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SENATE FILE 2448  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2342)

Passed Senate, Date <sup>(P. 808)</sup> 3-14-96 Passed House, Date 4-1-96 <sup>(P. 1274)</sup>  
Vote: Ayes 49 Nays 0 Vote: Ayes 60 Nays 36  
Approved *Tom Petros* 5/28/96

A BILL FOR

1 An Act relating to and making appropriations to the department  
2 for the blind, the Iowa state civil rights commission, the  
3 department of elder affairs, the governor's alliance on  
4 substance abuse, the Iowa department of public health, the  
5 department of human rights, and the commission of veterans  
6 affairs, and providing an immediate effective date.

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

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S.F. 2448

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1 Section 1. DEPARTMENT FOR THE BLIND. There is  
2 appropriated from the general fund of the state to the  
3 department for the blind for the fiscal year beginning July 1,  
4 1996, and ending June 30, 1997, the following amount, or so  
5 much thereof as is necessary, to be used for the purpose  
6 designated:

7 For salaries, support, maintenance, miscellaneous purposes,  
8 and for not more than the following full-time equivalent  
9 positions:

10 ..... \$ 1,475,737  
11 ..... FTEs 95.00

12 Sec. 2. CIVIL RIGHTS COMMISSION. There is appropriated  
13 from the general fund of the state to the Iowa state civil  
14 rights commission for the fiscal year beginning July 1, 1996,  
15 and ending June 30, 1997, the following amount, or so much  
16 thereof as is necessary, to be used for the purpose  
17 designated:

18 For salaries, support, maintenance, miscellaneous purposes,  
19 and for not more than the following full-time equivalent  
20 positions:

21 ..... \$ 1,141,692  
22 ..... FTEs 36.00

23 If the anticipated amount of federal funding from the  
24 federal equal employment opportunity commission and the  
25 federal department of housing and urban development exceeds  
26 \$467,900 during the fiscal year beginning July 1, 1996, and  
27 ending June 30, 1997, the Iowa state civil rights commission  
28 may exceed the staffing level authorized by this section as  
29 necessary to hire additional staff to process or to support  
30 the processing of employment and housing complaints.

31 Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is  
32 appropriated from the general fund of the state to the  
33 department of elder affairs for the fiscal year beginning July  
34 1, 1996, and ending June 30, 1997, the following amounts, or  
35 so much thereof as is necessary, to be used for the purposes

1 designated:

2 1. For salaries, support, maintenance, miscellaneous  
3 purposes, and for not more than the following full-time  
4 equivalent positions:

5 .....	\$	450,918
6 .....	FTEs	28.00

7 2. For aging programs and services:

8 ..... \$ 3,076,528

9 All funds appropriated in this subsection shall be received  
10 and disbursed by the director of elder affairs for aging  
11 programs and services, shall not be used by the department for  
12 administrative purposes, not more than \$151,654 shall be used  
13 for area agencies on aging administrative purposes, and shall  
14 be used for citizens of Iowa over 60 years of age for case  
15 management for the frail elderly, mental health outreach,  
16 Alzheimer's support, retired senior volunteer program, care  
17 review committee coordination, employment, adult day care,  
18 respite care, chore services, telephone reassurance,  
19 information and assistance, and home repair services,  
20 including the winterizing of homes, and for the construction  
21 of entrance ramps which make residences accessible to the  
22 physically handicapped. Funds appropriated in this subsection  
23 may be used to supplement federal funds under federal  
24 regulations. To receive funds appropriated in this  
25 subsection, a local area agency on aging shall match the funds  
26 with funds from other sources in accordance with rules adopted  
27 by the department. Funds appropriated in this subsection may  
28 be used for elderly services not specifically enumerated in  
29 this subsection only if approved by an area agency on aging  
30 for provision of the service within the area.

31 The department shall maintain policies and procedures  
32 regarding Alzheimer's support and the retired senior volunteer  
33 program.

34 Sec. 4. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE. There is  
35 appropriated from the general fund of the state to the

1 governor's alliance on substance abuse for the fiscal year  
2 beginning July 1, 1996, and ending June 30, 1997, the  
3 following amounts, or so much thereof as is necessary, to be  
4 used for the purposes designated:

5 1. For salaries, support, maintenance, miscellaneous  
6 purposes, and for not more than the following full-time  
7 equivalent positions:

8 ..... \$ 304,333  
9 ..... FTEs 10.00

10 2. For the Iowa substance abuse clearinghouse in Cedar  
11 Rapids for staff, materials, and operating expenses:

12 ..... \$ 29,552

13 Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is  
14 appropriated from the general fund of the state to the Iowa  
15 department of public health for the fiscal year beginning July  
16 1, 1996, and ending June 30, 1997, the following amounts, or  
17 so much thereof as is necessary, to be used for the purposes  
18 designated:

19 1. a. PLANNING AND ADMINISTRATION DIVISION

20 For salaries, support, maintenance, miscellaneous purposes,  
21 and for not more than the following full-time equivalent  
22 positions:

23 ..... \$ 2,200,738  
24 ..... FTEs 61.15

25 (1) Of the funds appropriated in this lettered paragraph,  
26 \$738,182 shall be used for the chronic renal disease program.  
27 The types of assistance available to eligible recipients under  
28 the program may include insurance premiums, travel  
29 reimbursement, and prescription and nonprescription drugs.  
30 The program expenditures shall not exceed this allocation. If  
31 projected expenditures would exceed the allocation, the  
32 department shall establish by administrative rule a mechanism  
33 to reduce financial assistance under the renal disease program  
34 in order to keep expenditures within the amount allocated in  
35 this paragraph.

1 (2) Hospitals shall not collect fees for birth  
2 certificates in excess of the fees as set out in the  
3 administrative rules of the Iowa department of public health.

4 (3) Of the funds appropriated in this lettered paragraph,  
5 \$117,027 shall be used to provide regulatory oversight of  
6 accountable health plans.

7 (4) Of the funds appropriated in this lettered paragraph,  
8 \$50,000 shall be used for the purchase, verification,  
9 updating, and storage of health data information.

10 The department shall compile, correlate, and disseminate  
11 data from health care providers, the state medical assistance  
12 program, third-party payors, associations, and other  
13 appropriate sources in furtherance of the purpose and intent  
14 of this appropriation.

15 The department shall request and receive information from  
16 other state agencies similar to that required of third-party  
17 payors for the purpose of dissemination of health data. The  
18 department may enter into agreements for studies on health-  
19 related questions and provide or make data available to health  
20 care providers, health care subscribers, third-party payors  
21 and the general public. The department may purchase data for  
22 the purpose of dissemination of health data information. The  
23 department shall assure the confidentiality of the data col-  
24 lected from other state agencies, hospitals, and third-party  
25 payors under chapter 22. The compilation of data information  
26 prepared for release or dissemination from the data collected  
27 shall be a public record. The department shall adopt adminis-  
28 trative rules to address a contracting process, define confi-  
29 dential information, set fees to be charged for data, and  
30 prescribe the forms upon which the information is to be made  
31 available.

32 b. PROFESSIONAL LICENSURE

33 For salaries, support, maintenance, miscellaneous purposes,  
34 and for not more than the following full-time equivalent  
35 positions:

1 ..... \$ 997,900  
2 ..... FTEs 12.00

3 The director of public health, when estimating expenditure  
4 requirements for the boards funded under this paragraph, shall  
5 base the budget on 85 percent of the average annual fees  
6 generated for the previous two fiscal years. The department  
7 shall confer with the boards funded under this paragraph in  
8 estimating the boards' annual fee generation and  
9 administrative costs. When the department develops each  
10 board's annual budget, a board's budget shall not exceed 85  
11 percent of fees collected, based on the average of the  
12 previous two fiscal years. The department may expend funds in  
13 addition to amounts budgeted, if those additional expenditures  
14 are directly the result of unanticipated litigation costs  
15 arising from the discharge of the board's regulatory duties.  
16 Before the department expends or encumbers an amount in excess  
17 of the funds budgeted for a board, the director of the  
18 department of management shall approve the expenditure or  
19 encumbrance. The amounts necessary to fund the unanticipated  
20 litigation in the fiscal year beginning July 1, 1996, shall  
21 not exceed 5 percent of the average annual fees generated by  
22 the board for the previous two fiscal years.

23 c. EMERGENCY MEDICAL SERVICES

24 For salaries, support, maintenance, and emergency medical  
25 services training of emergency medical services (EMS)  
26 personnel at the state, county, and local levels and for not  
27 more than the following full-time equivalent positions:

28 ..... \$ 1,022,360  
29 ..... FTEs 12.00

30 If a person in the course of responding to an emergency  
31 renders aid to an injured person and becomes exposed to bodily  
32 fluids of the injured person, that emergency responder shall  
33 be entitled to hepatitis testing and immunization in  
34 accordance with the latest available medical technology to  
35 determine if infection with hepatitis has occurred. The

1 person shall be entitled to reimbursement from the EMS funds  
2 available under this lettered paragraph only if the  
3 reimbursement is not available through any employer or third-  
4 party payor.

5 2. HEALTH PROTECTION DIVISION

6 a. For salaries, support, maintenance, miscellaneous  
7 purposes, and for not more than the following full-time  
8 equivalent positions:

9 .....	\$	2,167,154
10 .....	FTEs	76.00

11 b. Of the funds appropriated in this subsection, \$75,000  
12 shall be used for chlamydia testing.

13 c. Of the funds appropriated in this subsection, \$39,547  
14 shall be used for the lead abatement program.

15 d. The state university of Iowa hospitals and clinics  
16 shall not receive indirect costs from the funds appropriated  
17 in this subsection.

18 3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

19 a. For salaries, support, maintenance, miscellaneous  
20 purposes, and for not more than the following full-time  
21 equivalent positions:

22 .....	\$	633,306
23 .....	FTEs	47.35

24 (1) The division shall continue to coordinate with  
25 substance abuse treatment and prevention providers regardless  
26 of funding source to assure the delivery of substance abuse  
27 treatment and prevention programs.

28 (2) The commission on substance abuse, in conjunction with  
29 the division, shall continue to coordinate the delivery of  
30 substance abuse services involving prevention, social and  
31 medical detoxification, and other treatment by medical and  
32 nonmedical providers to uninsured and court-ordered substance  
33 abuse patients in all counties of the state.

34 b. Of the funds appropriated in this subsection, \$15,000  
35 is allocated to support the surveillance and reporting of

1 disabilities suffered by persons engaged in agriculture  
2 resulting from diseases or injuries, including identifying the  
3 amount and severity of agriculture-related injuries and  
4 diseases in the state, identifying causal factors associated  
5 with agriculture-related injuries and diseases, and evaluating  
6 the effectiveness of intervention programs designed to reduce  
7 injuries and diseases. The department shall cooperate with  
8 the department of agriculture and land stewardship, Iowa state  
9 university of science and technology, and the college of  
10 medicine at the state university of Iowa in accomplishing  
11 these duties.

12 c. For program grants:

13 ..... \$ 7,990,159

14 (1) Of the funds appropriated in this lettered paragraph,  
15 \$193,500 shall be used for the provision of aftercare services  
16 for persons completing substance abuse treatment.

17 (2) Of the funds appropriated in this lettered paragraph,  
18 a minimum of \$950,000 shall be used by the Iowa department of  
19 public health to continue the integrated substance abuse  
20 managed care system.

21 4. FAMILY AND COMMUNITY HEALTH DIVISION

22 a. For salaries, support, maintenance, miscellaneous  
23 purposes, and for not more than the following full-time  
24 equivalent positions:

25 ..... \$ 3,415,041

26 ..... FTEs 71.00

27 (1) Of the funds appropriated in this lettered paragraph,  
28 at least \$587,865 shall be allocated by the division for the  
29 birth defects and genetics counseling program and of these  
30 funds, \$279,402 is allocated for regional genetic counseling  
31 services contracted from the state university of Iowa  
32 hospitals and clinics under the control of the state board of  
33 regents.

34 (2) Of the funds appropriated in this lettered paragraph,  
35 the following amounts are allocated to the state university of



1 Iowa hospitals and clinics under the control of the state  
2 board of regents for the following programs under the Iowa  
3 specialized child health care services:

4 (a) Mobile and regional child health specialty clinics:

5 ..... \$ 392,931

6 The regional clinic located in Sioux City shall maintain a  
7 social worker component to assist the families of children  
8 participating in the clinic program.

9 Of the funds allocated in this subparagraph, \$97,937 shall  
10 be used for a specialized medical home care program providing  
11 care planning and coordination of community support services  
12 for children who require technical medical care in the home.

13 (b) Muscular dystrophy and related genetic disease  
14 programs:

15 ..... \$ 115,613

16 (c) Statewide perinatal program:

17 ..... \$ 61,693

18 (3) The birth defects and genetic counseling service shall  
19 apply a sliding fee scale to determine the amount a person  
20 receiving the services is required to pay for the services.  
21 These fees shall be considered repayment receipts and used for  
22 the program.

23 (4) The state university of Iowa hospitals and clinics  
24 shall not receive indirect costs from the funds allocated in  
25 this lettered paragraph.

26 (5) Of the funds appropriated in this lettered paragraph,  
27 \$1,001,209 shall be used for maternal and child health  
28 services.

29 (6) If during the 1996-1997 fiscal year, the federal  
30 government incorporates the special supplemental nutrition  
31 program for women, infants, and children into a block grant,  
32 the department of human services, Iowa department of public  
33 health, or any other state agency which administers the block  
34 grant shall require a competitive bid process for infant  
35 formula purchased by or for families under the block grant.

1 (7) The Iowa department of public health shall administer  
2 the statewide maternal and child health program, conduct  
3 mobile and regional child health specialty clinics, and  
4 conduct other activities to improve the health of low-income  
5 women and children and to promote the welfare of children with  
6 actual or potential handicapping conditions and chronic  
7 illnesses in accordance with the requirements of Title V of  
8 the federal Social Security Act.

9 (8) The department shall continue efforts to realize the  
10 "Healthy Iowans 2000" goal of promoting prevention and health  
11 promotion to improve the quality of life of Iowans and to hold  
12 down health care costs and shall submit an annual "Healthy  
13 Iowans 2000" progress report to the general assembly on  
14 January 1 of each fiscal year.

15 (9) Of the funds appropriated in this lettered paragraph,  
16 \$165,391 is allocated for the office of rural health to  
17 provide technical assistance to rural areas in the area of  
18 health care delivery.

19 (10) Of the funds appropriated in this lettered paragraph,  
20 \$182,028 shall be used to develop, implement, and maintain  
21 rural health provider recruitment and retention efforts.

22 b. Sudden infant death syndrome autopsies:

23 For reimbursing counties for expenses resulting from  
24 autopsies of suspected victims of sudden infant death syndrome  
25 required under section 331.802, subsection 3, paragraph "j":  
26 ..... \$ 9,675

27 c. For grants to local boards of health for the public  
28 health nursing program:

29 ..... \$ 2,511,871

30 (1) Funds appropriated in this lettered paragraph shall be  
31 used to maintain and expand the existing public health nursing  
32 program for elderly and low-income persons with the objective  
33 of preventing or reducing inappropriate institutionalization.  
34 The funds shall not be used for any other purpose. As used in  
35 this lettered paragraph, "elderly person" means a person who

1 is 60 years of age or older and "low-income person" means a  
2 person whose income and resources are below the guidelines  
3 established by the department.

4 (2) One-fourth of the total amount to be allocated shall  
5 be divided so that an equal amount is available for use in  
6 each county in the state. Three-fourths of the total amount  
7 to be allocated shall be divided so that the share available  
8 for use in each county is proportionate to the number of  
9 elderly and low-income persons living in that county in  
10 relation to the total number of elderly and low-income persons  
11 living in the state.

12 (3) In order to receive allocations under this lettered  
13 paragraph, the local board of health having jurisdiction shall  
14 prepare a proposal for the use of the allocated funds  
15 available for that jurisdiction that will provide the maximum  
16 benefits of expanded public health nursing care to elderly and  
17 low-income persons in the jurisdiction. After approval of the  
18 proposal by the department, the department shall enter into a  
19 contract with the local board of health. The local board of  
20 health shall subcontract with a nonprofit nurses' association,  
21 an independent nonprofit agency, or a suitable local  
22 governmental body to use the allocated funds to provide public  
23 health nursing care. Local boards of health shall make an  
24 effort to prevent duplication of services.

25 (4) If by July 30 of the fiscal year, the department is  
26 unable to conclude contracts for use of the allocated funds in  
27 a county, the department shall consider the unused funds  
28 appropriated under this lettered paragraph an unallocated  
29 pool. If the unallocated pool is \$50,000 or more it shall be  
30 reallocated to the counties in substantially the same manner  
31 as the original allocations. The reallocated funds are  
32 available for use in those counties during the period  
33 beginning January 1 and ending June 30 of the fiscal year. If  
34 the unallocated pool is less than \$50,000, the department may  
35 allocate the pool to counties with demonstrated special needs

1 for public health nursing.

2 (5) The department shall maintain rules governing the  
3 expenditure of funds appropriated in this lettered paragraph.  
4 The rules shall require each local agency receiving funds to  
5 establish and use a sliding fee scale for those persons able  
6 to pay for all or a portion of the cost of the care.

7 (6) The department shall annually evaluate the success of  
8 the public health nursing program. The evaluation shall  
9 include the extent to which the program reduced or prevented  
10 inappropriate institutionalization, the extent to which the  
11 program increased the availability of public health nursing  
12 care to elderly and low-income persons, and the extent of  
13 public health nursing care provided to elderly and low-income  
14 persons. The department shall submit a report of each annual  
15 evaluation to the governor and the general assembly.

16 d. For grants to county boards of supervisors for the home  
17 care aide program:

18 ..... \$ 8,586,716

19 Funds appropriated in this lettered paragraph shall be used  
20 to provide home care aide services with emphasis on services  
21 to elderly and persons below the poverty level and children  
22 and adults in need of protective services with the objective  
23 of preventing or reducing inappropriate institutionalization.  
24 In addition, up to 15 percent of the funds appropriated in  
25 this lettered paragraph may be used to provide chore services.  
26 The funds shall not be used for any other purposes. In  
27 providing services to elderly persons, the service provider  
28 shall coordinate efforts with the integrated case management  
29 for the frail elderly program of the department of elder  
30 affairs. As used in this lettered paragraph:

31 (1) "Chore services" means services provided to  
32 individuals or families, who, due to incapacity, or illness,  
33 are unable to perform certain home maintenance functions. The  
34 services include but are not limited to yard work such as  
35 mowing lawns, raking leaves, and shoveling walks; window and

1 door maintenance such as hanging screen windows and doors,  
2 replacing windowpanes, and washing windows; and minor repairs  
3 to walls, floors, stairs, railings, and handles. It also  
4 includes heavy house cleaning which includes cleaning attics  
5 or basements to remove fire hazards, moving heavy furniture,  
6 extensive wall washing, floor care or painting, and trash  
7 removal.

8 (2) "Elderly person" means a person who is 60 years of age  
9 or older.

10 (3) "Home care aide services" means services intended to  
11 enhance the capacity of household members to attain or  
12 maintain the independence of the household members and  
13 provided by trained and supervised workers to individuals or  
14 families, who, due to the absence, incapacity, or limitations  
15 of the usual homemaker, are experiencing stress or crisis.  
16 The services include but are not limited to essential  
17 shopping, housekeeping, meal preparation, child care, respite  
18 care, money management and consumer education, family  
19 management, personal services, transportation, and providing  
20 information, assistance, and household management.

21 (4) "Low-income person" means a person whose income and  
22 resources are below the guidelines established by the  
23 department.

24 (5) "Protective services" means those home care aide  
25 services intended to stabilize a child's or an adult's  
26 residential environment and relationships with relatives,  
27 caretakers, and other persons or household members in order to  
28 alleviate a situation involving abuse or neglect or to  
29 otherwise protect the child or adult from a threat of abuse or  
30 neglect.

31 The amount appropriated in this lettered paragraph shall be  
32 allocated for use in the counties of the state. Fifteen  
33 percent of the amount shall be divided so that an equal amount  
34 is available for use in each county in the state. The  
35 following percentages of the remaining amount shall be

1 allocated to each county according to that county's proportion  
2 of residents with the following demographic characteristics:  
3 60 percent according to the number of elderly persons living  
4 in the county, 20 percent according to the number of persons  
5 below the poverty level living in the county, and 20 percent  
6 according to the number of substantiated cases of child abuse  
7 in the county during the three most recent fiscal years for  
8 which data is available.

