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FILED FEB 26 1996

SENATE FILE 2307

BY SZYMONIAK

(COMPANION TO LSB 4117HH

BY WITT)

Passed Senate, ^(P.615) Date 3/5/96 Passed House, ^(P.1285) Date 4/2/96
Vote: Ayes 49 Nays 0 Vote: Ayes 97 Nays 0
Approved April 10, 1996

A BILL FOR

1 An Act relating to programs available to persons with
2 disabilities which are administered by the department of human
3 services.

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

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S.F. 2307

1 Section 1. Section 225C.47, subsection 1, Code 1995, is
2 amended by adding the following new paragraph before paragraph
3 a and relettering the subsequent paragraphs:

4 NEW PARAGRAPH. a. "Family" means a group of
5 interdependent persons living in the same household. A family
6 consists of an individual with a disability and any of the
7 following:

- 8 (1) The individual's parent.
- 9 (2) The individual's sibling.
- 10 (3) The individual's grandparent, aunt, or uncle.
- 11 (4) The individual's legal custodian.
- 12 (5) A person who is providing short-term foster care to
13 the individual subject to a case permanency plan which
14 provides for reunification between the individual and the
15 individual's parent.

16 "Family" does not include a person who is employed to
17 provide services to an individual with a disability in an out-
18 of-home setting, including but not limited to a hospital,
19 nursing facility, personal care home, board and care home,
20 group foster care home, or other institutional setting.

21 Sec. 2. Section 225C.47, subsection 2, Code 1995, is
22 amended to read as follows:

23 2. A comprehensive family support program is created in
24 the department of human services to provide a statewide system
25 of services and support to eligible families. The program
26 shall be implemented in a manner which enables a family member
27 of an individual with a disability to identify the services
28 and support needed to enable the individual to reside with the
29 individual's family, to function more independently, and to
30 increase the individual's integration into the community.

31 Sec. 3. Section 225C.47, subsection 5, paragraphs a, b,
32 and f, Code 1995, are amended to read as follows:

33 a. (1) An application process incorporating the
34 eligibility determination processes of other disability
35 services programs to the extent possible.

1 (2) Eligible families maintain control of decisions which
2 affect the families' children who are individuals with a
3 disability.

4 b. (1) Existing local agencies are utilized to provide
5 facilities and a single entry point for comprehensive family
6 support program applicants.

7 (2) Services and support are provided in a timely manner
8 and emergency access to needed services and support is
9 provided.

10 f. (1) Identification of the services and support and
11 service provider components included in the comprehensive
12 family support program.

13 (2) Upon request by a family member, provision of
14 assistance in locating a service provider.

15 Sec. 4. Section 225C.47, subsection 5, Code 1995, is
16 amended by adding the following new paragraph:

17 NEW PARAGRAPH. i. The utilization of a voucher system for
18 payment provisions for the children-at-home component of the
19 program under subsection 7.

20 Sec. 5. Section 225C.47, Code 1995, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 7. The comprehensive family support
23 program shall include a children-at-home component developed
24 by the department in accordance with this subsection. A
25 family eligible for the comprehensive family support program
26 may choose the children-at-home component. Under the
27 children-at-home component, a family member of an individual
28 with a disability shall be assisted by department staff in
29 identifying the services and support to be provided to the
30 family under the program. The identification of services and
31 support shall be based upon the specific needs of the
32 individual and the individual's family which are not met by
33 other service programs available to the individual and the
34 individual's family. Based upon the services and support
35 identified, the department shall develop a contract for direct

1 payment of the services and support provided to the family.

2 Sec. 6. Section 225C.48, Code 1995, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 2A. The council shall perform the
5 following duties in consultation with the department and any
6 department staff with duties associated with the personal
7 assistance services and comprehensive family support programs:

8 a. Oversee the operations of the programs.

9 b. Coordinate with the department of education and
10 programs administered by the department of education to
11 individuals with a disability, in providing information to
12 individuals and families eligible for the programs under
13 sections 225C.46 and 225C.47.

14 c. Work with the department and counties regarding managed
15 care provisions utilized by the department and counties for
16 services to individuals with a disability to advocate the
17 inclusion of personal assistance services and the
18 comprehensive family support program as approved service
19 provisions under managed care.

20 d. Develop and oversee implementation of evaluation
21 processes for the programs.

22 e. Oversee statewide training of department staff
23 regarding the two programs.

24 f. Oversee efforts to promote public awareness of the
25 programs.

