPH. A diagnosis of mental
35 retardation shall be made in accordance with the criteria

1 provided in the diagnostic and statistical manual of mental
2 disorders, fourth edition, published by the American
3 psychiatric association.

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EXPLANATION

5 This bill relates to payment of expenses for persons with
6 mental retardation. The bill amends section 222.60, relating
7 to costs paid by a county of legal settlement or the state for
8 expenses associated with admission or commitment, treatment,
9 training, instruction, care, habilitation, support, and
10 transportation of persons with mental retardation in state,
11 public, or private facilities within or without the state.
12 The amendment authorizes a county to require a diagnosis to
13 determine if a person has mental retardation or an evaluation
14 of a person's mental retardation service needs prior to
15 approving the payment of the expenses. In addition, following
16 the initial approval for paying the expenses, the county may
17 require an evaluation to be performed at reasonable time
18 periods. If a person is without legal settlement or the
19 settlement is unknown the state may apply the same diagnosis
20 and evaluation provisions. The cost of an evaluation is to be
21 paid by the county of legal settlement or the state.

22 The bill also requires that a diagnosis of mental
23 retardation is made only when the onset of the person's
24 condition is prior to age 18 and is based on an assessment of
25 the persons' intellectual functioning and level of adaptive
26 skills. The individual performing the diagnosis must be a
27 licensed psychologist or psychiatrist who is professionally
28 trained to administer the tests and evaluate skills. In
29 addition, the diagnosis must be made in accordance with the
30 criteria provided in the diagnosis and statistical manual of
31 the mental disorders, fourth edition, published by the
32 American psychiatric association (commonly referred to as the
33 DSM-IV).

34 The bill specifies that a diagnosis or an evaluation can be
35 performed as part of a county's single entry point process

1 under section 331.440 provided that a diagnosis is performed
2 by an individual qualified as provided in the bill. The
3 single entry point process under section 331.440 authorizes a
4 clinical assessment to be performed by using a qualified
5 mental retardation professional.

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S-3671

1 Amend House File 505, as passed by the House, as
2 follows:

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

5 "Sec. ____ . SUPPLEMENTAL EXPENSE PAYMENT. If the
6 amendments adopted by the department of human services
7 in 1993 through 1995 in 441 Iowa administrative code,
8 rules 22.1 and 24.1, which revise the definition of
9 the term "persons with mental retardation," have the
10 result of increasing costs to a county during the
11 fiscal period beginning July 1, 1993, and ending June
12 30, 1995, the county shall report the increased costs
13 to the department of human services. The department
14 shall compile the county reports of increased costs to
15 develop a total of the increased costs submitted by
16 counties pursuant to this section. The total
17 increased costs shall be included in a report
18 submitted to the governor and the general assembly for
19 budget consideration during the 1996 legislative
20 session. If the total increased costs exceeds
21 \$2,000,000, the report shall include a recommendation
22 for a supplemental appropriation for the amount in
23 excess of \$2,000,000 to be used for a supplemental
24 expense payment to counties. The amount of a county's
25 supplemental expense payment would be equal to the
26 amount of the county's proportion of the total of the
27 increased costs submitted applied to the amount of the
28 supplemental appropriation. The council on human
29 services shall adopt rules in consultation with the
30 state-county management committee to establish forms
31 and other requirements implementing the provisions of
32 this section."

33 2. By renumbering as necessary.

By BERL E. PRIEBE
ELAINE SZYMONIAK

S-3671 FILED MAY 2, 1995
ADOPTED

WVWVROHTIW

HOUSE FILE 505

S-3577

1 Amend House File 505, as passed by the House, as
2 follows:

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

5 "Section 1. Section 222.60, subsections 1 and 2,
6 Code 1995, are amended to read as follows:

7 1. The county in which such person has legal
8 settlement as defined in section 252.16, provided the
9 person is diagnosed as having mental retardation in
10 accordance with the provisions of this section with an
11 intelligence quotient equal to or less than seventy.

12 2. The state when such person has no legal
13 settlement or when such settlement is unknown, or when
14 the person has legal settlement and is diagnosed as
15 having mental retardation in accordance with the
16 provisions of this section with an intelligence
17 quotient of more than seventy."

18 2. By renumbering as necessary.

By BERL E. PRIEBE
JOHN P. KIBBIE
H. KAY HEDGE

SHELDON RITTMER
WILLIAM D. PALMER
ALLEN BORLAUG

S-3577 FILED APRIL 26, 1995

ADOPTED (P. 1447) - motion to R/c by Bortz 4-27-95 (P. 1491)
motion to R/c - adopted 5-2-95 (P. 1574)

WITHDRAWN 5/3/95 ~~HOUSE FILE 505~~ Deferred 5-2-95

S-3544

1 Amend House File 505 as passed by the House as
2 follows:

3 1. Page 1, line 30, by striking the word
4 "licensed".