9 In order to receive allocations in this lettered paragraph,  
10 the county board of supervisors, after consultation with the  
11 local boards of health, human services county cluster boards,  
12 area agency on aging advisory council, local office of the  
13 department of human services, and other in-home health care  
14 provider agencies in the jurisdiction, shall prepare a  
15 proposal for the use of the allocated funds available for that  
16 jurisdiction that will provide the maximum benefits of home  
17 care aide services to elderly and low-income persons and  
18 children and adults in need of protective services in the  
19 jurisdiction. An agency requesting service or financial  
20 information about a current subcontractor shall provide  
21 similar information concerning its own home care aide or chore  
22 services program to the current subcontractor. The proposal  
23 may provide that a maximum of 15 percent of the allocated  
24 funds will be used to provide chore services. The proposal  
25 shall include a statement assuring that children and adults in  
26 need of protective services are given priority for home care  
27 aide services and that the appropriate local agencies have  
28 participated in the planning for the proposal. After approval  
29 of the proposal by the department, the department shall enter  
30 into a contract with the county board of supervisors or a  
31 governmental body designated by the county board of  
32 supervisors. The county board of supervisors or its designee  
33 shall subcontract with a nonprofit nurses' association, an  
34 independent nonprofit agency, the department of human  
35 services, or a suitable local governmental body to use the

1 allocated funds to provide home care aide services and chore  
2 services providing that the subcontract requires any service  
3 provided away from the home to be documented in a report  
4 available for review by the department, and that each home  
5 care aide subcontracting agency shall maintain the direct  
6 service workers' time assigned to direct client service at 70  
7 percent or more of the workers' paid time and that not more  
8 than 35 percent of the total cost of the service be included  
9 in the combined costs for service administration and agency  
10 administration. The subcontract shall require that each home  
11 care aide subcontracting agency shall pay the employer's  
12 contribution of social security and provide workers'  
13 compensation coverage for persons providing direct home care  
14 aide service and meet any other applicable legal requirements  
15 of an employer-employee relationship.

16 If by July 30 of the fiscal year, the department is unable  
17 to conclude contracts for use of the allocated funds in a  
18 county, the department shall consider the unused funds  
19 appropriated in this lettered paragraph an unallocated pool.  
20 The department shall also identify any allocated funds which  
21 the counties do not anticipate spending during the fiscal  
22 year. If the amount of anticipated excess funds to any county  
23 is substantial, the department and the county may agree to  
24 return those excess funds, if the funds are other than program  
25 revenues, to the department, and if returned, the department  
26 shall consider the returned funds a part of the unallocated  
27 pool. The department shall, prior to February 15 of the  
28 fiscal year, reallocate the funds in the unallocated pool  
29 among the counties in which the department has concluded  
30 contracts under this lettered paragraph. The department shall  
31 also review the first 10 months' expenditures for each county  
32 in May of the fiscal year, to determine if any counties  
33 possess contracted funds which they do not anticipate  
34 spending. If such funds are identified and the county agrees  
35 to release the funds, the released funds will be considered a

1 new reallocation pool. The department may, prior to June 1 of  
2 the fiscal year, reallocate funds from this new reallocation  
3 pool to those counties which have experienced a high  
4 utilization of protective service hours for children and  
5 dependent adults.

6 The department shall maintain rules governing the  
7 expenditure of funds appropriated in this lettered paragraph.  
8 The rules shall require each local agency receiving funds to  
9 establish and use a sliding fee scale for those persons able  
10 to pay for all or a portion of the cost of the services and  
11 shall require the payments to be applied to the cost of the  
12 services. The department shall also maintain rules for  
13 standards regarding training, supervision, recordkeeping,  
14 appeals, program evaluation, cost analysis, and financial  
15 audits, and rules specifying reporting requirements.

16 The department shall annually evaluate the success of the  
17 home care aide program. The evaluation shall include a  
18 description of the program and its implementation, the extent  
19 of local participation, the extent to which the program  
20 reduced or prevented inappropriate institutionalization, the  
21 extent to which the program provided or increased the  
22 availability of home care aide services to elderly and low-  
23 income persons and children and adults in need of protective  
24 services, any problems and recommendations concerning the  
25 program, and an analysis of the costs of services across the  
26 state. The department shall submit a report of the annual  
27 evaluation to the governor and the general assembly.

28 e. For the development and maintenance of well-elderly  
29 clinics in the state:

30 ..... \$ 585,337

31 The appropriation in this lettered paragraph shall be  
32 distributed by a formula to well-elderly clinics located in  
33 counties which provide funding on a matching basis for the  
34 well-elderly clinics.

35 f. For the physician care for children program:



1 ..... \$ 411,187

2 The physician services shall be subject to managed care and  
3 selective contracting provisions and shall be used to provide  
4 for the medical treatment of children and shall include  
5 coverage of diagnostic procedures, prescription drugs, and  
6 physician-ordered treatments necessary to treat an acute  
7 condition. Services provided under this lettered paragraph  
8 shall be reimbursed according to medical assistance  
9 reimbursement rates.

10 g. For primary and preventive health care for children:

11 ..... \$ 75,000

12 Funds appropriated in this lettered paragraph shall be for  
13 the public purpose of providing a renewable grant, following a  
14 request for proposals, to a statewide charitable organization  
15 within the meaning of section 501(c)(3) of the Internal  
16 Revenue Code which was organized prior to April 1, 1989, and  
17 has as one of its purposes the sponsorship or support for  
18 programs designed to improve the quality, awareness, and  
19 availability of health care for the young, to serve as the  
20 funding mechanism for the provision of primary health care and  
21 preventive services to children in the state who are uninsured  
22 and who are not eligible under any public plan of health  
23 insurance, provided all of the following conditions are met:

24 (1) The organization shall provide a match of \$4 in  
25 advance of each state dollar provided.

26 (2) The organization coordinates services with new or  
27 existing public programs and services provided by or funded by  
28 appropriate state agencies in an effort to avoid inappropriate  
29 duplication of services and ensure access to care to the  
30 extent as is reasonably possible. The organization shall work  
31 with the Iowa department of public health, family and  
32 community health division, to ensure duplication is minimized.

33 (3) The organization's governing board includes in its  
34 membership representatives from the executive and legislative  
35 branches of state government.

1 (4) Grant funds are available as needed to provide  
2 services and shall not be used for administrative costs of the  
3 department or the grantee.

4 h. For the Iowa healthy family program under section  
5 135.106:

6 ..... \$ 1,065,000

7 The moneys appropriated in this lettered paragraph shall be  
8 granted pursuant to 1992 Iowa Acts, Second Extraordinary  
9 Session, chapter 1001, section 415, except that the grants  
10 shall be extended through September 30, 1997. Notwithstanding  
11 the provisions of 1992 Iowa Acts, Second Extraordinary  
12 Session, chapter 1001, section 416, the use of mid-level  
13 practitioners to improve access to prenatal care shall include  
14 obstetrical-gynecological nurse practitioners and family nurse  
15 practitioners focusing on maternal and child health. The  
16 department is encouraged to expand funding eligibility under  
17 the program to private physician and clinic-sponsored programs  
18 servicing low-income populations. The administrative entities  
19 of the Iowa healthy family program shall work collaboratively  
20 to assure continuity of the provision of services from the  
21 prenatal to the preschool period to an individual client by  
22 having a single resource mother work with that client. The  
23 department shall submit an annual report to the general  
24 assembly concerning the efficiency of the healthy family  
25 program and make any recommendations for improvements. Any  
26 funds contracted to agencies under this paragraph which are  
27 projected to be unused at the close of the fiscal year shall  
28 be allowed to be reallocated within the healthy family program  
29 by April 1, 1997.

30 The Iowa department of public health and the department of  
31 human services shall determine if expenses under any portion  
32 of the healthy family program would qualify for payment under  
33 the medical assistance program and if so, shall apply to the  
34 federal government for a medical assistance waiver. The Iowa  
35 department of public health and the department of human

1 services shall evaluate the funding change's potential impact  
2 upon clients of the healthy family program.

3 Of the funds appropriated in this lettered paragraph, a  
4 minimum of \$735,000 shall be used for the healthy  
5 opportunities for parents to experience success program. If  
6 funds are appropriated by the Seventy-sixth General Assembly,  
7 1996 Session, in excess of \$335,000, the excess funds shall be  
8 used by the department to expand the program to counties of  
9 greatest need.

10 i. For primary care provider recruitment and retention  
11 endeavors:

12 ..... \$ 235,000

13 5. STATE BOARD OF DENTAL EXAMINERS

14 For salaries, support, maintenance, miscellaneous purposes,  
15 and for not more than the following full-time equivalent  
16 positions:

17 ..... \$ 309,768

18 ..... FTEs 4.00

19 6. STATE BOARD OF MEDICAL EXAMINERS

20 For salaries, support, maintenance, miscellaneous purposes,  
21 and for not more than the following full-time equivalent  
22 positions:

23 ..... \$ 1,036,156

24 ..... FTEs 18.00

25 7. STATE BOARD OF NURSING EXAMINERS

26 For salaries, support, maintenance, miscellaneous purposes,  
27 and for not more than the following full-time equivalent  
28 positions:

29 ..... \$ 981,403

30 ..... FTEs 18.00

31 8. STATE BOARD OF PHARMACY EXAMINERS

32 For salaries, support, maintenance, miscellaneous purposes,  
33 and for not more than the following full-time equivalent  
34 positions:

35 ..... \$ 680,138

1 ..... FTEs 11.00

2 9. The state board of medical examiners, the state board  
3 of pharmacy examiners, the state board of dental examiners,  
4 and the state board of nursing examiners shall prepare  
5 estimates of projected receipts to be generated by the  
6 licensing, certification, and examination fees of each board  
7 as well as a projection of the fairly apportioned  
8 administrative costs and rental expenses attributable to each  
9 board. Each board shall annually review and adjust its  
10 schedule of fees so that, as nearly as possible, projected  
11 receipts equal projected costs.

12 10. The state board of medical examiners, the state board  
13 of pharmacy examiners, the state board of dental examiners,  
14 and the state board of nursing examiners shall retain their  
15 individual executive officers, but are strongly encouraged to  
16 share administrative, clerical, and investigative staffs to  
17 the greatest extent possible.

18 11. A local health care provider or nonprofit health care  
19 organization seeking grant moneys administered by the Iowa  
20 department of public health shall provide documentation that  
21 the provider or organization has coordinated its services with  
22 other local entities providing similar services.

23 12. Consolidation of state funding sources for public  
24 health nursing, home care aid, and the senior health program  
25 into a single contract for each county shall be available for  
26 implementation beginning July 1, 1996. It is the department's  
27 goal to add federal funding for health promotion as federal  
28 funds become available. The department shall implement  
29 statewide a single source contract on July 1, 1997, for each  
30 county. The department may include other state and federal  
31 funding sources with the understanding that local, city, or  
32 county funds not be supplanted.

33 Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is appropriated  
34 from the general fund of the state to the department of human  
35 rights for the fiscal year beginning July 1, 1996, and ending

1 June 30, 1997, the following amounts, or so much thereof as is  
2 necessary, to be used for the purposes designated:

3 1. CENTRAL ADMINISTRATION DIVISION

4 For salaries, support, maintenance, miscellaneous purposes,  
5 and for not more than the following full-time equivalent  
6 positions:

7 .....	\$	186,522
8 .....	FTEs	6.60

9 2. COMMUNITY ACTION AGENCIES DIVISION

10 For the expenses of the community action agencies  
11 commission:

12 .....	\$	3,366
----------	----	-------

13 3. DEAF SERVICES DIVISION

14 For salaries, support, maintenance, miscellaneous purposes,  
15 and for not more than the following full-time equivalent  
16 positions:

17 .....	\$	256,167
18 .....	FTEs	7.00

19 The fees collected by the division for provision of  
20 interpretation services by the division to obligated agencies  
21 shall be disbursed pursuant to the provisions of section 8.32,  
22 and shall be dedicated and used by the division for continued  
23 and expanded interpretation services.

24 4. PERSONS WITH DISABILITIES DIVISION

25 For salaries, support, maintenance, miscellaneous purposes,  
26 and for not more than the following full-time equivalent  
27 positions:

28 .....	\$	97,765
29 .....	FTEs	2.00

30 5. LATINO AFFAIRS DIVISION

31 For salaries, support, maintenance, miscellaneous purposes,  
32 and for not more than the following full-time equivalent  
33 positions:

34 .....	\$	142,442
35 .....	FTEs	3.00

1 6. STATUS OF WOMEN DIVISION

2 For salaries, support, maintenance, miscellaneous purposes,  
3 and for not more than the following full-time equivalent  
4 positions:

5 .....	\$	323,879
6 .....	FTEs	3.00

7 a. Of the funds appropriated in this subsection, at least  
8 \$125,775 shall be spent for the displaced homemaker program.

9 b. Of the funds appropriated in this subsection, at least  
10 \$42,570 shall be spent for domestic violence and sexual  
11 assault-related grants.

12 c. If the general assembly does not enact a statute  
13 establishing a workforce development department, then moneys  
14 appropriated in this subsection shall be spent as directed in  
15 law by the general assembly for the mentoring project for  
16 family investment program participants developed in accordance  
17 with section 239.22.

18 7. STATUS OF AFRICAN-AMERICANS DIVISION

19 For salaries, support, maintenance, miscellaneous purposes,  
20 and for not more than the following full-time equivalent  
21 positions:

22 .....	\$	105,390
23 .....	FTEs	2.00

24 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

25 For salaries, support, maintenance, miscellaneous purposes,  
26 and for not more than the following full-time equivalent  
27 positions:

28 .....	\$	478,235
29 .....	FTEs	10.05

30 a. The criminal and juvenile justice planning advisory  
31 council and the juvenile justice advisory council shall  
32 coordinate their efforts in carrying out their respective  
33 duties relative to juvenile justice.

34 b. Of the funds appropriated in this subsection, at least  
35 \$36,300 shall be spent for expenses relating to the

1 administration of federal funds for juvenile assistance. It  
2 is the intent of the general assembly that the department of  
3 human rights employ sufficient staff to meet the federal  
4 funding match requirements established by the federal office  
5 for juvenile justice delinquency prevention. The governor's  
6 advisory council on juvenile justice shall determine the  
7 staffing level necessary to carry out federal and state  
8 mandates for juvenile justice.

9 9. COMMUNITY GRANT FUND

10 For the community grant fund established under section  
11 232.190 for new grants and the continuation of existing grants  
12 for the fiscal year beginning July 1, 1996, and ending June  
13 30, 1997, to be used for the purposes of the community grant  
14 fund and for not more than the following full-time equivalent  
15 positions:

16 .....	\$	1,800,000
17 .....	FTEs	1.43

18 10. SHARED STAFF. Except for the persons with  
19 disabilities division which shall be administered by the  
20 director of the department of human rights, the divisions of  
21 the department of human rights shall retain their individual  
22 administrators, but shall share staff to the greatest extent  
23 possible.

24 Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is  
25 appropriated from the general fund of the state to the  
26 commission of veterans affairs for the fiscal year beginning  
27 July 1, 1996, and ending June 30, 1997, the following amounts,  
28 or so much thereof as is necessary, to be used for the  
29 purposes designated:

30 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

31 For salaries, support, maintenance, and miscellaneous  
32 purposes, and for not more than the following full-time  
33 equivalent positions:

34 .....	\$	289,510
35 .....	FTEs	5.00

1 The commission of veterans affairs may use the gifts  
2 accepted by the chairperson of the commission of veterans  
3 affairs, or designee, and other resources available to the  
4 commission for use at its Camp Dodge office. The commission  
5 shall report annually to the governor and the general assembly  
6 on monetary gifts received by the commission for the Camp  
7 Dodge office.

8 2. WAR ORPHANS

9 For the war orphans educational aid fund established  
10 pursuant to chapter 35:

11 ..... \$ 4,800

12 3. IOWA VETERANS HOME

13 For salaries, support, maintenance, and miscellaneous  
14 purposes and for not more than the following full-time  
15 equivalent positions:

16 ..... \$ 38,900,388

17 ..... FTEs 800.82

18 a. The Iowa veterans home may use the gifts accepted by  
19 the chairperson of the commission of veterans affairs and  
20 other resources available to the commission for use at the  
21 Iowa veterans home.

22 b. If medical assistance revenues are expanded at the Iowa  
23 veterans home, and this expansion results in medical  
24 assistance reimbursements which exceed the amount budgeted for  
25 that purpose in the fiscal year beginning July 1, 1996, and  
26 ending June 30, 1997, the Iowa veterans home may expend the  
27 excess amounts to exceed the number of full-time equivalent  
28 positions authorized in this section for the purpose of  
29 meeting related certification requirements or to provide  
30 additional beds. The expenditure of additional funds  
31 received, as outlined in this paragraph, is subject to the  
32 approval by the department of management.

33 Sec. 8. SUBSTANCE ABUSE GRANTS -- FISCAL YEAR 1996. There  
34 is appropriated from the gamblers assistance fund to the Iowa  
35 department of public health for the fiscal year beginning July



1 1, 1995, and ending June 30, 1996, the balance of the fund  
2 which remains unencumbered or unobligated at the close of the  
3 fiscal year, up to \$400,000, to be used for substance abuse  
4 program grants. Notwithstanding section 8.33, moneys  
5 appropriated in this section shall not revert to the gamblers  
6 assistance fund but shall remain available to be used for the  
7 purpose designated in the fiscal year beginning July 1, 1996.

8 Sec. 9. DIRECT PURCHASE INCENTIVE.

9 1. If a department is able to demonstrate a 10 percent  
10 savings resulting from a direct purchase of equipment which is  
11 otherwise required to be purchased pursuant to a state  
12 contract, the department, after consultation with the  
13 department of general services, is authorized to make the  
14 direct purchase, notwithstanding section 18.6. To provide an  
15 incentive to encourage departments to consider direct  
16 purchasing, 50 percent of the savings realized from the direct  
17 purchase may be retained by a department, and the remaining 50  
18 percent shall be deposited into the general fund of the state.  
19 The department of management shall monitor the savings for a  
20 one-year period beginning on July 1, 1996, and submit a report  
21 at the conclusion of the one-year period to the health and  
22 human rights appropriations subcommittee.

23 2. The provisions of this section shall apply to purchases  
24 made with moneys appropriated in sections 1 through 7 of this  
25 Act.

26 Sec. 10. Section 22.7, Code Supplement 1995, is amended by  
27 adding the following new subsection:

28 NEW SUBSECTION. 33. Records of the Iowa department of  
29 public health pertaining to participants in the gamblers  
30 treatment program except as otherwise provided in this  
31 chapter.

32 Sec. 11. Section 99D.7, subsection 21, Code Supplement  
33 1995, is amended to read as follows:

34 21. To cooperate with the gamblers assistance treatment  
35 program administered by the department-of-human-services Iowa

1 department of public health to incorporate information  
2 regarding the gamblers assistance treatment program and its  
3 toll-free telephone number in printed materials distributed by  
4 the commission. The commission may require licensees to have  
5 the information available in a conspicuous place as a  
6 condition of licensure.

7 Sec. 12. Section 99E.9, subsection 8, Code Supplement  
8 1995, is amended to read as follows:

9 8. The Iowa lottery board shall cooperate with the  
10 gamblers assistance treatment program administered by the  
11 ~~department-of-human-services~~ Iowa department of public health  
12 to incorporate information regarding the gamblers assistance  
13 treatment program and its toll-free telephone number in  
14 printed materials distributed by the board.

15 Sec. 13. Section 99E.10, subsection 1, paragraph a, Code  
16 1995, is amended to read as follows:

17 a. An amount equal to three-tenths of one percent of the  
18 gross lottery revenue shall be deposited in a gamblers  
19 assistance treatment fund in the office of the treasurer of  
20 state. The director of ~~human-services~~ the Iowa department of  
21 public health shall administer the fund and shall provide that  
22 receipts are allocated on a monthly basis to fund  
23 administrative costs and to provide programs which may  
24 include, but are not limited to, outpatient and follow-up  
25 treatment for persons affected by problem gambling,  
26 rehabilitation and residential treatment programs, information  
27 and referral services, and education and preventive services.

28 Sec. 14. Section 99E.10, subsection 1, paragraph a, Code  
29 1995, is amended by adding the following new unnumbered  
30 paragraph:

31 NEW UNNUMBERED PARAGRAPH. Of the moneys remaining in the  
32 gamblers treatment fund at the close of the fiscal year which  
33 otherwise would remain unexpended or unobligated for the  
34 purposes designated in this paragraph "a", up to four hundred  
35 thousand dollars shall be used by the Iowa department of

1 public health for substance abuse program grants.