26 Sec. 7. NEW SECTION. 225C.49 DEPARTMENTAL DUTIES
27 CONCERNING SERVICES TO INDIVIDUALS WITH A DISABILITY.

28 1. The department shall provide coordination of the
29 programs administered by the department which serve
30 individuals with a disability and the individuals' families,
31 including but not limited to the following juvenile justice
32 and child welfare services: family-centered and intensive
33 family preservation services described under section 232.102,
34 decategorization of child welfare funding provided for under
35 section 232.188, and foster care services paid under section

1 234.35, subsection 3. The department shall regularly review
2 administrative rules associated with such programs and make
3 recommendations to the council on human services, governor,
4 and general assembly for revisions to remove barriers to the
5 programs for individuals with a disability and the
6 individuals' families including the following:

7 a. Eligibility prerequisites which require declaring the
8 individual at risk of abuse, neglect, or out-of-home
9 placement.

10 b. Time limits on services which restrict addressing
11 ongoing needs of individuals with a disability and their
12 families.

13 2. The department shall coordinate the department's
14 programs and funding utilized by individuals with a disability
15 and their families with other state and local programs and
16 funding directed to individuals with a disability and their
17 families.

18 3. In implementing the provisions of this section, the
19 department shall do all of the following:

20 a. Compile information concerning services and other
21 support available to individuals with a disability and their
22 families. Make the information available to individuals with
23 a disability and their families and department staff.

24 b. Utilize internal training resources or contract for
25 additional training of staff concerning the information under
26 paragraph "a" and training of families and individuals as
27 necessary to develop plans and contracts under sections
28 225C.46 and 225C.47.

29 4. The department shall designate one individual whose
30 sole duties are to provide central coordination of the
31 programs under sections 225C.46 and 225C.47 and to work with
32 the personal assistance and family support services council to
33 oversee development and implementation of the programs.

34 EXPLANATION

35 This bill relates to programs available to individuals with

1 disabilities which are administered by the department of human
2 services.

3 Section 225C.47, relating to the comprehensive family
4 support program for individuals with a disability and their
5 families, is amended by adding a definition of the term
6 "family".

7 Section 225C.47 is also amended to require that the support
8 program be statewide and to specify the manner in which the
9 program is to be implemented by the department.

10 Section 225C.47, subsection 5, providing for administrative
11 rules to be adopted by the department to implement the
12 program, is amended. The amendments require an application
13 process coordinated with the eligibility processes used by
14 other programs, require services and support to be provided in
15 a timely manner with provision for emergency services, and
16 require the department to assist eligible families in locating
17 service providers and in identifying the components of service
18 plans.

19 Section 225C.47 is also amended to add provisions for a
20 children-at-home component of the program. Under this
21 component a family member of an eligible family is assisted by
22 the department in identifying services and support needed.
23 The department is to develop a contract for direct payment
24 utilizing vouchers for the services and other support provided
25 to the family.

26 Section 225C.48, relating to the personal assistance and
27 family support services council, is amended to specify
28 additional duties for the council involving the personal
29 assistance and comprehensive family support services program.
30 The council is to consult with the department in overseeing
31 operations of the programs, coordinate with the department of
32 education programs for individuals with a disability, work
33 with the department of human services and the counties in
34 advocating the inclusion of the programs as services available
35 under managed care provisions, and oversee evaluation,

1 training, and publicity efforts.

2 New section 225C.49 requires the department of human
3 services to coordinate its juvenile justice and child welfare
4 programs applicable to individuals with a disability. The
5 department is to propose to the council on human services,
6 governor, and general assembly changes to revise program
7 eligibility requirements and time restrictions to accommodate
8 the needs of individuals with a disability. In addition, the
9 department is to coordinate its programs and funding with
10 other state and local programs and funding applicable to
11 individuals with a disability. The coordination requirement
12 includes specific provision for compiling information and for
13 training staff and eligible individuals and families. The
14 department is also required to designate an individual to act
15 as central coordinator of the personal assistance and
16 comprehensive family support programs and to work with the
17 council associated with the programs.

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SENATE FILE 2307

AN ACT

RELATING TO PROGRAMS AVAILABLE TO PERSONS WITH DISABILITIES
WHICH ARE ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES.

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

Section 1. Section 225C.47, subsection 1, Code 1995, is amended by adding the following new paragraph before paragraph a and relettering the subsequent paragraphs:

NEW PARAGRAPH. a. "Family" means a group of interdependent persons living in the same household. A family consists of an individual with a disability and any of the following:

- (1) The individual's parent.
- (2) The individual's sibling.
- (3) The individual's grandparent, aunt, or uncle.
- (4) The individual's legal custodian.