By ELAINE SZYMONIAK

S-3544 FILED APRIL 24, 1995

Adopted
5/2/95 (P. 1574)

SENATE AMENDMENT TO HOUSE FILE 505

H-4218

1 Amend House File 505 as passed by the House as
2 follows:
3 1. Page 1, line 30, by striking the word
4 "licensed".
5 2. Page 2, by inserting after line 3 the
6 following:
7 "Sec. ____ . SUPPLEMENTAL EXPENSE PAYMENT. If the
8 amendments adopted by the department of human services
9 in 1993 through 1995 in 441 Iowa administrative code,
10 rules 22.1 and 24.1, which revise the definition of
11 the term "persons with mental retardation," have the
12 result of increasing costs to a county during the
13 fiscal period beginning July 1, 1993, and ending June
14 30, 1995, the county shall report the increased costs
15 to the department of human services. The department
16 shall compile the county reports of increased costs to
17 develop a total of the increased costs submitted by
18 counties pursuant to this section. The total
19 increased costs shall be included in a report
20 submitted to the governor and the general assembly for
21 budget consideration during the 1996 legislative
22 session. If the total increased costs exceeds
23 \$2,000,000, the report shall include a recommendation
24 for a supplemental appropriation for the amount in
25 excess of \$2,000,000 to be used for a supplemental
26 expense payment to counties. The amount of a county's
27 supplemental expense payment would be equal to the
28 amount of the county's proportion of the total of the
29 increased costs submitted applied to the amount of the
30 supplemental appropriation. The council on human
31 services shall adopt rules in consultation with the
32 state-county management committee to establish forms
33 and other requirements implementing the provisions of
34 this section."
35 3. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4218 FILED MAY 3, 1995

CONCURRED

(P. 2255)

HSR 317

HUMAN RESOURCES

Carrace, Ch
Lond
Hammit
Witt
Myers

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON DAGGETT)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to payment of expenses for persons with mental
2 retardation.

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

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13 Following the initial approval for payment of expenses, the
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15 performed at reasonable time periods. The cost of a county-
16 required diagnosis and an evaluation is at the county's
17 expense. In the case of a person without legal settlement or
18 whose legal settlement is unknown, the state may apply the
19 diagnosis and evaluation provisions of this paragraph at the
20 state's expense. A diagnosis or an evaluation under this
21 section may be part of a county's single entry point process
22 under section 331.440, provided that a diagnosis is performed
23 only by an individual qualified as provided in this section.

24 NEW UNNUMBERED PARAGRAPH. A diagnosis of mental
25 retardation under this section shall be made only when the
26 onset of the person's condition was prior to the age of
27 eighteen years and shall be based on an assessment of the
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29 skills. The diagnosis shall be made by an individual who is a
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32 intellectual functioning and to evaluate a person's adaptive
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34 EXPLANATION

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1 mental retardation. The bill amends section 222.60, relating
2 to costs paid by a county of legal settlement or the state for
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4 training, instruction, care, habilitation, support, and
5 transportation of persons with mental retardation in state,
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19 condition is prior to age 18 and is based on an assessment of
20 the persons' intellectual functioning and level of adaptive
21 skills. The individual performing the diagnosis must be a
22 licensed psychologist or psychiatrist who is professionally
23 trained to administer the tests and evaluate skills.

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25 performed as part of a county's single entry point process
26 under section 331.440 provided that a diagnosis is performed
27 by an individual qualified as provided in the bill. The
28 single entry point process under section 331.440 authorizes a
29 clinical assessment to be performed by using a qualified
30 mental retardation professional.

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HOUSE FILE 505

AN ACT

RELATING TO PAYMENT OF EXPENSES FOR PERSONS WITH MENTAL
RETARDATION.

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

Section 1. Section 222.60, Code 1995, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Prior to a county of legal settlement approving the payment of expenses for a person under this section, the county may require that the person be diagnosed to determine if the person has mental retardation or that the person be evaluated to determine the appropriate level of services required to meet the person's needs relating to mental retardation. The diagnosis and the evaluation may be performed concurrently and shall be performed by an individual or individuals approved by the county who are qualified to perform the diagnosis or the evaluation. Following the initial approval for payment of expenses, the county of legal settlement may require that an evaluation be performed at reasonable time periods. The cost of a county-required diagnosis and an evaluation is at the county's expense. In the case of a person without legal settlement or whose legal settlement is unknown, the state may apply the diagnosis and evaluation provisions of this paragraph at the state's expense. A diagnosis or an evaluation under this section may be part of a county's single entry point process under section 331.440, provided that a diagnosis is performed only by an individual qualified as provided in this section.

NEW UNNUMBERED PARAGRAPH. A diagnosis of mental retardation under this section shall be made only when the onset of the person's condition was prior to the age of eighteen years and shall be based on an assessment of the person's intellectual functioning and level of adaptive skills. The diagnosis shall be made by an individual who is a psychologist or psychiatrist who is professionally trained to administer the tests required to assess intellectual functioning and to evaluate a person's adaptive skills.

NEW UNNUMBERED PARAGRAPH. A diagnosis of mental retardation shall be made in accordance with the criteria provided in the diagnostic and statistical manual of mental disorders, fourth edition, published by the American psychiatric association.

Sec. 2. SUPPLEMENTAL EXPENSE PAYMENT. If the amendments adopted by the department of human services in 1993 through 1995 in 441 Iowa administrative code, rules 22.1 and 24.1, which revise the definition of the term "persons with mental retardation," have the result of increasing costs to a county during the fiscal period beginning July 1, 1993, and ending June 30, 1995, the county shall report the increased costs to the department of human services. The department shall compile the county reports of increased costs to develop a total of the increased costs submitted by counties pursuant to this section. The total increased costs shall be included in a report submitted to the governor and the general assembly for budget consideration during the 1996 legislative session. If the total increased costs exceeds \$2,000,000, the report shall include a recommendation for a supplemental appropriation for the amount in excess of \$2,000,000 to be used for a supplemental expense payment to counties. The amount of a county's supplemental expense payment would be equal to the amount of the county's proportion of the total of the increased costs submitted applied to the amount of the supplemental appropriation. The council on human services

shall adopt rules in consultation with the state-county management committee to establish forms and other requirements implementing the provisions of this section.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 505, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 25, 1995

TERRY E. BRANSTAD
Governor