2 Sec. 15. Section 135.1, subsection 4, Code Supplement  
3 1995, is amended to read as follows:

4 4. "Physician" means a person licensed to practice  
5 medicine and surgery, osteopathic medicine and surgery,  
6 osteopathy, chiropractic, ~~or~~ podiatry, or optometry under the  
7 laws of this state; but a person licensed as a physician and  
8 surgeon shall be designated as a "physician" or "surgeon", a  
9 person licensed as an osteopathic physician and surgeon shall  
10 be designated as an "osteopathic physician" or "osteopathic  
11 surgeon", a person licensed as an osteopath shall be  
12 designated as an "osteopathic physician", a person licensed as  
13 a chiropractor shall be designated as a "chiropractor", and a  
14 person licensed as a podiatrist shall be designated as a  
15 "podiatric physician", and a person licensed as an optometrist  
16 shall be designated as an "optometrist".

17 Sec. 16. Section 232.190, subsection 1, Code 1995, is  
18 amended to read as follows:

19 1. A community grant fund is established in the state  
20 treasury under the control of the division of criminal and  
21 juvenile justice planning of the department of human rights  
22 for the purposes of awarding grants under this section. The  
23 criminal and juvenile justice planning advisory council and  
24 the juvenile justice advisory council shall assist the  
25 division in administering grants awarded under this section.  
26 The department of human services shall advise the division on  
27 programs which meet the criteria established for grant  
28 recipients. Not more than one five percent of the moneys  
29 appropriated to the fund shall be used for administrative  
30 purposes.

31 Sec. 17. INTERPRETIVE SERVICES STUDY. The legislative  
32 council is requested to establish an interim committee to  
33 evaluate the access to and quality of interpretive services  
34 provided for the deaf and hard-of-hearing population.

35 Sec. 18. EFFECTIVE DATE. Section 8 of this Act, being

1 deemed of immediate importance, takes effect upon enactment.

2

EXPLANATION

3 This bill makes appropriations to the department for the  
4 blind, the Iowa state civil rights commission, the department  
5 of elder affairs, the governor's alliance on substance abuse,  
6 the Iowa department of public health, the department of human  
7 rights, and the commission of veterans affairs.

8 The bill provides for a direct purchase incentive for the  
9 departments receiving an appropriation in the bill which are  
10 able to demonstrate a 10 percent savings by a direct purchase  
11 of equipment, as opposed to by state contract. The bill also  
12 provides for administration of the gamblers treatment program  
13 through the Iowa department of public health, instead of the  
14 department of human services. The bill additionally adds the  
15 terms "optometry" and "optometrist" to the definitions used in  
16 section 135.1. Further, section 232.190 is amended to permit  
17 up to 5 percent of moneys in the community grant fund to be  
18 used for administrative costs instead of the current 1  
19 percent.

20 In addition, the bill appropriates up to \$400,000 from the  
21 gamblers assistance fund which remains unencumbered or  
22 unobligated at the close of fiscal year 1995-1996 to the Iowa  
23 department of public health, and for each fiscal year  
24 thereafter to be used for substance abuse program grants. The  
25 bill provides an immediate effective date for fiscal year  
26 1995-1996 substance abuse grants.

27 The bill requests the legislative council to establish an  
28 interim committee to evaluate the access to and quality of  
29 interpretive services provided for the deaf and hard-of-  
30 hearing population.

31

32

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35

SENATE FILE 2448

S-5355

1 Amend Senate File 2448 as follows:

2 1. By striking page 23, line 33, through page 24,  
3 line 7, and inserting the following:

4 "Sec. \_\_\_\_ . COMMUNITY GRANT FUND AND SUBSTANCE  
5 ABUSE GRANTS -- FISCAL YEAR 1996. There is  
6 appropriated from the unobligated and unencumbered  
7 balance of the gamblers assistance fund for the fiscal  
8 year beginning July 1, 1995, and ending June 30, 1996,  
9 the following amounts to be used for the purposes  
10 designated:

11 1. COMMUNITY GRANT FUND

12 To the community grant fund established under  
13 section 232.190, to be allocated by the division of  
14 criminal and juvenile justice planning of the  
15 department of human rights for a grant to an urban  
16 facility whose primary function is to provide shelter  
17 services for runaways ages 11 through 17:

18 ..... \$ 200,000

19 2. SUBSTANCE ABUSE GRANTS

20 To the Iowa department of public health for  
21 substance abuse program grants administered by the  
22 department:

23 ..... \$ 400,000

24 The appropriations made in this section shall be in  
25 descending priority order and if the unobligated and  
26 unencumbered balance of the fund is insufficient for  
27 both appropriations, the appropriation in subsection 2  
28 shall be reduced accordingly.

29 Notwithstanding section 8.33, moneys appropriated  
30 in this section shall not revert to the gamblers  
31 assistance fund but shall remain available to be used  
32 for the purpose designated in the fiscal year  
33 beginning July 1, 1996."

By TOM FLYNN  
TONY BISIGNANO

S-5355 FILED MARCH 14, 1996

ADOPTED (P.808)

SENATE FILE 2448

S-5357

1 Amend Senate File 2448 as follows:

2 1. Page 26, by striking lines 2 through 16.

3 2. By renumbering as necessary.

By MARY NEUHAUSER

S-5357 FILED MARCH 14, 1996

LOST

(P.807)

## SENATE FILE 2448

S-5353

1 Amend Senate File 2448 as follows:

2 1. Page 26, by inserting after line 30 the  
3 following:

4 "Sec. \_\_\_\_ . 1993 Iowa Acts, chapter 55, section 1,  
5 subsection 3, is amended to read as follows:

6 3. The project shall be completed on or before  
7 June 30, 1997, and existing vital records shall be  
8 converted to the electronic system by that date.

9 Moneys appropriated pursuant to this section which  
10 remain unexpended unencumbered on June 30, 1997, shall  
11 revert to the general fund of the state. The  
12 remaining encumbered moneys which remain unexpended on  
13 June 30, 1998, shall revert to the general fund of the  
14 state. For the fiscal year beginning July 1, 1997,  
15 and succeeding fiscal years, the provisions of section  
16 144.46, requiring the vital records fee to be set by  
17 rule based on the average administrative costs, shall  
18 apply."

19 2. By renumbering as necessary.

By TOM FLYNN

S-5353 FILED MARCH 14, 1996

ADOPTED

(p.808)

## SENATE FILE 2448

S-5341

1 Amend Senate File 2448 as follows:

2 1. Page 26, line 16, by inserting after the word  
3 "optometrist." the following: "A definition or  
4 designation contained in this subsection shall not be  
5 interpreted to expand the scope of practice of such  
6 licensees."

By TOM FLYNN

S-5341 FILED MARCH 13, 1996

*Adopted*

*3-14-96*

*(p.807)*

H. 3/15/96 Approp.  
 H. 3/5/96 Amend/Do Pass  
 (P. 7608) H. 4/12/96 Motion to R/c by  
 W/H-5541  
 H. 5/1/96 Motion to R/c Withdrawn  
 Siegrist

SENATE FILE **2448**

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2342)

(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1996)

                     - New Language by the Senate

Passed Senate, Date <sup>(P. 1286)</sup> 4-9-96 Passed House, Date <sup>(P. 1274)</sup> 4-1-96  
 Vote: Ayes 50 Nays 0 Vote: Ayes 60 Nays 36

Approved 5/28/96  
*[Signature]*

Passed 4-11-96  
 Vote 76-19 (P. 1593)

A BILL FOR

1 An Act relating to and making appropriations to the department  
 2 for the blind, the Iowa state civil rights commission, the  
 3 department of elder affairs, the governor's alliance on  
 4 substance abuse, the Iowa department of public health, the  
 5 department of human rights, and the commission of veterans  
 6 affairs, and providing an immediate effective date.

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

8 Senate Conf. Comm.  
 9  
 10 (P. 1230) Flynn, Chair  
 11 Nearden  
 12 Diannetto  
 13 Bensink  
 14 Boettger

House Conf. Comm. (P. 1380)  
 Kremer, Chair  
 Thomson  
 Breakhorst  
 Mendie  
 Weigel

S.F. 2448

21

1 Section 1. DEPARTMENT FOR THE BLIND. There is  
2 appropriated from the general fund of the state to the  
3 department for the blind for the fiscal year beginning July 1,  
4 1996, and ending June 30, 1997, the following amount, or so  
5 much thereof as is necessary, to be used for the purpose  
6 designated:

7 For salaries, support, maintenance, miscellaneous purposes,  
8 and for not more than the following full-time equivalent  
9 positions:

10 ..... \$ 1,475,737  
11 ..... FTEs 95.00

12 Sec. 2. CIVIL RIGHTS COMMISSION. There is appropriated  
13 from the general fund of the state to the Iowa state civil  
14 rights commission for the fiscal year beginning July 1, 1996,  
15 and ending June 30, 1997, the following amount, or so much  
16 thereof as is necessary, to be used for the purpose  
17 designated:

18 For salaries, support, maintenance, miscellaneous purposes,  
19 and for not more than the following full-time equivalent  
20 positions:

21 ..... \$ 1,141,692  
22 ..... FTEs 36.00

23 If the anticipated amount of federal funding from the  
24 federal equal employment opportunity commission and the  
25 federal department of housing and urban development exceeds  
26 \$467,900 during the fiscal year beginning July 1, 1996, and  
27 ending June 30, 1997, the Iowa state civil rights commission  
28 may exceed the staffing level authorized by this section as  
29 necessary to hire additional staff to process or to support  
30 the processing of employment and housing complaints.

31 Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is  
32 appropriated from the general fund of the state to the  
33 department of elder affairs for the fiscal year beginning July  
34 1, 1996, and ending June 30, 1997, the following amounts, or  
35 so much thereof as is necessary, to be used for the purposes



1 designated:

2 1. For salaries, support, maintenance, miscellaneous  
3 purposes, and for not more than the following full-time  
4 equivalent positions:

5 .....	\$	450,918
6 .....	FTEs	28.00

7 2. For aging programs and services:

8 ..... \$ 3,076,528

9 All funds appropriated in this subsection shall be received  
10 and disbursed by the director of elder affairs for aging  
11 programs and services, shall not be used by the department for  
12 administrative purposes, not more than \$151,654 shall be used  
13 for area agencies on aging administrative purposes, and shall  
14 be used for citizens of Iowa over 60 years of age for case  
15 management for the frail elderly, mental health outreach,  
16 Alzheimer's support, retired senior volunteer program, care  
17 review committee coordination, employment, adult day care,  
18 respite care, chore services, telephone reassurance,  
19 information and assistance, and home repair services,  
20 including the winterizing of homes, and for the construction  
21 of entrance ramps which make residences accessible to the  
22 physically handicapped. Funds appropriated in this subsection  
23 may be used to supplement federal funds under federal  
24 regulations. To receive funds appropriated in this  
25 subsection, a local area agency on aging shall match the funds  
26 with funds from other sources in accordance with rules adopted  
27 by the department. Funds appropriated in this subsection may  
28 be used for elderly services not specifically enumerated in  
29 this subsection only if approved by an area agency on aging  
30 for provision of the service within the area.

31 The department shall maintain policies and procedures  
32 regarding Alzheimer's support and the retired senior volunteer  
33 program.

34 Sec. 4. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE. There is  
35 appropriated from the general fund of the state to the

1 governor's alliance on substance abuse for the fiscal year  
2 beginning July 1, 1996, and ending June 30, 1997, the  
3 following amounts, or so much thereof as is necessary, to be  
4 used for the purposes designated:

5 1. For salaries, support, maintenance, miscellaneous  
6 purposes, and for not more than the following full-time  
7 equivalent positions:

8 ..... \$ 304,333  
9 ..... FTEs 10.00

10 2. For the Iowa substance abuse clearinghouse in Cedar  
11 Rapids for staff, materials, and operating expenses:

12 ..... \$ 29,552

13 Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is  
14 appropriated from the general fund of the state to the Iowa  
15 department of public health for the fiscal year beginning July  
16 1, 1996, and ending June 30, 1997, the following amounts, or  
17 so much thereof as is necessary, to be used for the purposes  
18 designated:

19 1. a. PLANNING AND ADMINISTRATION DIVISION

20 For salaries, support, maintenance, miscellaneous purposes,  
21 and for not more than the following full-time equivalent  
22 positions:

23 ..... \$ 2,200,738  
24 ..... FTEs 61.15

25 (1) Of the funds appropriated in this lettered paragraph,  
26 \$738,182 shall be used for the chronic renal disease program.  
27 The types of assistance available to eligible recipients under  
28 the program may include insurance premiums, travel  
29 reimbursement, and prescription and nonprescription drugs.  
30 The program expenditures shall not exceed this allocation. If  
31 projected expenditures would exceed the allocation, the  
32 department shall establish by administrative rule a mechanism  
33 to reduce financial assistance under the renal disease program  
34 in order to keep expenditures within the amount allocated in  
35 this paragraph.

1 (2) Hospitals shall not collect fees for birth  
2 certificates in excess of the fees as set out in the  
3 administrative rules of the Iowa department of public health.

4 (3) Of the funds appropriated in this lettered paragraph,  
5 \$117,027 shall be used to provide regulatory oversight of  
6 accountable health plans.

7 (4) Of the funds appropriated in this lettered paragraph,  
8 \$50,000 shall be used for the purchase, verification,  
9 updating, and storage of health data information.

10 The department shall compile, correlate, and disseminate  
11 data from health care providers, the state medical assistance  
12 program, third-party payors, associations, and other  
13 appropriate sources in furtherance of the purpose and intent  
14 of this appropriation.

15 The department shall request and receive information from  
16 other state agencies similar to that required of third-party  
17 payors for the purpose of dissemination of health data. The  
18 department may enter into agreements for studies on health-  
19 related questions and provide or make data available to health  
20 care providers, health care subscribers, third-party payors  
21 and the general public. The department may purchase data for  
22 the purpose of dissemination of health data information. The  
23 department shall assure the confidentiality of the data col-  
24 lected from other state agencies, hospitals, and third-party  
25 payors under chapter 22. The compilation of data information  
26 prepared for release or dissemination from the data collected  
27 shall be a public record. The department shall adopt adminis-  
28 trative rules to address a contracting process, define confi-  
29 dential information, set fees to be charged for data, and  
30 prescribe the forms upon which the information is to be made  
31 available.

32 b. PROFESSIONAL LICENSURE

33 For salaries, support, maintenance, miscellaneous purposes,  
34 and for not more than the following full-time equivalent  
35 positions:

1 ..... \$ 997,900  
2 ..... FTEs 12.00

3 The director of public health, when estimating expenditure  
4 requirements for the boards funded under this paragraph, shall  
5 base the budget on 85 percent of the average annual fees  
6 generated for the previous two fiscal years. The department  
7 shall confer with the boards funded under this paragraph in  
8 estimating the boards' annual fee generation and  
9 administrative costs. When the department develops each  
10 board's annual budget, a board's budget shall not exceed 85  
11 percent of fees collected, based on the average of the  
12 previous two fiscal years. The department may expend funds in  
13 addition to amounts budgeted, if those additional expenditures  
14 are directly the result of unanticipated litigation costs  
15 arising from the discharge of the board's regulatory duties.  
16 Before the department expends or encumbers an amount in excess  
17 of the funds budgeted for a board, the director of the  
18 department of management shall approve the expenditure or  
19 encumbrance. The amounts necessary to fund the unanticipated  
20 litigation in the fiscal year beginning July 1, 1996, shall  
21 not exceed 5 percent of the average annual fees generated by  
22 the board for the previous two fiscal years.

23 c. EMERGENCY MEDICAL SERVICES

24 For salaries, support, maintenance, and emergency medical  
25 services training of emergency medical services (EMS)  
26 personnel at the state, county, and local levels and for not  
27 more than the following full-time equivalent positions:

28 ..... \$ 1,022,360  
29 ..... FTEs 12.00

30 If a person in the course of responding to an emergency  
31 renders aid to an injured person and becomes exposed to bodily  
32 fluids of the injured person, that emergency responder shall  
33 be entitled to hepatitis testing and immunization in  
34 accordance with the latest available medical technology to  
35 determine if infection with hepatitis has occurred. The

1 person shall be entitled to reimbursement from the EMS funds  
2 available under this lettered paragraph only if the  
3 reimbursement is not available through any employer or third-  
4 party payor.

5 2. HEALTH PROTECTION DIVISION

6 a. For salaries, support, maintenance, miscellaneous  
7 purposes, and for not more than the following full-time  
8 equivalent positions:

9 .....	\$	2,167,154
10 .....	FTEs	76.00

11 b. Of the funds appropriated in this subsection, \$75,000  
12 shall be used for chlamydia testing.

13 c. Of the funds appropriated in this subsection, \$39,547  
14 shall be used for the lead abatement program.

15 d. The state university of Iowa hospitals and clinics  
16 shall not receive indirect costs from the funds appropriated  
17 in this subsection.

18 3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

19 a. For salaries, support, maintenance, miscellaneous  
20 purposes, and for not more than the following full-time  
21 equivalent positions:

22 .....	\$	633,306
23 .....	FTEs	47.35

24 (1) The division shall continue to coordinate with  
25 substance abuse treatment and prevention providers regardless  
26 of funding source to assure the delivery of substance abuse  
27 treatment and prevention programs.

28 (2) The commission on substance abuse, in conjunction with  
29 the division, shall continue to coordinate the delivery of  
30 substance abuse services involving prevention, social and  
31 medical detoxification, and other treatment by medical and  
32 nonmedical providers to uninsured and court-ordered substance  
33 abuse patients in all counties of the state.

34 b. Of the funds appropriated in this subsection, \$15,000  
35 is allocated to support the surveillance and reporting of

1 disabilities suffered by persons engaged in agriculture  
2 resulting from diseases or injuries, including identifying the  
3 amount and severity of agriculture-related injuries and  
4 diseases in the state, identifying causal factors associated  
5 with agriculture-related injuries and diseases, and evaluating  
6 the effectiveness of intervention programs designed to reduce  
7 injuries and diseases. The department shall cooperate with  
8 the department of agriculture and land stewardship, Iowa state  
9 university of science and technology, and the college of  
10 medicine at the state university of Iowa in accomplishing  
11 these duties.

12 c. For program grants:

13 ..... \$ 7,990,159

14 (1) Of the funds appropriated in this lettered paragraph,  
15 \$193,500 shall be used for the provision of aftercare services  
16 for persons completing substance abuse treatment.

17 (2) Of the funds appropriated in this lettered paragraph,  
18 a minimum of \$950,000 shall be used by the Iowa department of  
19 public health to continue the integrated substance abuse  
20 managed care system.

21 4. FAMILY AND COMMUNITY HEALTH DIVISION

22 a. For salaries, support, maintenance, miscellaneous  
23 purposes, and for not more than the following full-time  
24 equivalent positions:

25 ..... \$ 3,415,041

26 ..... FTEs 71.00

27 (1) Of the funds appropriated in this lettered paragraph,  
28 at least \$587,865 shall be allocated by the division for the  
29 birth defects and genetics counseling program and of these  
30 funds, \$279,402 is allocated for regional genetic counseling  
31 services contracted from the state university of Iowa  
32 hospitals and clinics under the control of the state board of  
33 regents.

34 (2) Of the funds appropriated in this lettered paragraph,  
35 the following amounts are allocated to the state university of

1 Iowa hospitals and clinics under the control of the state  
2 board of regents for the following programs under the Iowa  
3 specialized child health care services:

4 (a) Mobile and regional child health specialty clinics:

5 ..... \$ 392,931

6 The regional clinic located in Sioux City shall maintain a  
7 social worker component to assist the families of children  
8 participating in the clinic program.

9 Of the funds allocated in this subparagraph, \$97,937 shall  
10 be used for a specialized medical home care program providing  
11 care planning and coordination of community support services  
12 for children who require technical medical care in the home.

13 (b) Muscular dystrophy and related genetic disease  
14 programs:

15 ..... \$ 115,613

16 (c) Statewide perinatal program:

17 ..... \$ 61,693

18 (3) The birth defects and genetic counseling service shall  
19 apply a sliding fee scale to determine the amount a person  
20 receiving the services is required to pay for the services.  
21 These fees shall be considered repayment receipts and used for  
22 the program.

23 (4) The state university of Iowa hospitals and clinics  
24 shall not receive indirect costs from the funds allocated in  
25 this lettered paragraph.

26 (5) Of the funds appropriated in this lettered paragraph,  
27 \$1,001,209 shall be used for maternal and child health  
28 services.

29 (6) If during the 1996-1997 fiscal year, the federal  
30 government incorporates the special supplemental nutrition  
31 program for women, infants, and children into a block grant,  
32 the department of human services, Iowa department of public  
33 health, or any other state agency which administers the block  
34 grant shall require a competitive bid process for infant  
35 formula purchased by or for families under the block grant.