(5) A person who is providing short-term foster care to the individual subject to a case permanency plan which provides for reunification between the individual and the individual's parent.

"Family" does not include a person who is employed to provide services to an individual with a disability in an out-of-home setting, including but not limited to a hospital, nursing facility, personal care home, board and care home, group foster care home, or other institutional setting.

Sec. 2. Section 225C.47, subsection 2, Code 1995, is amended to read as follows:

2. A comprehensive family support program is created in the department of human services to provide a statewide system of services and support to eligible families. The program shall be implemented in a manner which enables a family member of an individual with a disability to identify the services

and support needed to enable the individual to reside with the individual's family, to function more independently, and to increase the individual's integration into the community.

Sec. 3. Section 225C.47, subsection 5, paragraphs a, b, and f, Code 1995, are amended to read as follows:

a. (1) An application process incorporating the eligibility determination processes of other disability services programs to the extent possible.

(2) Eligible families maintain control of decisions which affect the families' children who are individuals with a disability.

b. (1) Existing local agencies are utilized to provide facilities and a single entry point for comprehensive family support program applicants.

(2) Services and support are provided in a timely manner and emergency access to needed services and support is provided.

f. (1) Identification of the services and support and service provider components included in the comprehensive family support program.

(2) Upon request by a family member, provision of assistance in locating a service provider.

Sec. 4. Section 225C.47, subsection 5, Code 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. The utilization of a voucher system for payment provisions for the children-at-home component of the program under subsection 7.

Sec. 5. Section 225C.47, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The comprehensive family support program shall include a children-at-home component developed by the department in accordance with this subsection. A family eligible for the comprehensive family support program may choose the children-at-home component. Under the children-at-home component, a family member of an individual

with a disability shall be assisted by department staff in identifying the services and support to be provided to the family under the program. The identification of services and support shall be based upon the specific needs of the individual and the individual's family which are not met by other service programs available to the individual and the individual's family. Based upon the services and support identified, the department shall develop a contract for direct payment of the services and support provided to the family.

Sec. 6. Section 225C.48, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The council shall perform the following duties in consultation with the department and any department staff with duties associated with the personal assistance services and comprehensive family support programs:

- a. Oversee the operations of the programs.
- b. Coordinate with the department of education and programs administered by the department of education to individuals with a disability, in providing information to individuals and families eligible for the programs under sections 225C.46 and 225C.47.
- c. Work with the department and counties regarding managed care provisions utilized by the department and counties for services to individuals with a disability to advocate the inclusion of personal assistance services and the comprehensive family support program as approved service provisions under managed care.
- d. Develop and oversee implementation of evaluation processes for the programs.
- e. Oversee statewide training of department staff regarding the two programs.
- f. Oversee efforts to promote public awareness of the programs.

Sec. 7. NEW SECTION. 225C.49 DEPARTMENTAL DUTIES CONCERNING SERVICES TO INDIVIDUALS WITH A DISABILITY.

1. The department shall provide coordination of the programs administered by the department which serve individuals with a disability and the individuals' families, including but not limited to the following juvenile justice and child welfare services: family-centered and intensive family preservation services described under section 232.102, decategorization of child welfare funding provided for under section 232.188, and foster care services paid under section 234.35, subsection 3. The department shall regularly review administrative rules associated with such programs and make recommendations to the council on human services, governor, and general assembly for revisions to remove barriers to the programs for individuals with a disability and the individuals' families including the following:

- a. Eligibility prerequisites which require declaring the individual at risk of abuse, neglect, or out-of-home placement.
- b. Time limits on services which restrict addressing ongoing needs of individuals with a disability and their families.

2. The department shall coordinate the department's programs and funding utilized by individuals with a disability and their families with other state and local programs and funding directed to individuals with a disability and their families.

3. In implementing the provisions of this section, the department shall do all of the following:

- a. Compile information concerning services and other support available to individuals with a disability and their families. Make the information available to individuals with a disability and their families and department staff.
- b. Utilize internal training resources or contract for additional training of staff concerning the information under paragraph "a" and training of families and individuals as necessary to develop plans and contracts under sections 225C.46 and 225C.47.

4. The department shall designate one individual whose sole duties are to provide central coordination of the programs under sections 225C.46 and 225C.47 and to work with the personal assistance and family support services council to oversee development and implementation of the programs.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2307, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 10, 1996

TERRY E. BRANSTAD
Governor

SF 2307