1 (7) The Iowa department of public health shall administer  
2 the statewide maternal and child health program, conduct  
3 mobile and regional child health specialty clinics, and  
4 conduct other activities to improve the health of low-income  
5 women and children and to promote the welfare of children with  
6 actual or potential handicapping conditions and chronic  
7 illnesses in accordance with the requirements of Title V of  
8 the federal Social Security Act.

9 (8) The department shall continue efforts to realize the  
10 "Healthy Iowans 2000" goal of promoting prevention and health  
11 promotion to improve the quality of life of Iowans and to hold  
12 down health care costs and shall submit an annual "Healthy  
13 Iowans 2000" progress report to the general assembly on  
14 January 1 of each fiscal year.

15 (9) Of the funds appropriated in this lettered paragraph,  
16 \$165,391 is allocated for the office of rural health to  
17 provide technical assistance to rural areas in the area of  
18 health care delivery.

19 (10) Of the funds appropriated in this lettered paragraph,  
20 \$182,028 shall be used to develop, implement, and maintain  
21 rural health provider recruitment and retention efforts.

22 b. Sudden infant death syndrome autopsies:

23 For reimbursing counties for expenses resulting from  
24 autopsies of suspected victims of sudden infant death syndrome  
25 required under section 331.802, subsection 3, paragraph "j":  
26 ..... \$ 9,675

27 c. For grants to local boards of health for the public  
28 health nursing program:

29 ..... \$ 2,511,871

30 (1) Funds appropriated in this lettered paragraph shall be  
31 used to maintain and expand the existing public health nursing  
32 program for elderly and low-income persons with the objective  
33 of preventing or reducing inappropriate institutionalization.  
34 The funds shall not be used for any other purpose. As used in  
35 this lettered paragraph, "elderly person" means a person who



1 is 60 years of age or older and "low-income person" means a  
2 person whose income and resources are below the guidelines  
3 established by the department.

4 (2) One-fourth of the total amount to be allocated shall  
5 be divided so that an equal amount is available for use in  
6 each county in the state. Three-fourths of the total amount  
7 to be allocated shall be divided so that the share available  
8 for use in each county is proportionate to the number of  
9 elderly and low-income persons living in that county in  
10 relation to the total number of elderly and low-income persons  
11 living in the state.

12 (3) In order to receive allocations under this lettered  
13 paragraph, the local board of health having jurisdiction shall  
14 prepare a proposal for the use of the allocated funds  
15 available for that jurisdiction that will provide the maximum  
16 benefits of expanded public health nursing care to elderly and  
17 low-income persons in the jurisdiction. After approval of the  
18 proposal by the department, the department shall enter into a  
19 contract with the local board of health. The local board of  
20 health shall subcontract with a nonprofit nurses' association,  
21 an independent nonprofit agency, or a suitable local  
22 governmental body to use the allocated funds to provide public  
23 health nursing care. Local boards of health shall make an  
24 effort to prevent duplication of services.

25 (4) If by July 30 of the fiscal year, the department is  
26 unable to conclude contracts for use of the allocated funds in  
27 a county, the department shall consider the unused funds  
28 appropriated under this lettered paragraph an unallocated  
29 pool. If the unallocated pool is \$50,000 or more it shall be  
30 reallocated to the counties in substantially the same manner  
31 as the original allocations. The reallocated funds are  
32 available for use in those counties during the period  
33 beginning January 1 and ending June 30 of the fiscal year. If  
34 the unallocated pool is less than \$50,000, the department may  
35 allocate the pool to counties with demonstrated special needs

1 for public health nursing.

2 (5) The department shall maintain rules governing the  
3 expenditure of funds appropriated in this lettered paragraph.  
4 The rules shall require each local agency receiving funds to  
5 establish and use a sliding fee scale for those persons able  
6 to pay for all or a portion of the cost of the care.

7 (6) The department shall annually evaluate the success of  
8 the public health nursing program. The evaluation shall  
9 include the extent to which the program reduced or prevented  
10 inappropriate institutionalization, the extent to which the  
11 program increased the availability of public health nursing  
12 care to elderly and low-income persons, and the extent of  
13 public health nursing care provided to elderly and low-income  
14 persons. The department shall submit a report of each annual  
15 evaluation to the governor and the general assembly.

16 d. For grants to county boards of supervisors for the home  
17 care aide program:

18 ..... \$ 8,586,716

19 Funds appropriated in this lettered paragraph shall be used  
20 to provide home care aide services with emphasis on services  
21 to elderly and persons below the poverty level and children  
22 and adults in need of protective services with the objective  
23 of preventing or reducing inappropriate institutionalization.  
24 In addition, up to 15 percent of the funds appropriated in  
25 this lettered paragraph may be used to provide chore services.  
26 The funds shall not be used for any other purposes. In  
27 providing services to elderly persons, the service provider  
28 shall coordinate efforts with the integrated case management  
29 for the frail elderly program of the department of elder  
30 affairs. As used in this lettered paragraph:

31 (1) "Chore services" means services provided to  
32 individuals or families, who, due to incapacity, or illness,  
33 are unable to perform certain home maintenance functions. The  
34 services include but are not limited to yard work such as  
35 mowing lawns, raking leaves, and shoveling walks; window and

1 door maintenance such as hanging screen windows and doors,  
2 replacing windowpanes, and washing windows; and minor repairs  
3 to walls, floors, stairs, railings, and handles. It also  
4 includes heavy house cleaning which includes cleaning attics  
5 or basements to remove fire hazards, moving heavy furniture,  
6 extensive wall washing, floor care or painting, and trash  
7 removal.

8 (2) "Elderly person" means a person who is 60 years of age  
9 or older.

10 (3) "Home care aide services" means services intended to  
11 enhance the capacity of household members to attain or  
12 maintain the independence of the household members and  
13 provided by trained and supervised workers to individuals or  
14 families, who, due to the absence, incapacity, or limitations  
15 of the usual homemaker, are experiencing stress or crisis.  
16 The services include but are not limited to essential  
17 shopping, housekeeping, meal preparation, child care, respite  
18 care, money management and consumer education, family  
19 management, personal services, transportation, and providing  
20 information, assistance, and household management.

21 (4) "Low-income person" means a person whose income and  
22 resources are below the guidelines established by the  
23 department.

24 (5) "Protective services" means those home care aide  
25 services intended to stabilize a child's or an adult's  
26 residential environment and relationships with relatives,  
27 caretakers, and other persons or household members in order to  
28 alleviate a situation involving abuse or neglect or to  
29 otherwise protect the child or adult from a threat of abuse or  
30 neglect.

31 The amount appropriated in this lettered paragraph shall be  
32 allocated for use in the counties of the state. Fifteen  
33 percent of the amount shall be divided so that an equal amount  
34 is available for use in each county in the state. The  
35 following percentages of the remaining amount shall be

1 allocated to each county according to that county's proportion  
2 of residents with the following demographic characteristics:  
3 60 percent according to the number of elderly persons living  
4 in the county, 20 percent according to the number of persons  
5 below the poverty level living in the county, and 20 percent  
6 according to the number of substantiated cases of child abuse  
7 in the county during the three most recent fiscal years for  
8 which data is available.

9 In order to receive allocations in this lettered paragraph,  
10 the county board of supervisors, after consultation with the  
11 local boards of health, human services county cluster boards,  
12 area agency on aging advisory council, local office of the  
13 department of human services, and other in-home health care  
14 provider agencies in the jurisdiction, shall prepare a  
15 proposal for the use of the allocated funds available for that  
16 jurisdiction that will provide the maximum benefits of home  
17 care aide services to elderly and low-income persons and  
18 children and adults in need of protective services in the  
19 jurisdiction. An agency requesting service or financial  
20 information about a current subcontractor shall provide  
21 similar information concerning its own home care aide or chore  
22 services program to the current subcontractor. The proposal  
23 may provide that a maximum of 15 percent of the allocated  
24 funds will be used to provide chore services. The proposal  
25 shall include a statement assuring that children and adults in  
26 need of protective services are given priority for home care  
27 aide services and that the appropriate local agencies have  
28 participated in the planning for the proposal. After approval  
29 of the proposal by the department, the department shall enter  
30 into a contract with the county board of supervisors or a  
31 governmental body designated by the county board of  
32 supervisors. The county board of supervisors or its designee  
33 shall subcontract with a nonprofit nurses' association, an  
34 independent nonprofit agency, the department of human  
35 services, or a suitable local governmental body to use the

1 allocated funds to provide home care aide services and chore  
2 services providing that the subcontract requires any service  
3 provided away from the home to be documented in a report  
4 available for review by the department, and that each home  
5 care aide subcontracting agency shall maintain the direct  
6 service workers' time assigned to direct client service at 70  
7 percent or more of the workers' paid time and that not more  
8 than 35 percent of the total cost of the service be included  
9 in the combined costs for service administration and agency  
10 administration. The subcontract shall require that each home  
11 care aide subcontracting agency shall pay the employer's  
12 contribution of social security and provide workers'  
13 compensation coverage for persons providing direct home care  
14 aide service and meet any other applicable legal requirements  
15 of an employer-employee relationship.

16 If by July 30 of the fiscal year, the department is unable  
17 to conclude contracts for use of the allocated funds in a  
18 county, the department shall consider the unused funds  
19 appropriated in this lettered paragraph an unallocated pool.  
20 The department shall also identify any allocated funds which  
21 the counties do not anticipate spending during the fiscal  
22 year. If the amount of anticipated excess funds to any county  
23 is substantial, the department and the county may agree to  
24 return those excess funds, if the funds are other than program  
25 revenues, to the department, and if returned, the department  
26 shall consider the returned funds a part of the unallocated  
27 pool. The department shall, prior to February 15 of the  
28 fiscal year, reallocate the funds in the unallocated pool  
29 among the counties in which the department has concluded  
30 contracts under this lettered paragraph. The department shall  
31 also review the first 10 months' expenditures for each county  
32 in May of the fiscal year, to determine if any counties  
33 possess contracted funds which they do not anticipate  
34 spending. If such funds are identified and the county agrees  
35 to release the funds, the released funds will be considered a

1 new reallocation pool. The department may, prior to June 1 of  
2 the fiscal year, reallocate funds from this new reallocation  
3 pool to those counties which have experienced a high  
4 utilization of protective service hours for children and  
5 dependent adults.

6 The department shall maintain rules governing the  
7 expenditure of funds appropriated in this lettered paragraph.  
8 The rules shall require each local agency receiving funds to  
9 establish and use a sliding fee scale for those persons able  
10 to pay for all or a portion of the cost of the services and  
11 shall require the payments to be applied to the cost of the  
12 services. The department shall also maintain rules for  
13 standards regarding training, supervision, recordkeeping,  
14 appeals, program evaluation, cost analysis, and financial  
15 audits, and rules specifying reporting requirements.

16 The department shall annually evaluate the success of the  
17 home care aide program. The evaluation shall include a  
18 description of the program and its implementation, the extent  
19 of local participation, the extent to which the program  
20 reduced or prevented inappropriate institutionalization, the  
21 extent to which the program provided or increased the  
22 availability of home care aide services to elderly and low-  
23 income persons and children and adults in need of protective  
24 services, any problems and recommendations concerning the  
25 program, and an analysis of the costs of services across the  
26 state. The department shall submit a report of the annual  
27 evaluation to the governor and the general assembly.

28 e. For the development and maintenance of well-elderly  
29 clinics in the state:

30 ..... \$ 585,337

31 The appropriation in this lettered paragraph shall be  
32 distributed by a formula to well-elderly clinics located in  
33 counties which provide funding on a matching basis for the  
34 well-elderly clinics.

35 f. For the physician care for children program:

1 ..... \$ 411,187

2 The physician services shall be subject to managed care and  
3 selective contracting provisions and shall be used to provide  
4 for the medical treatment of children and shall include  
5 coverage of diagnostic procedures, prescription drugs, and  
6 physician-ordered treatments necessary to treat an acute  
7 condition. Services provided under this lettered paragraph  
8 shall be reimbursed according to medical assistance  
9 reimbursement rates.

10 g. For primary and preventive health care for children:

11 ..... \$ 75,000

12 Funds appropriated in this lettered paragraph shall be for  
13 the public purpose of providing a renewable grant, following a  
14 request for proposals, to a statewide charitable organization  
15 within the meaning of section 501(c)(3) of the Internal  
16 Revenue Code which was organized prior to April 1, 1989, and  
17 has as one of its purposes the sponsorship or support for  
18 programs designed to improve the quality, awareness, and  
19 availability of health care for the young, to serve as the  
20 funding mechanism for the provision of primary health care and  
21 preventive services to children in the state who are uninsured  
22 and who are not eligible under any public plan of health  
23 insurance, provided all of the following conditions are met:

24 (1) The organization shall provide a match of \$4 in  
25 advance of each state dollar provided.

26 (2) The organization coordinates services with new or  
27 existing public programs and services provided by or funded by  
28 appropriate state agencies in an effort to avoid inappropriate  
29 duplication of services and ensure access to care to the  
30 extent as is reasonably possible. The organization shall work  
31 with the Iowa department of public health, family and  
32 community health division, to ensure duplication is minimized.

33 (3) The organization's governing board includes in its  
34 membership representatives from the executive and legislative  
35 branches of state government.

1 (4) Grant funds are available as needed to provide  
2 services and shall not be used for administrative costs of the  
3 department or the grantee.

4 h. For the Iowa healthy family program under section  
5 135.106:

6 ..... \$ 1,065,000

7 The moneys appropriated in this lettered paragraph shall be  
8 granted pursuant to 1992 Iowa Acts, Second Extraordinary  
9 Session, chapter 1001, section 415, except that the grants  
10 shall be extended through September 30, 1997. Notwithstanding  
11 the provisions of 1992 Iowa Acts, Second Extraordinary  
12 Session, chapter 1001, section 416, the use of mid-level  
13 practitioners to improve access to prenatal care shall include  
14 obstetrical-gynecological nurse practitioners and family nurse  
15 practitioners focusing on maternal and child health. The  
16 department is encouraged to expand funding eligibility under  
17 the program to private physician and clinic-sponsored programs  
18 servicing low-income populations. The administrative entities  
19 of the Iowa healthy family program shall work collaboratively  
20 to assure continuity of the provision of services from the  
21 prenatal to the preschool period to an individual client by  
22 having a single resource mother work with that client. The  
23 department shall submit an annual report to the general  
24 assembly concerning the efficiency of the healthy family  
25 program and make any recommendations for improvements. Any  
26 funds contracted to agencies under this paragraph which are  
27 projected to be unused at the close of the fiscal year shall  
28 be allowed to be reallocated within the healthy family program  
29 by April 1, 1997.

30 The Iowa department of public health and the department of  
31 human services shall determine if expenses under any portion  
32 of the healthy family program would qualify for payment under  
33 the medical assistance program and if so, shall apply to the  
34 federal government for a medical assistance waiver. The Iowa  
35 department of public health and the department of human



1 services shall evaluate the funding change's potential impact  
2 upon clients of the healthy family program.

3 Of the funds appropriated in this lettered paragraph, a  
4 minimum of \$735,000 shall be used for the healthy  
5 opportunities for parents to experience success program. If  
6 funds are appropriated by the Seventy-sixth General Assembly,  
7 1996 Session, in excess of \$335,000, the excess funds shall be  
8 used by the department to expand the program to counties of  
9 greatest need.

10 i. For primary care provider recruitment and retention  
11 endeavors:

12 ..... \$ 235,000

13 5. STATE BOARD OF DENTAL EXAMINERS

14 For salaries, support, maintenance, miscellaneous purposes,  
15 and for not more than the following full-time equivalent  
16 positions:

17 ..... \$ 309,768

18 ..... FTEs 4.00

19 6. STATE BOARD OF MEDICAL EXAMINERS

20 For salaries, support, maintenance, miscellaneous purposes,  
21 and for not more than the following full-time equivalent  
22 positions:

23 ..... \$ 1,036,156

24 ..... FTEs 18.00

25 7. STATE BOARD OF NURSING EXAMINERS

26 For salaries, support, maintenance, miscellaneous purposes,  
27 and for not more than the following full-time equivalent  
28 positions:

29 ..... \$ 981,403

30 ..... FTEs 18.00

31 8. STATE BOARD OF PHARMACY EXAMINERS

32 For salaries, support, maintenance, miscellaneous purposes,  
33 and for not more than the following full-time equivalent  
34 positions:

35 ..... \$ 680,138

1 ..... FTEs 11.00

2 9. The state board of medical examiners, the state board  
3 of pharmacy examiners, the state board of dental examiners,  
4 and the state board of nursing examiners shall prepare  
5 estimates of projected receipts to be generated by the  
6 licensing, certification, and examination fees of each board  
7 as well as a projection of the fairly apportioned  
8 administrative costs and rental expenses attributable to each  
9 board. Each board shall annually review and adjust its  
10 schedule of fees so that, as nearly as possible, projected  
11 receipts equal projected costs.

12 10. The state board of medical examiners, the state board  
13 of pharmacy examiners, the state board of dental examiners,  
14 and the state board of nursing examiners shall retain their  
15 individual executive officers, but are strongly encouraged to  
16 share administrative, clerical, and investigative staffs to  
17 the greatest extent possible.

18 11. A local health care provider or nonprofit health care  
19 organization seeking grant moneys administered by the Iowa  
20 department of public health shall provide documentation that  
21 the provider or organization has coordinated its services with  
22 other local entities providing similar services.

23 12. Consolidation of state funding sources for public  
24 health nursing, home care aid, and the senior health program  
25 into a single contract for each county shall be available for  
26 implementation beginning July 1, 1996. It is the department's  
27 goal to add federal funding for health promotion as federal  
28 funds become available. The department shall implement  
29 statewide a single source contract on July 1, 1997, for each  
30 county. The department may include other state and federal  
31 funding sources with the understanding that local, city, or  
32 county funds not be supplanted.

33 Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is appropriated  
34 from the general fund of the state to the department of human  
35 rights for the fiscal year beginning July 1, 1996, and ending

1 June 30, 1997, the following amounts, or so much thereof as is  
2 necessary, to be used for the purposes designated:

3 1. CENTRAL ADMINISTRATION DIVISION

4 For salaries, support, maintenance, miscellaneous purposes,  
5 and for not more than the following full-time equivalent  
6 positions:

7 ..... \$ 186,522  
8 ..... FTEs 6.60

9 2. COMMUNITY ACTION AGENCIES DIVISION

10 For the expenses of the community action agencies  
11 commission:

12 ..... \$ 3,366

13 3. DEAF SERVICES DIVISION

14 For salaries, support, maintenance, miscellaneous purposes,  
15 and for not more than the following full-time equivalent  
16 positions:

17 ..... \$ 256,167  
18 ..... FTEs 7.00

19 The fees collected by the division for provision of  
20 interpretation services by the division to obligated agencies  
21 shall be disbursed pursuant to the provisions of section 8.32,  
22 and shall be dedicated and used by the division for continued  
23 and expanded interpretation services.

24 4. PERSONS WITH DISABILITIES DIVISION

25 For salaries, support, maintenance, miscellaneous purposes,  
26 and for not more than the following full-time equivalent  
27 positions:

28 ..... \$ 97,765  
29 ..... FTEs 2.00

30 5. LATINO AFFAIRS DIVISION

31 For salaries, support, maintenance, miscellaneous purposes,  
32 and for not more than the following full-time equivalent  
33 positions:

34 ..... \$ 142,442  
35 ..... FTEs 3.00

1 6. STATUS OF WOMEN DIVISION

2 For salaries, support, maintenance, miscellaneous purposes,  
3 and for not more than the following full-time equivalent  
4 positions:

5 ..... \$ 323,879  
6 ..... FTEs 3.00

7 a. Of the funds appropriated in this subsection, at least  
8 \$125,775 shall be spent for the displaced homemaker program.

9 b. Of the funds appropriated in this subsection, at least  
10 \$42,570 shall be spent for domestic violence and sexual  
11 assault-related grants.

12 c. If the general assembly does not enact a statute  
13 establishing a workforce development department, then moneys  
14 appropriated in this subsection shall be spent as directed in  
15 law by the general assembly for the mentoring project for  
16 family investment program participants developed in accordance  
17 with section 239.22.

18 7. STATUS OF AFRICAN-AMERICANS DIVISION

19 For salaries, support, maintenance, miscellaneous purposes,  
20 and for not more than the following full-time equivalent  
21 positions:

22 ..... \$ 105,390  
23 ..... FTEs 2.00

24 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

25 For salaries, support, maintenance, miscellaneous purposes,  
26 and for not more than the following full-time equivalent  
27 positions:

28 ..... \$ 478,235  
29 ..... FTEs 10.05

30 a. The criminal and juvenile justice planning advisory  
31 council and the juvenile justice advisory council shall  
32 coordinate their efforts in carrying out their respective  
33 duties relative to juvenile justice.

34 b. Of the funds appropriated in this subsection, at least  
35 \$36,300 shall be spent for expenses relating to the

1 administration of federal funds for juvenile assistance. It  
2 is the intent of the general assembly that the department of  
3 human rights employ sufficient staff to meet the federal  
4 funding match requirements established by the federal office  
5 for juvenile justice delinquency prevention. The governor's  
6 advisory council on juvenile justice shall determine the  
7 staffing level necessary to carry out federal and state  
8 mandates for juvenile justice.

9 9. COMMUNITY GRANT FUND

10 For the community grant fund established under section  
11 232.190 for new grants and the continuation of existing grants  
12 for the fiscal year beginning July 1, 1996, and ending June  
13 30, 1997, to be used for the purposes of the community grant  
14 fund and for not more than the following full-time equivalent  
15 positions:

16 .....	\$	1,800,000
17 .....	FTEs	1.43

18 10. SHARED STAFF. Except for the persons with  
19 disabilities division which shall be administered by the  
20 director of the department of human rights, the divisions of  
21 the department of human rights shall retain their individual  
22 administrators, but shall share staff to the greatest extent  
23 possible.

24 Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is  
25 appropriated from the general fund of the state to the  
26 commission of veterans affairs for the fiscal year beginning  
27 July 1, 1996, and ending June 30, 1997, the following amounts,  
28 or so much thereof as is necessary, to be used for the  
29 purposes designated:

30 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

31 For salaries, support, maintenance, and miscellaneous  
32 purposes, and for not more than the following full-time  
33 equivalent positions:

34 .....	\$	289,510
35 .....	FTEs	5.00

1 The commission of veterans affairs may use the gifts  
2 accepted by the chairperson of the commission of veterans  
3 affairs, or designee, and other resources available to the  
4 commission for use at its Camp Dodge office. The commission  
5 shall report annually to the governor and the general assembly  
6 on monetary gifts received by the commission for the Camp  
7 Dodge office.

8 2. WAR ORPHANS

9 For the war orphans educational aid fund established  
10 pursuant to chapter 35:

11 ..... \$ 4,800

12 3. IOWA VETERANS HOME

13 For salaries, support, maintenance, and miscellaneous  
14 purposes and for not more than the following full-time  
15 equivalent positions:

16 ..... \$ 38,900,388

17 ..... FTEs 800.82

18 a. The Iowa veterans home may use the gifts accepted by  
19 the chairperson of the commission of veterans affairs and  
20 other resources available to the commission for use at the  
21 Iowa veterans home.

22 b. If medical assistance revenues are expanded at the Iowa  
23 veterans home, and this expansion results in medical  
24 assistance reimbursements which exceed the amount budgeted for  
25 that purpose in the fiscal year beginning July 1, 1996, and  
26 ending June 30, 1997, the Iowa veterans home may expend the  
27 excess amounts to exceed the number of full-time equivalent  
28 positions authorized in this section for the purpose of  
29 meeting related certification requirements or to provide  
30 additional beds. The expenditure of additional funds  
31 received, as outlined in this paragraph, is subject to the  
32 approval by the department of management.

33 Sec. 8. COMMUNITY GRANT FUND AND SUBSTANCE ABUSE GRANTS --  
34 FISCAL YEAR 1996. There is appropriated from the unobligated  
35 and unencumbered balance of the gamblers assistance fund for

1 the fiscal year beginning July 1, 1995, and ending June 30,  
2 1996, the following amounts to be used for the purposes  
3 designated:

4 1. COMMUNITY GRANT FUND

5 To the community grant fund established under section  
6 232.190, to be allocated by the division of criminal and  
7 juvenile justice planning of the department of human rights  
8 for a grant to an urban facility whose primary function is to  
9 provide shelter services for runaways ages 11 through 17:

10 ..... \$ 200,000

11 2. SUBSTANCE ABUSE GRANTS

12 To the Iowa department of public health for substance abuse  
13 program grants administered by the department:

14 ..... \$ 400,000

15 The appropriations made in this section shall be in  
16 descending priority order and if the unobligated and  
17 unencumbered balance of the fund is insufficient for both  
18 appropriations, the appropriation in subsection 2 shall be  
19 reduced accordingly.

20 Notwithstanding section 8.33, moneys appropriated in this  
21 section shall not revert to the gamblers assistance fund but  
22 shall remain available to be used for the purpose designated  
23 in the fiscal year beginning July 1, 1996.

24 Sec. 9. DIRECT PURCHASE INCENTIVE.

25 1. If a department is able to demonstrate a 10 percent  
26 savings resulting from a direct purchase of equipment which is  
27 otherwise required to be purchased pursuant to a state  
28 contract, the department, after consultation with the  
29 department of general services, is authorized to make the  
30 direct purchase, notwithstanding section 18.6. To provide an  
31 incentive to encourage departments to consider direct  
32 purchasing, 50 percent of the savings realized from the direct  
33 purchase may be retained by a department, and the remaining 50  
34 percent shall be deposited into the general fund of the state.  
35 The department of management shall monitor the savings for a

1 one-year period beginning on July 1, 1996, and submit a report  
2 at the conclusion of the one-year period to the health and  
3 human rights appropriations subcommittee.

4 2. The provisions of this section shall apply to purchases  
5 made with moneys appropriated in sections 1 through 7 of this  
6 Act.

7 Sec. 10. Section 22.7, Code Supplement 1995, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 33. Records of the Iowa department of  
10 public health pertaining to participants in the gamblers  
11 treatment program except as otherwise provided in this  
12 chapter.

13 Sec. 11. Section 99D.7, subsection 21, Code Supplement  
14 1995, is amended to read as follows:

15 21. To cooperate with the gamblers assistance treatment  
16 program administered by the department-of-human-services Iowa  
17 department of public health to incorporate information  
18 regarding the gamblers assistance treatment program and its  
19 toll-free telephone number in printed materials distributed by  
20 the commission. The commission may require licensees to have  
21 the information available in a conspicuous place as a  
22 condition of licensure.

23 Sec. 12. Section 99E.9, subsection 8, Code Supplement  
24 1995, is amended to read as follows:

25 8. The Iowa lottery board shall cooperate with the  
26 gamblers assistance treatment program administered by the  
27 department-of-human-services Iowa department of public health  
28 to incorporate information regarding the gamblers assistance  
29 treatment program and its toll-free telephone number in  
30 printed materials distributed by the board.

31 Sec. 13. Section 99E.10, subsection 1, paragraph a, Code  
32 1995, is amended to read as follows:

33 a. An amount equal to three-tenths of one percent of the  
34 gross lottery revenue shall be deposited in a gamblers  
35 assistance treatment fund in the office of the treasurer of



1 state. The director of ~~human-services~~ the Iowa department of  
2 public health shall administer the fund and shall provide that  
3 receipts are allocated on a monthly basis to fund  
4 administrative costs and to provide programs which may  
5 include, but are not limited to, outpatient and follow-up  
6 treatment for persons affected by problem gambling,  
7 rehabilitation and residential treatment programs, information  
8 and referral services, and education and preventive services.

9 Sec. 14. Section 99E.10, subsection 1, paragraph a, Code  
10 1995, is amended by adding the following new unnumbered  
11 paragraph:

12 NEW UNNUMBERED PARAGRAPH. Of the moneys remaining in the  
13 gamblers treatment fund at the close of the fiscal year which  
14 otherwise would remain unexpended or unobligated for the  
15 purposes designated in this paragraph "a", up to four hundred  
16 thousand dollars shall be used by the Iowa department of  
17 public health for substance abuse program grants.

18 Sec. 15. Section 135.1, subsection 4, Code Supplement  
19 1995, is amended to read as follows:

20 4. "Physician" means a person licensed to practice  
21 medicine and surgery, osteopathic medicine and surgery,  
22 osteopathy, chiropractic, or podiatry, or optometry under the  
23 laws of this state; but a person licensed as a physician and  
24 surgeon shall be designated as a "physician" or "surgeon", a  
25 person licensed as an osteopathic physician and surgeon shall  
26 be designated as an "osteopathic physician" or "osteopathic  
27 surgeon", a person licensed as an osteopath shall be  
28 designated as an "osteopathic physician", a person licensed as  
29 a chiropractor shall be designated as a "chiropractor", and a  
30 person licensed as a podiatrist shall be designated as a  
31 "podiatric physician", and a person licensed as an optometrist  
32 shall be designated as an "optometrist". A definition or  
33 designation contained in this subsection shall not be  
34 interpreted to expand the scope of practice of such licensees.

35 Sec. 16. Section 232.190, subsection 1, Code 1995, is

1 amended to read as follows:

2 1. A community grant fund is established in the state  
3 treasury under the control of the division of criminal and  
4 juvenile justice planning of the department of human rights  
5 for the purposes of awarding grants under this section. The  
6 criminal and juvenile justice planning advisory council and  
7 the juvenile justice advisory council shall assist the  
8 division in administering grants awarded under this section.  
9 The department of human services shall advise the division on  
10 programs which meet the criteria established for grant  
11 recipients. Not more than one five percent of the moneys  
12 appropriated to the fund shall be used for administrative  
13 purposes.

14 Sec. 17. 1993 Iowa Acts, chapter 55, section 1, subsection  
15 3, is amended to read as follows:

16 3. The project shall be completed on or before June 30,  
17 1997, and existing vital records shall be converted to the  
18 electronic system by that date. Moneys appropriated pursuant  
19 to this section which remain unexpended unencumbered on June  
20 30, 1997, shall revert to the general fund of the state. The  
21 remaining encumbered moneys which remain unexpended on June  
22 30, 1998, shall revert to the general fund of the state. For  
23 the fiscal year beginning July 1, 1997, and succeeding fiscal  
24 years, the provisions of section 144.46, requiring the vital  
25 records fee to be set by rule based on the average  
26 administrative costs, shall apply.

27 Sec. 18. INTERPRETIVE SERVICES STUDY. The legislative  
28 council is requested to establish an interim committee to  
29 evaluate the access to and quality of interpretive services  
30 provided for the deaf and hard-of-hearing population.

31 Sec. 19. EFFECTIVE DATE. Section 8 of this Act, being  
32 deemed of immediate importance, takes effect upon enactment.

33

34

35

SENATE FILE 2448

H-5541

1 Amend Senate File 2448, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. DEPARTMENT FOR THE BLIND. There is  
6 appropriated from the general fund of the state to the  
7 department for the blind for the fiscal year beginning  
8 July 1, 1996, and ending June 30, 1997, the following  
9 amount, or so much thereof as is necessary, to be used  
10 for the purpose designated:

11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:

14 ..... \$ 1,458,496  
15 ..... FTEs 95.00

16 Sec. 2. CIVIL RIGHTS COMMISSION. There is  
17 appropriated from the general fund of the state to the  
18 Iowa state civil rights commission for the fiscal year  
19 beginning July 1, 1996, and ending June 30, 1997, the  
20 following amount, or so much thereof as is necessary,  
21 to be used for the purpose designated:

22 For salaries, support, maintenance, miscellaneous  
23 purposes, and for not more than the following full-  
24 time equivalent positions:

25 ..... \$ 1,128,354  
26 ..... FTEs 36.00

27 If the anticipated amount of federal funding from  
28 the federal equal employment opportunity commission  
29 and the federal department of housing and urban  
30 development exceeds \$467,900 during the fiscal year  
31 beginning July 1, 1996, and ending June 30, 1997, the  
32 Iowa state civil rights commission may exceed the  
33 staffing level authorized by this section as necessary  
34 to hire additional staff to process or to support the  
35 processing of employment and housing complaints.

36 A first-time violation detected during or as a  
37 result of random testing to detect civil rights  
38 violations shall not result in adjudication or the  
39 assessment of a fine. The intent of civil rights  
40 testing shall be strictly educational. If this  
41 provision is determined to be illegal or  
42 unconstitutional by a court of law, or if the  
43 provision would in any way jeopardize a federal  
44 department of housing and urban development grant to  
45 the commission, the provision shall not apply.

46 The questionnaire which the Iowa state civil rights  
47 commission requires an employer to complete during the  
48 course of an investigation, after a complaint against  
49 the employer has been filed, shall be revised and  
50 shortened.

E-5541

H-5541

Page 2

1 Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is  
 2 appropriated from the general fund of the state to the  
 3 department of elder affairs for the fiscal year  
 4 beginning July 1, 1996, and ending June 30, 1997, the  
 5 following amounts, or so much thereof as is necessary,  
 6 to be used for the purposes designated:

7 1. For salaries, support, maintenance,  
 8 miscellaneous purposes, and for not more than the  
 9 following full-time equivalent positions:

10 .....	\$	445,650
11 .....	FTEs	28.00

12 2. For aging programs and services:  
 13 .....

13 .....	\$	3,040,586
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14 All funds appropriated in this subsection shall be  
 15 received and disbursed by the director of elder  
 16 affairs for aging programs and services, shall not be  
 17 used by the department for administrative purposes,  
 18 not more than \$151,654 shall be used for area agencies  
 19 on aging administrative purposes, and shall be used  
 20 for citizens of Iowa over 60 years of age for case  
 21 management for the frail elderly, mental health  
 22 outreach, Alzheimer's support, retired senior  
 23 volunteer program, care review committee coordination,  
 24 employment, adult day care, respite care, chore  
 25 services, telephone reassurance, information and  
 26 assistance, and home repair services, including the  
 27 winterizing of homes, and for the construction of  
 28 entrance ramps which make residences accessible to the  
 29 physically handicapped. Funds appropriated in this  
 30 subsection may be used to supplement federal funds  
 31 under federal regulations. To receive funds  
 32 appropriated in this subsection, a local area agency  
 33 on aging shall match the funds with funds from other  
 34 sources in accordance with rules adopted by the  
 35 department. Funds appropriated in this subsection may  
 36 be used for elderly services not specifically  
 37 enumerated in this subsection only if approved by an  
 38 area agency on aging for provision of the service  
 39 within the area.

40 The department shall maintain policies and  
 41 procedures regarding Alzheimer's support and the  
 42 retired senior volunteer program.

43 Sec. 4. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE.

44 There is appropriated from the general fund of the  
 45 state to the governor's alliance on substance abuse  
 46 for the fiscal year beginning July 1, 1996, and ending  
 47 June 30, 1997, the following amounts, or so much  
 48 thereof as is necessary, to be used for the purposes  
 49 designated:

50 1. For salaries, support, maintenance,

H-5541

H-5541

Page 3

1	miscellaneous purposes, and for not more than the	
2	following full-time equivalent positions:	
3	.....	\$ 300,778
4	.....	FTEs 10.00

5 2. For the Iowa substance abuse clearinghouse in  
6 Cedar Rapids for staff, materials, and operating  
7 expenses:

8	.....	\$ 32,510
---	-------	-----------

9 Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is  
10 appropriated from the general fund of the state to the  
11 Iowa department of public health for the fiscal year  
12 beginning July 1, 1996, and ending June 30, 1997, the  
13 following amounts, or so much thereof as is necessary,  
14 to be used for the purposes designated:

15 1. a. PLANNING AND ADMINISTRATION DIVISION  
16 For salaries, support, maintenance, miscellaneous  
17 purposes, and for not more than the following full-  
18 time equivalent positions:

19	.....	\$ 2,171,724
20	.....	FTEs 61.15

21 (1) Of the funds appropriated in this lettered  
22 paragraph, \$738,182 shall be used for the chronic  
23 renal disease program. The types of assistance  
24 available to eligible recipients under the program may  
25 include insurance premiums, travel reimbursement, and  
26 prescription and nonprescription drugs. The program  
27 expenditures shall not exceed this allocation. If  
28 projected expenditures would exceed the allocation,  
29 the department shall establish by administrative rule  
30 a mechanism to reduce financial assistance under the  
31 renal disease program in order to keep expenditures  
32 within the amount allocated in this paragraph.

33 (2) Hospitals shall not collect fees for birth  
34 certificates in excess of the fees as set out in the  
35 administrative rules of the Iowa department of public  
36 health.

37 (3) Of the funds appropriated in this lettered  
38 paragraph, \$117,027 shall be used to provide  
39 regulatory oversight of accountable health plans.

40 (4) Of the funds appropriated in this lettered  
41 paragraph, \$46,658 shall be used for the purchase,  
42 verification, updating, and storage of health data  
43 information.

44 The department shall compile, correlate, and  
45 disseminate data from health care providers, the state  
46 medical assistance program, third-party payors,  
47 associations, and other appropriate sources in  
48 furtherance of the purpose and intent of this  
49 appropriation.

50 The department shall request and receive

H-5541

H-5541

Page 4

1 information from other state agencies similar to that  
 2 required of third-party payors for the purpose of  
 3 dissemination of health data. The department may  
 4 enter into agreements for studies on health-related  
 5 questions and provide or make data available to health  
 6 care providers, health care subscribers, third-party  
 7 payors and the general public. The department may  
 8 purchase data for the purpose of dissemination of  
 9 health data information. The department shall assure  
 10 the confidentiality of the data collected from other  
 11 state agencies, hospitals, and third-party payors  
 12 under chapter 22. The compilation of data information  
 13 prepared for release or dissemination from the data  
 14 collected shall be a public record. The department  
 15 shall adopt administrative rules to address a  
 16 contracting process, define confidential information,  
 17 set fees to be charged for data, and prescribe the  
 18 forms upon which the information is to be made  
 19 available.

20 b. PROFESSIONAL LICENSURE

21 For salaries, support, maintenance, miscellaneous  
 22 purposes, and for not more than the following full-  
 23 time equivalent positions:

24 .....	\$	986,242
25 .....	FTEs	12.00

26 The director of public health, when estimating  
 27 expenditure requirements for the boards funded under  
 28 this paragraph, shall base the budget on 85 percent of  
 29 the average annual fees generated for the previous two  
 30 fiscal years. The department shall confer with the  
 31 boards funded under this paragraph in estimating the  
 32 boards' annual fee generation and administrative  
 33 costs. When the department develops each board's  
 34 annual budget, a board's budget shall not exceed 85  
 35 percent of fees collected, based on the average of the  
 36 previous two fiscal years. The department may expend  
 37 funds in addition to amounts budgeted, if those  
 38 additional expenditures are directly the result of  
 39 unanticipated litigation costs arising from the  
 40 discharge of the board's regulatory duties. Before  
 41 the department expends or encumbers an amount in  
 42 excess of the funds budgeted for a board, the director  
 43 of the department of management shall approve the  
 44 expenditure or encumbrance. The amounts necessary to  
 45 fund the unanticipated litigation in the fiscal year  
 46 beginning July 1, 1996, shall not exceed 5 percent of  
 47 the average annual fees generated by the board for the  
 48 previous two fiscal years.

49 c. EMERGENCY MEDICAL SERVICES

50 For salaries, support, maintenance, and emergency

H-5541

H-5541

Page 5

1 medical services training of emergency medical  
2 services (EMS) personnel at the state, county, and  
3 local levels and for not more than the following full-  
4 time equivalent positions:

5 ..... \$ 1,010,416  
6 ..... FTEs 12.00

7 If a person in the course of responding to an  
8 emergency renders aid to an injured person and becomes  
9 exposed to bodily fluids of the injured person, that  
10 emergency responder shall be entitled to hepatitis  
11 testing and immunization in accordance with the latest  
12 available medical technology to determine if infection  
13 with hepatitis has occurred. The person shall be  
14 entitled to reimbursement from the EMS funds available  
15 under this lettered paragraph only if the  
16 reimbursement is not available through any employer or  
17 third-party payor.

18 2. HEALTH PROTECTION DIVISION

19 a. For salaries, support, maintenance,  
20 miscellaneous purposes, and for not more than the  
21 following full-time equivalent positions:

22 ..... \$ 2,141,836  
23 ..... FTEs 76.00

24 b. Of the funds appropriated in this subsection,  
25 \$75,000 shall be used for chlamydia testing.

26 c. Of the funds appropriated in this subsection,  
27 \$39,547 shall be used for the lead abatement program.

28 d. The state university of Iowa hospitals and  
29 clinics shall not receive indirect costs from the  
30 funds appropriated in this subsection.

31 3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

32 a. For salaries, support, maintenance,  
33 miscellaneous purposes, and for not more than the  
34 following full-time equivalent positions:

35 ..... \$ 625,907  
36 ..... FTEs 47.35

37 (1) The division shall continue to coordinate with  
38 substance abuse treatment and prevention providers  
39 regardless of funding source to assure the delivery of  
40 substance abuse treatment and prevention programs.

41 (2) The commission on substance abuse, in  
42 conjunction with the division, shall continue to  
43 coordinate the delivery of substance abuse services  
44 involving prevention, social and medical  
45 detoxification, and other treatment by medical and  
46 nonmedical providers to uninsured and court-ordered  
47 substance abuse patients in all counties of the state.

48 b. Of the funds appropriated in this subsection,  
49 \$15,000 is allocated to support the surveillance and  
50 reporting of disabilities suffered by persons engaged

H-5541

H-5541

Page 6

1 in agriculture resulting from diseases or injuries,  
 2 including identifying the amount and severity of  
 3 agriculture-related injuries and diseases in the  
 4 state, identifying causal factors associated with  
 5 agriculture-related injuries and diseases, and  
 6 evaluating the effectiveness of intervention programs  
 7 designed to reduce injuries and diseases. The  
 8 department shall cooperate with the department of  
 9 agriculture and land stewardship, Iowa state  
 10 university of science and technology, and the college  
 11 of medicine at the state university of Iowa in  
 12 accomplishing these duties.

13 c. For program grants:

14 ..... \$ 7,896,812

15 (1) Of the funds appropriated in this lettered  
 16 paragraph, \$193,500 shall be used for the provision of  
 17 aftercare services for persons completing substance  
 18 abuse treatment.

19 (2) Of the funds appropriated in this lettered  
 20 paragraph, a minimum of \$950,000 shall be used by the  
 21 Iowa department of public health to continue the  
 22 integrated substance abuse managed care system.

23 4. FAMILY AND COMMUNITY HEALTH DIVISION

24 a. For salaries, support, maintenance,  
 25 miscellaneous purposes, and for not more than the  
 26 following full-time equivalent positions:

27 ..... \$ 3,375,144  
 28 ..... FTEs 71.00

29 (1) Of the funds appropriated in this lettered  
 30 paragraph, at least \$587,865 shall be allocated by the  
 31 division for the birth defects and genetics counseling  
 32 program and of these funds, \$279,402 is allocated for  
 33 regional genetic counseling services contracted from  
 34 the state university of Iowa hospitals and clinics  
 35 under the control of the state board of regents.

36 (2) Of the funds appropriated in this lettered  
 37 paragraph, the following amounts are allocated to the  
 38 state university of Iowa hospitals and clinics under  
 39 the control of the state board of regents for the  
 40 following programs under the Iowa specialized child  
 41 health care services:

42 (a) Mobile and regional child health specialty  
 43 clinics:

44 ..... \$ 392,931

45 The regional clinic located in Sioux City shall  
 46 maintain a social worker component to assist the  
 47 families of children participating in the clinic  
 48 program.

49 Of the funds allocated in this subparagraph,  
 50 \$97,937 shall be used for a specialized medical home

H-5541



H-5541

Page 7

1 care program providing care planning and coordination  
2 of community support services for children who require  
3 technical medical care in the home.

4 (b) Muscular dystrophy and related genetic disease  
5 programs:

6 ..... \$ 115,613

7 (c) Statewide perinatal program:

8 ..... \$ 61,693

9 (3) The birth defects and genetic counseling  
10 service shall apply a sliding fee scale to determine  
11 the amount a person receiving the services is required  
12 to pay for the services. These fees shall be  
13 considered repayment receipts and used for the  
14 program.

15 (4) The state university of Iowa hospitals and  
16 clinics shall not receive indirect costs from the  
17 funds allocated in this lettered paragraph.

18 (5) Of the funds appropriated in this lettered  
19 paragraph, \$1,001,209 shall be used for maternal and  
20 child health services.

21 (6) If during the 1996-1997 fiscal year, the  
22 federal government incorporates the special  
23 supplemental nutrition program for women, infants, and  
24 children into a block grant, the department of human  
25 services, Iowa department of public health, or any  
26 other state agency which administers the block grant  
27 shall require a competitive bid process for infant  
28 formula purchased by or for families under the block  
29 grant.

30 (7) The Iowa department of public health shall  
31 administer the statewide maternal and child health  
32 program, conduct mobile and regional child health  
33 specialty clinics, and conduct other activities to  
34 improve the health of low-income women and children  
35 and to promote the welfare of children with actual or  
36 potential handicapping conditions and chronic  
37 illnesses in accordance with the requirements of Title  
38 V of the federal Social Security Act.

39 (8) The department shall continue efforts to  
40 realize the "Healthy Iowans 2000" goal of promoting  
41 prevention and health promotion to improve the quality  
42 of life of Iowans and to hold down health care costs  
43 and shall submit an annual "Healthy Iowans 2000"  
44 progress report to the general assembly on January 1  
45 of each fiscal year.

46 (9) Of the funds appropriated in this lettered  
47 paragraph, \$165,391 is allocated for the office of  
48 rural health to provide technical assistance to rural  
49 areas in the area of health care delivery.

50 (10) Of the funds appropriated in this lettered

H-5541

H-5541

Page 8

1 paragraph, \$182,028 shall be used to develop,  
2 implement, and maintain rural health provider  
3 recruitment and retention efforts.

4 b. Sudden infant death syndrome autopsies:

5 For reimbursing counties for expenses resulting  
6 from autopsies of suspected victims of sudden infant  
7 death syndrome required under section 331.802,  
8 subsection 3, paragraph "j":  
9 .....

\$ 9,562

10 c. For grants to local boards of health for the  
11 public health nursing program:  
12 .....

\$ 2,482,525

13 (1) Funds appropriated in this lettered paragraph  
14 shall be used to maintain and expand the existing  
15 public health nursing program for elderly and low-  
16 income persons with the objective of preventing or  
17 reducing inappropriate institutionalization. The  
18 funds shall not be used for any other purpose. As  
19 used in this lettered paragraph, "elderly person"  
20 means a person who is 60 years of age or older and  
21 "low-income person" means a person whose income and  
22 resources are below the guidelines established by the  
23 department.

24 (2) One-fourth of the total amount to be allocated  
25 shall be divided so that an equal amount is available  
26 for use in each county in the state. Three-fourths of  
27 the total amount to be allocated shall be divided so  
28 that the share available for use in each county is  
29 proportionate to the number of elderly and low-income  
30 persons living in that county in relation to the total  
31 number of elderly and low-income persons living in the  
32 state.

33 (3) In order to receive allocations under this  
34 lettered paragraph, the local board of health having  
35 jurisdiction shall prepare a proposal for the use of  
36 the allocated funds available for that jurisdiction  
37 that will provide the maximum benefits of expanded  
38 public health nursing care to elderly and low-income  
39 persons in the jurisdiction. After approval of the  
40 proposal by the department, the department shall enter  
41 into a contract with the local board of health. The  
42 local board of health shall subcontract with a  
43 nonprofit nurses' association, an independent  
44 nonprofit agency, or a suitable local governmental  
45 body to use the allocated funds to provide public  
46 health nursing care. Local boards of health shall  
47 make an effort to prevent duplication of services.

48 (4) If by July 30 of the fiscal year, the  
49 department is unable to conclude contracts for use of  
50 the allocated funds in a county, the department shall

H-5541

Page 9

1 consider the unused funds appropriated under this  
 2 lettered paragraph an unallocated pool. If the  
 3 unallocated pool is \$50,000 or more it shall be  
 4 reallocated to the counties in substantially the same  
 5 manner as the original allocations. The reallocated  
 6 funds are available for use in those counties during  
 7 the period beginning January 1 and ending June 30 of  
 8 the fiscal year. If the unallocated pool is less than  
 9 \$50,000, the department may allocate the pool to  
 10 counties with demonstrated special needs for public  
 11 health nursing.

12 (5) The department shall maintain rules governing  
 13 the expenditure of funds appropriated in this lettered  
 14 paragraph. The rules shall require each local agency  
 15 receiving funds to establish and use a sliding fee  
 16 scale for those persons able to pay for all or a  
 17 portion of the cost of the care.

18 (6) The department shall annually evaluate the  
 19 success of the public health nursing program. The  
 20 evaluation shall include the extent to which the  
 21 program reduced or prevented inappropriate  
 22 institutionalization, the extent to which the program  
 23 increased the availability of public health nursing  
 24 care to elderly and low-income persons, and the extent  
 25 of public health nursing care provided to elderly and  
 26 low-income persons. The department shall submit a  
 27 report of each annual evaluation to the governor and  
 28 the general assembly.

29 d. For grants to county boards of supervisors for  
 30 the home care aide program:

31 ..... \$ 8,486,400

32 Funds appropriated in this lettered paragraph shall  
 33 be used to provide home care aide services with  
 34 emphasis on services to elderly and persons below the  
 35 poverty level and children and adults in need of  
 36 protective services with the objective of preventing  
 37 or reducing inappropriate institutionalization. In  
 38 addition, up to 15 percent of the funds appropriated  
 39 in this lettered paragraph may be used to provide  
 40 chore services. The funds shall not be used for any  
 41 other purposes. In providing services to elderly  
 42 persons, the service provider shall coordinate efforts  
 43 with the integrated case management for the frail  
 44 elderly program of the department of elder affairs.  
 45 As used in this lettered paragraph:

46 (1) "Chore services" means services provided to  
 47 individuals or families, who, due to incapacity, or  
 48 illness, are unable to perform certain home  
 49 maintenance functions. The services include but are  
 50 not limited to yard work such as mowing lawns, raking

H-5541

**H-5541**

Page 10

1 leaves, and shoveling walks; window and door  
2 maintenance such as hanging screen windows and doors,  
3 replacing windowpanes, and washing windows; and minor  
4 repairs to walls, floors, stairs, railings, and  
5 handles. It also includes heavy house cleaning which  
6 includes cleaning attics or basements to remove fire  
7 hazards, moving heavy furniture, extensive wall  
8 washing, floor care or painting, and trash removal.

9 (2) "Elderly person" means a person who is 60  
10 years of age or older.

11 (3) "Home care aide services" means services  
12 intended to enhance the capacity of household members  
13 to attain or maintain the independence of the  
14 household members and provided by trained and  
15 supervised workers to individuals or families, who,  
16 due to the absence, incapacity, or limitations of the  
17 usual homemaker, are experiencing stress or crisis.  
18 The services include but are not limited to essential  
19 shopping, housekeeping, meal preparation, child care,  
20 respite care, money management and consumer education,  
21 family management, personal services, transportation,  
22 and providing information, assistance, and household  
23 management.

24 (4) "Low-income person" means a person whose  
25 income and resources are below the guidelines  
26 established by the department.

27 (5) "Protective services" means those home care  
28 aide services intended to stabilize a child's or an  
29 adult's residential environment and relationships with  
30 relatives, caretakers, and other persons or household  
31 members in order to alleviate a situation involving  
32 abuse or neglect or to otherwise protect the child or  
33 adult from a threat of abuse or neglect.

34 The amount appropriated in this lettered paragraph  
35 shall be allocated for use in the counties of the  
36 state. Fifteen percent of the amount shall be divided  
37 so that an equal amount is available for use in each  
38 county in the state. The following percentages of the  
39 remaining amount shall be allocated to each county  
40 according to that county's proportion of residents  
41 with the following demographic characteristics: 60  
42 percent according to the number of elderly persons  
43 living in the county, 20 percent according to the  
44 number of persons below the poverty level living in  
45 the county, and 20 percent according to the number of  
46 substantiated cases of child abuse in the county  
47 during the three most recent fiscal years for which  
48 data is available.

49 In order to receive allocations in this lettered  
50 paragraph, the county board of supervisors, after

H-5541

H-5541

Page 11

1 consultation with the local boards of health, human  
2 services county cluster boards, area agency on aging  
3 advisory council, local office of the department of  
4 human services, and other in-home health care provider  
5 agencies in the jurisdiction, shall prepare a proposal  
6 for the use of the allocated funds available for that  
7 jurisdiction that will provide the maximum benefits of  
8 home care aide services to elderly and low-income  
9 persons and children and adults in need of protective  
10 services in the jurisdiction. An agency requesting  
11 service or financial information about a current  
12 subcontractor shall provide similar information  
13 concerning its own home care aide or chore services  
14 program to the current subcontractor. The proposal  
15 may provide that a maximum of 15 percent of the  
16 allocated funds will be used to provide chore  
17 services. The proposal shall include a statement  
18 assuring that children and adults in need of  
19 protective services are given priority for home care  
20 aide services and that the appropriate local agencies  
21 have participated in the planning for the proposal.  
22 After approval of the proposal by the department, the  
23 department shall enter into a contract with the county  
24 board of supervisors or a governmental body designated  
25 by the county board of supervisors. The county board  
26 of supervisors or its designee shall subcontract with  
27 a nonprofit nurses' association, an independent  
28 nonprofit agency, the department of human services, or  
29 a suitable local governmental body to use the  
30 allocated funds to provide home care aide services and  
31 chore services providing that the subcontract requires  
32 any service provided away from the home to be  
33 documented in a report available for review by the  
34 department, and that each home care aide  
35 subcontracting agency shall maintain the direct  
36 service workers' time assigned to direct client  
37 service at 70 percent or more of the workers' paid  
38 time and that not more than 35 percent of the total  
39 cost of the service be included in the combined costs  
40 for service administration and agency administration.  
41 The subcontract shall require that each home care aide  
42 subcontracting agency shall pay the employer's  
43 contribution of social security and provide workers'  
44 compensation coverage for persons providing direct  
45 home care aide service and meet any other applicable  
46 legal requirements of an employer-employee  
47 relationship.

48 If by July 30 of the fiscal year, the department is  
49 unable to conclude contracts for use of the allocated  
50 funds in a county, the department shall consider the

H-5541

H-5541

Page 12

1 unused funds appropriated in this lettered paragraph  
2 an unallocated pool. The department shall also  
3 identify any allocated funds which the counties do not  
4 anticipate spending during the fiscal year. If the  
5 amount of anticipated excess funds to any county is  
6 substantial, the department and the county may agree  
7 to return those excess funds, if the funds are other  
8 than program revenues, to the department, and if  
9 returned, the department shall consider the returned  
10 funds a part of the unallocated pool. The department  
11 shall, prior to February 15 of the fiscal year,  
12 reallocate the funds in the unallocated pool among the  
13 counties in which the department has concluded  
14 contracts under this lettered paragraph. The  
15 department shall also review the first 10 months'  
16 expenditures for each county in May of the fiscal  
17 year, to determine if any counties possess contracted  
18 funds which they do not anticipate spending. If such  
19 funds are identified and the county agrees to release  
20 the funds, the released funds will be considered a new  
21 reallocation pool. The department may, prior to June  
22 1 of the fiscal year, reallocate funds from this new  
23 reallocation pool to those counties which have  
24 experienced a high utilization of protective service  
25 hours for children and dependent adults.

26 The department shall maintain rules governing the  
27 expenditure of funds appropriated in this lettered  
28 paragraph. The rules shall require each local agency  
29 receiving funds to establish and use a sliding fee  
30 scale for those persons able to pay for all or a  
31 portion of the cost of the services and shall require  
32 the payments to be applied to the cost of the  
33 services. The department shall also maintain rules  
34 for standards regarding training, supervision,  
35 recordkeeping, appeals, program evaluation, cost  
36 analysis, and financial audits, and rules specifying  
37 reporting requirements.

38 The department shall annually evaluate the success  
39 of the home care aide program. The evaluation shall  
40 include a description of the program and its  
41 implementation, the extent of local participation, the  
42 extent to which the program reduced or prevented  
43 inappropriate institutionalization, the extent to  
44 which the program provided or increased the  
45 availability of home care aide services to elderly and  
46 low-income persons and children and adults in need of  
47 protective services, any problems and recommendations  
48 concerning the program, and an analysis of the costs  
49 of services across the state. The department shall  
50 submit a report of the annual evaluation to the

H-5541

-12-

H-5541

Page 13

1 governor and the general assembly.

2 e. For the development and maintenance of well-  
3 elderly clinics in the state:

4 ..... \$ 578,499

5 The appropriation in this lettered paragraph shall  
6 be distributed by a formula to well-elderly clinics  
7 located in counties which provide funding on a  
8 matching basis for the well-elderly clinics.

9 f. For the physician care for children program:

10 ..... \$ 406,383

11 The physician services shall be subject to managed  
12 care and selective contracting provisions and shall be  
13 used to provide for the medical treatment of children  
14 and shall include coverage of diagnostic procedures,  
15 prescription drugs, and physician-ordered treatments  
16 necessary to treat an acute condition. Services  
17 provided under this lettered paragraph shall be  
18 reimbursed according to medical assistance  
19 reimbursement rates.

20 g. For primary and preventive health care for  
21 children:

22 ..... \$ 74,124

23 Funds appropriated in this lettered paragraph shall  
24 be for the public purpose of providing a renewable  
25 grant, following a request for proposals, to a  
26 statewide charitable organization within the meaning  
27 of section 501(c)(3) of the Internal Revenue Code  
28 which was organized prior to April 1, 1989, and has as  
29 one of its purposes the sponsorship or support for  
30 programs designed to improve the quality, awareness,  
31 and availability of health care for the young, to  
32 serve as the funding mechanism for the provision of  
33 primary health care and preventive services to  
34 children in the state who are uninsured and who are  
35 not eligible under any public plan of health  
36 insurance, provided all of the following conditions  
37 are met:

38 (1) The organization shall provide a match of \$4  
39 in advance of each state dollar provided.

40 (2) The organization coordinates services with new  
41 or existing public programs and services provided by  
42 or funded by appropriate state agencies in an effort  
43 to avoid inappropriate duplication of services and  
44 ensure access to care to the extent as is reasonably  
45 possible. The organization shall work with the Iowa  
46 department of public health, family and community  
47 health division, to ensure duplication is minimized.

48 (3) The organization's governing board includes in  
49 its membership representatives from the executive and  
50 legislative branches of state government.

H-5541

H-5541

Page 14

1 (4) Grant funds are available as needed to provide  
2 services and shall not be used for administrative  
3 costs of the department or the grantee.

4 h. For the Iowa healthy family program under  
5 section 135.106:

6 ..... \$ 1,052,558

7 The moneys appropriated in this lettered paragraph  
8 shall be granted pursuant to 1992 Iowa Acts, Second  
9 Extraordinary Session, chapter 1001, section 415,  
10 except that the grants shall be extended through  
11 September 30, 1997. Notwithstanding the provisions of  
12 1992 Iowa Acts, Second Extraordinary Session, chapter  
13 1001, section 416, the use of mid-level practitioners  
14 to improve access to prenatal care shall include  
15 obstetrical-gynecological nurse practitioners and  
16 family nurse practitioners focusing on maternal and  
17 child health. The department is encouraged to expand  
18 funding eligibility under the program to private  
19 physician and clinic-sponsored programs servicing low-  
20 income populations. The administrative entities of  
21 the Iowa healthy family program shall work  
22 collaboratively to assure continuity of the provision  
23 of services from the prenatal to the preschool period  
24 to an individual client by having a single resource  
25 mother work with that client. The department shall  
26 submit an annual report to the general assembly  
27 concerning the efficiency of the healthy family  
28 program and make any recommendations for improvements.  
29 Any funds contracted to agencies under this paragraph  
30 which are projected to be unused at the close of the  
31 fiscal year shall be allowed to be reallocated within  
32 the healthy family program by April 1, 1997.

33 The Iowa department of public health and the  
34 department of human services shall determine if  
35 expenses under any portion of the healthy family  
36 program would qualify for payment under the medical  
37 assistance program and if so, shall apply to the  
38 federal government for a medical assistance waiver.  
39 The Iowa department of public health and the  
40 department of human services shall evaluate the  
41 funding change's potential impact upon clients of the  
42 healthy family program.

43 Of the funds appropriated in this lettered  
44 paragraph, a minimum of \$735,000 shall be used for the  
45 healthy opportunities for parents to experience  
46 success program. If funds are appropriated by the  
47 Seventy-sixth General Assembly, 1996 Session, in  
48 excess of \$335,000, the excess funds shall be used by  
49 the department to expand the program to counties of  
50 greatest need.

H-5541



H-5541

Page 15

1 i. For primary care provider recruitment and  
2 retention endeavors:  
3 ..... \$ 232,255  
4 5. STATE BOARD OF DENTAL EXAMINERS  
5 For salaries, support, maintenance, miscellaneous  
6 purposes, and for not more than the following full-  
7 time equivalent positions:  
8 ..... \$ 306,149  
9 ..... FTEs 4.00  
10 6. STATE BOARD OF MEDICAL EXAMINERS  
11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:  
14 ..... \$ 1,024,051  
15 ..... FTEs 18.00  
16 7. STATE BOARD OF NURSING EXAMINERS  
17 For salaries, support, maintenance, miscellaneous  
18 purposes, and for not more than the following full-  
19 time equivalent positions:  
20 ..... \$ 969,938  
21 ..... FTEs 18.00  
22 8. STATE BOARD OF PHARMACY EXAMINERS  
23 For salaries, support, maintenance, miscellaneous  
24 purposes, and for not more than the following full-  
25 time equivalent positions:  
26 ..... \$ 672,192  
27 ..... FTEs 11.00  
28 9. The state board of medical examiners, the state  
29 board of pharmacy examiners, the state board of dental  
30 examiners, and the state board of nursing examiners  
31 shall prepare estimates of projected receipts to be  
32 generated by the licensing, certification, and  
33 examination fees of each board as well as a projection  
34 of the fairly apportioned administrative costs and  
35 rental expenses attributable to each board. Each  
36 board shall annually review and adjust its schedule of  
37 fees so that, as nearly as possible, projected  
38 receipts equal projected costs.  
39 10. The state board of medical examiners, the  
40 state board of pharmacy examiners, the state board of  
41 dental examiners, and the state board of nursing  
42 examiners shall retain their individual executive  
43 officers, but are strongly encouraged to share  
44 administrative, clerical, and investigative staffs to  
45 the greatest extent possible.  
46 11. A local health care provider or nonprofit  
47 health care organization seeking grant moneys  
48 administered by the Iowa department of public health  
49 shall provide documentation that the provider or  
50 organization has coordinated its services with other

H-5541

H-5541

Page 16

1 local entities providing similar services.  
 2 12. Consolidation of state funding sources for  
 3 public health nursing, home care aid, and the senior  
 4 health program into a single contract for each county  
 5 shall be available for implementation beginning July  
 6 1, 1996. It is the department's goal to add federal  
 7 funding for health promotion as federal funds become  
 8 available. The department shall implement statewide a  
 9 single source contract on July 1, 1997, for each  
 10 county. The department may include other state and  
 11 federal funding sources with the understanding that  
 12 local, city, or county funds not be supplanted.

13 Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is  
 14 appropriated from the general fund of the state to the  
 15 department of human rights for the fiscal year  
 16 beginning July 1, 1996, and ending June 30, 1997, the  
 17 following amounts, or so much thereof as is necessary,  
 18 to be used for the purposes designated:

19 1. CENTRAL ADMINISTRATION DIVISION

20 For salaries, support, maintenance, miscellaneous  
 21 purposes, and for not more than the following full-  
 22 time equivalent positions:

23 .....	\$	184,343
24 .....	FTEs	6.60

25 2. COMMUNITY ACTION AGENCIES DIVISION

26 For the expenses of the community action agencies  
 27 commission:

28 .....	\$	3,327
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29 3. DEAF SERVICES DIVISION

30 For salaries, support, maintenance, miscellaneous  
 31 purposes, and for not more than the following full-  
 32 time equivalent positions:

33 .....	\$	253,174
34 .....	FTEs	7.00

35 The fees collected by the division for provision of  
 36 interpretation services by the division to obligated  
 37 agencies shall be disbursed pursuant to the provisions  
 38 of section 8.32, and shall be dedicated and used by  
 39 the division for continued and expanded interpretation  
 40 services.

41 The department shall conduct a study to evaluate  
 42 the access to and quality of interpretative services  
 43 provided for persons who are deaf or hard-of-hearing.  
 44 The study shall include input from persons who are  
 45 deaf or hard-of-hearing. A report of the department's  
 46 findings shall be submitted to the general assembly by  
 47 January 15, 1997.

48 4. PERSONS WITH DISABILITIES DIVISION

49 For salaries, support, maintenance, miscellaneous  
 50 purposes, and for not more than the following full-

H-5541

H-5541

Page 17

1 time equivalent positions:

2	.....	\$	96,623
3	.....	FTEs	2.00

4 5. LATINO AFFAIRS DIVISION

5 For salaries, support, maintenance, miscellaneous  
6 purposes, and for not more than the following full-  
7 time equivalent positions:

8	.....	\$	140,778
9	.....	FTEs	3.00

10 6. STATUS OF WOMEN DIVISION

11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:

14	.....	\$	320,095
15	.....	FTEs	3.00

16 a. Of the funds appropriated in this subsection,  
17 at least \$125,775 shall be spent for the displaced  
18 homemaker program.

19 b. Of the funds appropriated in this subsection,  
20 at least \$42,570 shall be spent for domestic violence  
21 and sexual assault-related grants.

22 c. If the general assembly does not enact a  
23 statute establishing a workforce development  
24 department, then moneys appropriated in this  
25 subsection shall be spent as directed in law by the  
26 general assembly for the mentoring project for family  
27 investment program participants developed in  
28 accordance with section 239.22.

29 7. STATUS OF AFRICAN-AMERICANS DIVISION

30 For salaries, support, maintenance, miscellaneous  
31 purposes, and for not more than the following full-  
32 time equivalent positions:

33	.....	\$	104,159
34	.....	FTEs	2.00

35 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

36 For salaries, support, maintenance, miscellaneous  
37 purposes, and for not more than the following full-  
38 time equivalent positions:

39	.....	\$	472,648
40	.....	FTEs	10.05

41 a. The criminal and juvenile justice planning  
42 advisory council and the juvenile justice advisory  
43 council shall coordinate their efforts in carrying out  
44 their respective duties relative to juvenile justice.

45 b. Of the funds appropriated in this subsection,  
46 at least \$36,300 shall be spent for expenses relating  
47 to the administration of federal funds for juvenile  
48 assistance. It is the intent of the general assembly  
49 that the department of human rights employ sufficient  
50 staff to meet the federal funding match requirements

H-5541

H-5541

Page 18

1 established by the federal office for juvenile justice  
2 delinquency prevention. The governor's advisory  
3 council on juvenile justice shall determine the  
4 staffing level necessary to carry out federal and  
5 state mandates for juvenile justice.

6 9. COMMUNITY GRANT FUND

7 For the community grant fund established under  
8 section 232.190 for the continuation of existing  
9 grants for the fiscal year beginning July 1, 1996, and  
10 ending June 30, 1997, to be used for the purposes of  
11 the community grant fund and for not more than the  
12 following full-time equivalent positions:

13 ..... \$ 1,778,971  
14 ..... FTES 1.43

15 10. SHARED STAFF. Except for the persons with  
16 disabilities division which shall be administered by  
17 the director of the department of human rights, the  
18 divisions of the department of human rights shall  
19 retain their individual administrators, but shall  
20 share staff to the greatest extent possible.

21 Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is  
22 appropriated from the general fund of the state to the  
23 commission of veterans affairs for the fiscal year  
24 beginning July 1, 1996, and ending June 30, 1997, the  
25 following amounts, or so much thereof as is necessary,  
26 to be used for the purposes designated:

27 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

28 For salaries, support, maintenance, and  
29 miscellaneous purposes, and for not more than the  
30 following full-time equivalent positions:

31 ..... \$ 286,128  
32 ..... FTES 5.00

33 The commission of veterans affairs may use the  
34 gifts accepted by the chairperson of the commission of  
35 veterans affairs, or designee, and other resources  
36 available to the commission for use at its Camp Dodge  
37 office. The commission shall report annually to the  
38 governor and the general assembly on monetary gifts  
39 received by the commission for the Camp Dodge office.

40 2. WAR ORPHANS

41 For the war orphans educational aid fund  
42 established pursuant to chapter 35:

43 ..... \$ 4,744

44 3. IOWA VETERANS HOME

45 For salaries, support, maintenance, and  
46 miscellaneous purposes and for not more than the  
47 following full-time equivalent positions:

48 ..... \$ 38,445,924  
49 ..... FTES 800.82

50 a. The Iowa veterans home may use the gifts

H-5541

H-5541

Page 19

1 accepted by the chairperson of the commission of  
2 veterans affairs and other resources available to the  
3 commission for use at the Iowa veterans home.

4 b. If medical assistance revenues are expanded at  
5 the Iowa veterans home, and this expansion results in  
6 medical assistance reimbursements which exceed the  
7 amount budgeted for that purpose in the fiscal year  
8 beginning July 1, 1996, and ending June 30, 1997, the  
9 Iowa veterans home may expend the excess amounts to  
10 exceed the number of full-time equivalent positions  
11 authorized in this section for the purpose of meeting  
12 related certification requirements or to provide  
13 additional beds. The expenditure of additional funds  
14 received, as outlined in this paragraph, is subject to  
15 the approval by the department of management.

16 Sec. 8. COMMUNITY GRANT FUND AND SUBSTANCE ABUSE  
17 GRANTS -- FISCAL YEAR 1996. There is appropriated  
18 from the unobligated and unencumbered balance of the  
19 gamblers assistance fund for the fiscal year beginning  
20 July 1, 1995, and ending June 30, 1996, the following  
21 amounts to be used for the purposes designated:

22 1. COMMUNITY GRANT FUND  
23 To the community grant fund established under  
24 section 232.190, to be allocated by the division of  
25 criminal and juvenile justice planning of the  
26 department of human rights for a grant to an urban  
27 facility whose primary function is to provide shelter  
28 services for runaways ages 11 through 17:  
29 ..... \$ 200,000

30 2. SUBSTANCE ABUSE GRANTS  
31 To the Iowa department of public health for  
32 substance abuse program grants administered by the  
33 department:  
34 ..... \$ 400,000

35 The appropriations made in this section shall be in  
36 descending priority order and if the unobligated and  
37 unencumbered balance of the fund is insufficient for  
38 both appropriations, the appropriation in subsection 2  
39 shall be reduced accordingly.

40 Notwithstanding section 8.33, moneys appropriated  
41 in this section shall not revert to the gamblers  
42 assistance fund but shall remain available to be used  
43 for the purpose designated in the fiscal year  
44 beginning July 1, 1996.

45 Sec. 9. DIRECT PURCHASE INCENTIVE.

46 1. If a department is able to demonstrate a 10  
47 percent savings resulting from a direct purchase of  
48 equipment which is otherwise required to be purchased  
49 pursuant to a state contract, the department, after  
50 consultation with the department of general services,

H-5541

Page 20

1 is authorized to make the direct purchase,  
2 notwithstanding section 18.6. To provide an incentive  
3 to encourage departments to consider direct  
4 purchasing, 50 percent of the savings realized from  
5 the direct purchase may be retained by a department,  
6 and the remaining 50 percent shall be deposited into  
7 the general fund of the state. The department of  
8 management shall monitor the savings for a one-year  
9 period beginning on July 1, 1996, and submit a report  
10 at the conclusion of the one-year period to the health  
11 and human rights appropriations subcommittee.

12 2. The provisions of this section shall apply to  
13 purchases made with moneys appropriated in sections 1  
14 through 7 of this Act.

15 Sec. 10. Section 22.7, Code Supplement 1995, is  
16 amended by adding the following new subsection:

17 NEW SUBSECTION. 33. Records of the Iowa  
18 department of public health pertaining to participants  
19 in the gamblers treatment program except as otherwise  
20 provided in this chapter.

21 Sec. 11. Section 99D.7, subsection 21, Code  
22 Supplement 1995, is amended to read as follows:

23 21. To cooperate with the gamblers ~~assistance~~  
24 ~~treatment~~ program administered by the ~~department-of~~  
25 ~~human-services~~ Iowa department of public health to  
26 incorporate information regarding the gamblers  
27 ~~assistance treatment~~ program and its toll-free  
28 telephone number in printed materials distributed by  
29 the commission. The commission may require licensees  
30 to have the information available in a conspicuous  
31 place as a condition of licensure.

32 Sec. 12. Section 99E.9, subsection 8, Code  
33 Supplement 1995, is amended to read as follows:

34 8. The Iowa lottery board shall cooperate with the  
35 gamblers ~~assistance treatment~~ program administered by  
36 the ~~department-of-human-services~~ Iowa department of  
37 ~~public health~~ to incorporate information regarding the  
38 gamblers ~~assistance treatment~~ program and its toll-  
39 free telephone number in printed materials distributed  
40 by the board.

41 Sec. 13. Section 99E.10, subsection 1, paragraph  
42 a, Code 1995, is amended to read as follows:

43 a. An amount equal to three-tenths of one percent  
44 of the gross lottery revenue shall be deposited in a  
45 gamblers ~~assistance treatment~~ fund in the office of  
46 the treasurer of state. The director of ~~human~~  
47 ~~services~~ the Iowa department of public health shall  
48 administer the fund and shall provide that receipts  
49 are allocated on a monthly basis to fund  
50 administrative costs and to provide programs which may

H-5541

-20-

H-5541

Page 21

1 include, but are not limited to, outpatient and  
2 follow-up treatment for persons affected by problem  
3 gambling, rehabilitation and residential treatment  
4 programs, information and referral services, and  
5 education and preventive services.

6 Sec. 14. Section 99E.10, subsection 1, paragraph  
7 a, Code 1995, is amended by adding the following new  
8 unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Of the moneys remaining  
10 in the gamblers treatment fund at the close of the  
11 fiscal year which otherwise would remain unexpended or  
12 unobligated for the purposes designated in this  
13 paragraph "a", up to four hundred thousand dollars  
14 shall be used by the Iowa department of public health  
15 for substance abuse program grants.

16 Sec. 15. Section 216A.2, subsection 5, Code  
17 Supplement 1995, is amended by striking the subsection  
18 and inserting in lieu thereof the following:

19 5. Appoint the administrator of each division in  
20 cooperation and consultation with the commissions.  
21 Each administrator shall be exempt from the merit  
22 system provisions of chapter 19A. The director shall  
23 set the salary of the division administrators within  
24 the range set by the general assembly.

25 Sec. 16. Section 216A.2, subsection 8, Code  
26 Supplement 1995, is amended by striking the subsection  
27 and inserting in lieu thereof the following:

28 8. Establish goals and objectives for  
29 administrators to assist in complying with policy set  
30 by the commissions.

31 Sec. 17. Section 216A.2, Code Supplement 1995, is  
32 amended by adding the following new subsections:

33 NEW SUBSECTION. 10. After consultation with the  
34 appropriate commission, discipline or discharge an  
35 administrator or employee, when determined  
36 appropriate, provided the discharge or disciplinary  
37 action conforms to existing statutory requirements,  
38 and does not conflict with labor contract provisions.

39 NEW SUBSECTION. 11. Assign staff to obtain  
40 maximum efficiency and coordination of duties to  
41 facilitate the administration of functions required to  
42 be performed by the various divisions.

43 Sec. 18. Section 216A.2, unnumbered paragraph 2,  
44 Code Supplement 1995, is amended by striking the  
45 paragraph and inserting in lieu thereof the following:

46 The terms of all division administrators in the  
47 department shall terminate on July 1, 1996.

48 Sec. 19. Section 232.190, subsection 1, Code 1995,  
49 is amended to read as follows:

50 1. A community grant fund is established in the

H-5541

-21-

H-5541

Page 22

1 state treasury under the control of the division of  
 2 criminal and juvenile justice planning of the  
 3 department of human rights for the purposes of  
 4 awarding grants under this section. The criminal and  
 5 juvenile justice planning advisory council and the  
 6 juvenile justice advisory council shall assist the  
 7 division in administering grants awarded under this  
 8 section. The department of human services shall  
 9 advise the division on programs which meet the  
 10 criteria established for grant recipients. Not more  
 11 than one five percent of the moneys appropriated to  
 12 the fund shall be used for administrative purposes.

13 Sec. 20. 1993 Iowa Acts, chapter 55, section 1,  
 14 subsection 3, is amended to read as follows:

15 3. The project shall be completed on or before  
 16 June 30, 1997, and existing vital records shall be  
 17 converted to the electronic system by that date.  
 18 Moneys appropriated pursuant to this section which  
 19 remain unexpended unencumbered on June 30, 1997, shall  
 20 revert to the general fund of the state. The  
 21 remaining encumbered moneys which remain unexpended on  
 22 June 30, 1998, shall revert to the general fund of the  
 23 state. For the fiscal year beginning July 1, 1997,  
 24 and succeeding fiscal years, the provisions of section  
 25 144.46, requiring the vital records fee to be set by  
 26 rule based on the average administrative costs, shall  
 27 apply.

28 Sec. 21. Section 216A.5, Code 1995, is repealed.

29 Sec. 22. EFFECTIVE DATE. Section 8 of this Act,  
 30 being deemed of immediate importance, takes effect  
 31 upon enactment."

By COMMITTEE ON APPROPRIATIONS  
 MILLAGE of Scott, Chairperson

H-5541 FILED MARCH 25, 1996

*Not Hermone*  
*Motion to Suspend Ruler*  
*Motion to Suspend Preailed*  
*Adopted 4-1-96 (P. 1274)*



## SENATE FILE 2448

H-5791

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the the Senate,  
3 as follows:

4 1. Page 21, by inserting after line 24 the  
5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 135.110 LEGISLATIVE  
7 FINDINGS -- CIGARETTE AND TOBACCO PRODUCTS.

8 Following an analysis of data regarding cigarettes  
9 and tobacco products and the addictive nature of the  
10 nicotine contained in these products which was  
11 provided by the Iowa department of public health, the  
12 United States environmental protection agency, the  
13 United States public health service, the world health  
14 organization, the American cancer society, the  
15 American heart association, the American lung  
16 association, the American medical association, the  
17 American dental association, the American public  
18 health association, the national cancer institute, and  
19 the international agency for research on cancer, the  
20 general assembly finds and declares all of the  
21 following:

22 1. That cigarettes and tobacco products, with  
23 their inherent and supplemented quantities of  
24 nicotine, are highly addictive and that use of these  
25 products threatens the health and lives of Iowans.

26 2. That environmental tobacco smoke is a group A  
27 carcinogen known to cause lung cancer in nonsmokers as  
28 well as in smokers.

29 3. That tobacco and resultant environmental  
30 tobacco smoke are the highest causative agents in  
31 increased mortality and morbidity in the state.

32 4. That the federal Americans with Disabilities  
33 Act specifies that persons sensitive to tobacco smoke,  
34 including persons with asthma, are "handicapped  
35 persons" and that businesses are required to make  
36 reasonable accommodations to allow handicapped persons  
37 access to offices and workplaces.

38 5. That a principal manufacturer of tobacco  
39 products has admitted to these findings, has agreed to  
40 a financial settlement based upon the damage caused by  
41 the effects of these products, and has agreed to limit  
42 advertising in accordance with the limitations  
43 established by the United States environmental  
44 protection agency.

45 6. That based upon all of the above, the general  
46 assembly declares the use of cigarettes and tobacco  
47 products to be an immediate health emergency of  
48 epidemic proportions and a menace as an entry-level  
49 drug in the youth population of the state and will  
50 enact legislation to address this public health

H-5791

H-5791

Page 2

1 problem.

2 Sec. \_\_\_\_ . NEW SECTION. 135.111 RECOVERY OF  
3 MEDICAL ASSISTANCE EXPENDITURE -- CIGARETTE AND  
4 TOBACCO PRODUCTS -- RELATED MEDICAL EXPENSES BY  
5 RESIDENT RECIPIENTS.

6 1. Notwithstanding chapter 668, the attorney  
7 general shall institute a civil action on behalf of  
8 the state against any manufacturer of cigarettes or  
9 other tobacco products to recover the full amount of  
10 medical assistance provided by the state to a resident  
11 of the state for the payment of medical services which  
12 are reasonably attributable to the use of cigarettes  
13 or tobacco products and all reasonable expenses  
14 associated with instituting the action.

15 2. In determining liability in an action under  
16 this section, all of the following shall apply:

17 a. Any manufacturer of cigarettes or other tobacco  
18 products shall be strictly liable for the medical  
19 expenses reasonably attributable to the use of the  
20 manufacturer's product, without regard to any  
21 negligence, intent, warnings, or other conduct or  
22 knowledge on the part of the manufacturer.

23 b. The state may recover medical expenses, without  
24 regard to the defenses of assumption of the risk,  
25 contributory or comparative negligence, or other  
26 defenses which might be asserted.

27 c. Any action instituted by the attorney general  
28 is independent of any rights or causes of action of  
29 any individual.

30 3. In determining the extent of the liability of  
31 any manufacturer under this section, the court shall  
32 apply the following evidentiary presumptions:

33 a. The ratio of the expenses attributable to the  
34 use of cigarettes or tobacco products produced by any  
35 manufacturer to the expenses of all manufacturers is  
36 presumed to be equivalent to the ratio of the sales by  
37 the manufacturer within the state during the most  
38 recent year for which data are available to the sales  
39 of all manufacturers for that year.

40 b. The medical expenses for individuals  
41 attributable to the use of cigarettes or tobacco  
42 products shall be based on reliable estimates for the  
43 class of persons affected, rather than proof of the  
44 cause of expenses in the case of any particular  
45 individual.

46 c. Estimates of medical expenses shall be based on  
47 epidemiological, scientific, survey, and other data,  
48 determined by the director of public health to be  
49 reliable and reasonably available. The Iowa  
50 department of public health shall adopt rules to

H-5791

-2-

H-5791

Page 3

1 specify the methodology for making the estimates in  
2 any action under this section.

3 d. A defendant shall have the opportunity to rebut  
4 any presumption by clear and convincing evidence,  
5 provided that the court shall take reasonable steps to  
6 ensure that determination of damages is concluded in a  
7 timely and expeditious manner and that no party to the  
8 action is permitted to unduly delay the conclusion of  
9 the action.

10 4. For the purposes of this section, "cigarette"  
11 and "tobacco products" mean cigarette and tobacco  
12 products as defined in section 453A.1.

13 Sec. \_\_\_\_ . NEW SECTION. 135.112 IOWA DO NOT  
14 START-STOP SMOKING FUND ESTABLISHED.

15 1. An Iowa do not start-stop smoking fund is  
16 created within the state treasury under the control of  
17 the Iowa department of public health. Moneys received  
18 by the department from the proceeds of any tobacco  
19 company settlement with the state of Iowa shall be  
20 deposited in the state treasury to the credit of the  
21 fund and are appropriated for the purposes specified  
22 in this section. Notwithstanding section 8.33, any  
23 unexpended balance in the fund at the end of each  
24 fiscal year shall be retained in the fund. Any  
25 interest and earnings on investments from money in the  
26 fund shall be credited to the fund, section 12C.7  
27 notwithstanding.

28 2. The Iowa department of public health shall  
29 develop and implement a do not start-stop smoking  
30 education campaign to educate minors and others about  
31 the hazards of using cigarettes and tobacco products.

32 Sec. \_\_\_\_ . NEW SECTION. 135.113 ENFORCEMENT OF  
33 SMOKING PROHIBITIONS.

34 The Iowa department of public health shall adopt  
35 rules to enforce the smoking prohibitions contained in  
36 chapter 142B. Notwithstanding sections 142B.6 and  
37 453A.56, local law or regulation relating to smoking  
38 prohibitions which is more restrictive in application  
39 in which case the more restrictive portion of the  
40 local law or regulation shall supersede any  
41 inconsistent or conflicting provisions of chapter 142B  
42 or 453A.

43 Sec. \_\_\_\_ . NEW SECTION. 135.114 CIGARETTE VENDING  
44 MACHINE SALES PROHIBITED.

45 A person shall not sell cigarettes or tobacco  
46 products through a vending machine or through self-  
47 service displays in this state. A violation of this  
48 section constitutes a serious misdemeanor."

49 2. Page 22, by inserting after line 28 the  
50 following:

H-5791

-3-

H-5791

Page 4

1 "Sec. \_\_\_\_ . EFFECTIVE DATE. Section 135.111, as  
2 enacted by this Act, relating to the recovery of  
3 medical assistance expenditures due to smoking, being  
4 deemed of immediate importance, takes effect upon  
5 enactment.

6 Sec. \_\_\_\_ . RETROACTIVE APPLICABILITY. The state  
7 may recover, pursuant to section 135.111, in addition  
8 to any subsequent damages, any applicable damages  
9 incurred within the two years preceding the date of  
10 enactment of section 135.111 of this Act."

11 3. By renumbering as necessary.

By BRAMMER of Linn

H-5791 FILED APRIL 1, 1996

*Not Lermore  
Notice to Suspect Lost  
4-1-96  
(p. 1271)*

## SENATE FILE 2448

H-5766

- 1 Amend the amendment, H-5541, to Senate File 2448,
  - 2 as amended, passed, and reprinted by the Senate, as
  - 3 follows:
  - 4 1. Page 6, line 14, by striking the figure
  - 5 "7,896,812" and inserting the following: "8,390,159".
- By BRAND of Benton

H-5766 FILED APRIL 1, 1996

*Lost 4-1-96 (P. 1267)*

## SENATE FILE 2448

H-5741

- 1 Amend the amendment, H-5541, to Senate File 2448,
  - 2 as amended, passed, and reprinted by the Senate, as
  - 3 follows:
  - 4 1. Page 9, line 31, by striking the figure
  - 5 "8,486,400" and inserting the following: "8,586,716".
- By HOLVECK of Polk

H-5741 FILED APRIL 1, 1996

*Lost 4-1-96**(P. 1258)*

SENATE FILE 2448

H-5746

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 21, by striking lines 16 through 47.
- 5 2. By renumbering as necessary.

By DODERER of Johnson FALLON of Polk  
 KREIMAN of Davis MASCHER of Johnson  
 HOLVECK of Polk BRAMMER of Linn  
 SHOULTZ of Black Hawk

H-5746 FILED APRIL 1, 1996  
*Lost 4-1-96 (p. 1268)*

SENATE FILE 2448

H-5762

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 42 the
- 5 following:
- 6 "Sec. 100. DEPARTMENT OF ELDER AFFAIRS CONTINGENT
- 7 APPROPRIATION. If actual revenues for the fiscal year
- 8 beginning July 1, 1995, and ending June 30, 1996,
- 9 exceed the revenue estimating conference projections
- 10 of December 12, 1995, for that fiscal year by at least
- 11 \$250,000, there is appropriated from the general fund
- 12 of the state to the department of elder affairs for
- 13 the fiscal year beginning July 1, 1995, and ending
- 14 June 30, 1996, the following amount or so much thereof
- 15 as is necessary, to be used for the purpose
- 16 designated:
- 17 To supplant lost federal funds for congregate meal
- 18 sites:
- 19 ..... \$ 250,000
- 20 Notwithstanding section 8.33, moneys appropriated
- 21 in this section shall not revert to the general fund
- 22 of the state at the close of the fiscal year but shall
- 23 remain available to be used for the purpose designated
- 24 in the succeeding fiscal year."

A

- 25 2. Page 22, line 29, by striking the word
- 26 "Section" and inserting the following: "Sections 100
- 27 and".

B

- 28 3. Page 22, line 30, by striking the word "takes"
- 29 and inserting the following: "take".
- 30 4. By renumbering as necessary.

By BRAND of Benton

H-5762 FILED APRIL 1, 1996

*A. Lost 4-1-96 (p. 1266)*  
*B. Out of order 4-1-96 (p. 1266)*

## SENATE FILE 2448

H-5717

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the the Senate,  
3 as follows:

4 1. Page 1, by striking line 5 and inserting the  
5 following:

6 "DIVISION I  
7 DEPARTMENT APPROPRIATIONS  
8 Section 1. DEPARTMENT FOR THE BLIND. There is".

9 2. Page 20, by inserting after line 14 the  
10 following:

11 "DIVISION II  
12 IOWA CODE AMENDMENTS".  
13 3. Page 22, by inserting after line 31 the  
14 following:

15 "DIVISION III  
16 CIGARETTE AND TOBACCO PRODUCT  
17 HEALTH IMPACT AND SALE RESTRICTION  
18 Sec. \_\_\_\_\_. Section 142B.6, Code 1995, is amended to  
19 read as follows:

20 142B.6 CIVIL PENALTY FOR VIOLATION -- UNIFORM  
21 APPLICATION ENFORCEMENT.

22 A person who smokes in those areas prohibited in  
23 section 142B.2, or who violates section 142B.4, shall  
24 pay a civil fine pursuant to section 805.8, subsection  
25 11, for each violation.

26 Judicial magistrates shall hear and determine  
27 violations of this chapter. The civil penalties paid  
28 pursuant to this chapter shall be deposited in the  
29 county treasury.

30 ~~Enforcement of this chapter shall be implemented in~~  
31 ~~an equitable manner throughout the state. -- For the~~  
32 ~~purpose of equitable and uniform implementation,~~  
33 ~~application, and enforcement of state and local laws~~  
34 ~~and regulations, the provisions of this chapter shall~~  
35 ~~supersede any local law or regulation which is~~  
36 ~~inconsistent with or conflicts with the provisions of~~  
37 ~~this chapter. The Iowa department of public health~~  
38 ~~shall adopt rules to enforce this chapter.~~

39 Sec. \_\_\_\_\_. NEW SECTION. 142C.1 LEGISLATIVE  
40 FINDINGS -- CIGARETTE AND TOBACCO PRODUCTS.

41 Following an analysis of data regarding cigarettes  
42 and tobacco products and the addictive nature of the  
43 nicotine contained in these products which was  
44 provided by the Iowa department of public health, the  
45 United States environmental protection agency, the  
46 United States public health service, the world health  
47 organization, the American cancer society, the  
48 American heart association, the American lung  
49 association, the American medical association, the  
50 American dental association, the American public

H-5717

H-5717

Page 2

1 health association, the national cancer institute, and  
2 the international agency for research on cancer, the  
3 general assembly finds and declares all of the  
4 following:

5 1. That cigarettes and tobacco products, with  
6 their inherent and supplemented quantities of  
7 nicotine, are highly addictive and that use of these  
8 products threatens the health and lives of Iowans.

9 2. That environmental tobacco smoke is a group A  
10 carcinogen known to cause lung cancer in nonsmokers as  
11 well as in smokers.

12 3. That tobacco and resultant environmental  
13 tobacco smoke are the highest causative agents in  
14 increased mortality and morbidity in the state.

15 4. That the federal Americans with Disabilities  
16 Act specifies that persons sensitive to tobacco smoke,  
17 including persons with asthma, are "handicapped  
18 persons" and that businesses are required to make  
19 reasonable accommodations to allow handicapped persons  
20 access to offices and workplaces.

21 5. That a principal manufacturer of tobacco  
22 products has admitted to these findings, has agreed to  
23 a financial settlement based upon the damage caused by  
24 the effects of these products, and has agreed to limit  
25 advertising in accordance with the limitations  
26 established by the United States environmental  
27 protection agency.

28 6. That based upon all of the above, the general  
29 assembly declares the use of cigarettes and tobacco  
30 products to be an immediate health emergency of  
31 epidemic proportions and a menace as an entry-level  
32 drug in the youth population of the state and will  
33 enact legislation to address this public health  
34 problem.

35 Sec. \_\_\_\_ . NEW SECTION. 249A.30 RECOVERY OF  
36 MEDICAL ASSISTANCE EXPENDITURE -- CIGARETTE AND  
37 TOBACCO PRODUCTS -- RELATED MEDICAL EXPENSES BY  
38 RESIDENT RECIPIENTS.

39 1. Notwithstanding chapter 668, the attorney  
40 general shall institute a civil action on behalf of  
41 the state against any manufacturer of cigarettes or  
42 other tobacco products to recover the full amount of  
43 medical assistance provided by the state to a resident  
44 of the state for the payment of medical services which  
45 are reasonably attributable to the use of cigarettes  
46 or tobacco products and all reasonable expenses  
47 associated with instituting the action.

48 2. In determining liability in an action under  
49 this section, all of the following shall apply:

50 a. Any manufacturer of cigarettes or other tobacco

H-5717



H-5717

Page 3

1 products shall be strictly liable for the medical  
2 expenses reasonably attributable to the use of the  
3 manufacturer's product, without regard to any  
4 negligence, intent, warnings, or other conduct or  
5 knowledge on the part of the manufacturer.

6 b. The state may recover medical expenses, without  
7 regard to the defenses of assumption of the risk,  
8 contributory or comparative negligence, or other  
9 defenses which might be asserted.

10 c. Any action instituted by the attorney general  
11 is independent of any rights or causes of action of  
12 any individual.

13 3. In determining the extent of the liability of  
14 any manufacturer under this section, the court shall  
15 apply the following evidentiary presumptions:

16 a. The ratio of the expenses attributable to the  
17 use of cigarettes or tobacco products produced by any  
18 manufacturer to the expenses of all manufacturers is  
19 presumed to be equivalent to the ratio of the sales by  
20 the manufacturer within the state during the most  
21 recent year for which data are available to the sales  
22 of all manufacturers for that year.

23 b. The medical expenses for individuals  
24 attributable to the use of cigarettes or tobacco  
25 products shall be based on reliable estimates for the  
26 class of persons affected, rather than proof of the  
27 cause of expenses in the case of any particular  
28 individual.

29 c. Estimates of medical expenses shall be based on  
30 epidemiological, scientific, survey, and other data,  
31 determined by the director of public health to be  
32 reliable and reasonably available. The Iowa  
33 department of public health shall adopt rules to  
34 specify the methodology for making the estimates in  
35 any action under this section.

36 d. A defendant shall have the opportunity to rebut  
37 any presumption by clear and convincing evidence,  
38 provided that the court shall take reasonable steps to  
39 ensure that determination of damages is concluded in a  
40 timely and expeditious manner and that no party to the  
41 action is permitted to unduly delay the conclusion of  
42 the action.

43 4. For the purposes of this section, "cigarette"  
44 and "tobacco products" mean cigarette and tobacco  
45 products as defined in section 453A.1.

46 Sec. \_\_\_\_\_. Section 453A.1, subsections 3 and 4,  
47 Code 1995, are amended by striking the subsections.

48 Sec. \_\_\_\_\_. Section 453A.2, Code 1995, is amended by  
49 adding the following new subsection:

50 NEW SUBSECTION. 5. A violation of subsection 1 is

H-5717

-3-

H-5717

Page 4

1 a violation of section 714.16, subsection 2, paragraph  
2 "a".

3 Sec. \_\_\_\_\_. Section 453A.3, unnumbered paragraph 1,  
4 Code 1995, is amended to read as follows:

5 A person who violates section 453A.2, subsection 1,  
6 ~~or section 453A.39~~ is guilty of a simple misdemeanor.

7 Sec. \_\_\_\_\_. Section 453A.13, subsections 1 and 2,  
8 Code 1995, are amended to read as follows:

9 1. PERMITS REQUIRED. Every distributor,  
10 wholesaler, ~~cigarette-vendor~~, and retailer, now  
11 engaged or who desires to become engaged in the sale  
12 or use of cigarettes, upon which a tax is required to  
13 be paid, shall obtain a state or retail cigarette  
14 permit as a distributor, wholesaler, ~~cigarette-vendor~~,  
15 or retailer, as the case may be.

16 2. ISSUANCE OR DENIAL.

17 a. The department shall issue state permits to  
18 distributors, ~~and wholesalers, and cigarette-vendors~~  
19 subject to the conditions provided in this division.  
20 Cities may issue retail permits to dealers within  
21 their respective limits. County boards of supervisors  
22 may issue retail permits to dealers in their  
23 respective counties, outside of the corporate limits  
24 of cities.

25 b. The department may deny the issuance of a  
26 permit to a distributor, wholesaler, ~~vender~~ or  
27 retailer who is substantially delinquent in the  
28 payment of a tax due, or the interest or penalty on  
29 the tax, administered by the department at the time of  
30 application. If the applicant is a partnership, a  
31 permit may be denied if a partner is substantially  
32 delinquent on any delinquent tax, penalty or interest.  
33 If the applicant is a corporation, a permit may be  
34 denied if any officer having a substantial legal or  
35 equitable interest in the ownership of the corporation  
36 owes any delinquent tax, interest or penalty of the  
37 applicant corporation.

38 Sec. \_\_\_\_\_. Section 453A.13, subsection 3,  
39 unnumbered paragraph 1, Code 1995, is amended to read  
40 as follows:

41 All permits provided for in this division shall  
42 expire on June 30 of each year. A permit shall not be  
43 granted or issued until the applicant has paid for the  
44 period ending June 30 next, to the department or the  
45 city or county granting the permit, the fees provided  
46 for in this division. The annual state permit fee for  
47 a distributor, ~~cigarette-vendor~~, and wholesaler is one  
48 hundred dollars when the permit is granted during the  
49 months of July, August, or September. However,  
50 whenever a state permit holder operates more than one

H-5717

-4-

H-5717

Page 5

1 place of business, a duplicate state permit shall be  
2 issued for each additional place of business on  
3 payment of five dollars for each duplicate state  
4 permit, but refunds as provided in this division do  
5 not apply to any duplicate permit issued.

6 Sec. \_\_\_\_\_. Section 453A.13, subsection 6, Code  
7 1995, is amended to read as follows:

8 6. NO SALES WITHOUT PERMIT. No distributor,  
9 wholesaler, ~~cigarette-vendor~~, or retailer shall sell  
10 any cigarettes until such application has been filed  
11 and the fee prescribed paid for a permit and until  
12 such permit is obtained and only while such permit is  
13 unrevoked and unexpired.

14 Sec. \_\_\_\_\_. Section 453A.22, subsection 2,  
15 unnumbered paragraph 1, Code 1995, is amended to read  
16 as follows:

17 If a retailer or employee of a retailer has  
18 violated section 453A.27 or 453A.36, subsection 6, or  
19 ~~453A-39~~, the department or local authority, in  
20 addition to the other penalties fixed for such  
21 violations in this section, shall assess a penalty  
22 upon the same hearing and notice as prescribed in  
23 subsection 1 as follows:

24 Sec. \_\_\_\_\_. Section 453A.22, subsection 2,  
25 unnumbered paragraph 1, Code 1995, is amended to read  
26 as follows:

27 If a retailer or employee of a retailer has  
28 violated section 453A.27 or 453A.36, subsection 6, or  
29 ~~453A-39~~ 8, or 9, the department or local authority, in  
30 addition to the other penalties fixed for such  
31 violations in this section, shall assess a penalty  
32 upon the same hearing and notice as prescribed in  
33 subsection 1 as follows:

34 Sec. \_\_\_\_\_. Section 453A.36, subsection 6, Code  
35 1995, is amended by striking the subsection and  
36 inserting in lieu thereof the following:

37 6. a. A person shall not sell cigarettes or  
38 tobacco products through a vending machine or through  
39 self-service displays in this state.

40 b. A manufacturer, distributor, wholesaler,  
41 retailer, distributing agent or agent thereof shall  
42 not give away cigarettes or tobacco products at any  
43 time in connection with the manufacturer's,  
44 distributor's, wholesaler's, retailers', distributing  
45 agent's or agent's thereof promotion of the business  
46 or product.

47 c. It is unlawful for any manufacturer,  
48 distributor, wholesaler, retailer, distributing agent  
49 or agent thereof to advertise on any advertising  
50 device cigarettes or other tobacco products within one

H-5717

-5-

H-5717

Page 6

1 thousand feet of any playground, elementary school,  
2 middle school, high school, or other facility when  
3 such facility is being used primarily by persons under  
4 age eighteen for recreational, educational, or other  
5 purposes.

6 d. A manufacturer, distributor, wholesaler,  
7 retailer, distributing agent or agent thereof shall  
8 not advertise cigarettes or tobacco products on  
9 advertising devices in this state, no matter where  
10 located, including but not limited to advertising  
11 devices located on public transportation or at the  
12 point-of-sale, shall be in black and white text only.

13 e. A manufacturer, distributor, wholesaler,  
14 retailer, distributing agent or agent thereof shall  
15 not sell or distribute in this state promotional items  
16 and prizes, including but not limited to caps, T-  
17 shirts, and bags, which bear the logo or name of a  
18 cigarette or tobacco product, and shall not utilize  
19 proof-of-purchase exchanges for cigarettes or other  
20 tobacco products in this state.

21 f. Any cigarettes or tobacco products or related  
22 items sold or distributed in this state are subject to  
23 all of the following, as applicable:

24 (1) All sales of cigarettes and tobacco products  
25 shall be made in face-to-face sales, and age  
26 verification shall be required for each sale.

27 (2) All cigarettes and tobacco products shall be  
28 located behind a counter or in another location which  
29 is under the exclusive control of the seller and which  
30 is not directly accessible to the general public.

31 g. In addition to any other penalty which applies  
32 to a violation of this subsection, any person, as  
33 specified in this subsection, who violates this  
34 subsection, is guilty of a serious misdemeanor.

35 Sec. \_\_\_\_\_. Section 453A.42, subsection 8, Code  
36 1995, is amended to read as follows:

37 8. "Place of business" means any place where  
38 tobacco products are sold or where tobacco products  
39 are manufactured, stored, or kept for the purpose of  
40 sale or consumption, including any vessel, vehicle,  
41 airplane, or train, or vending machine.

42 Sec. \_\_\_\_\_. Section 453A.56, Code 1995, is amended  
43 to read as follows:

44 453A.56 UNIFORM APPLICATION.

45 Enforcement of this chapter shall be implemented in  
46 an equitable manner throughout the state. For the  
47 purpose of equitable and uniform implementation,  
48 application, and enforcement of state and local laws  
49 and regulations, the provisions of this chapter shall  
50 supersede any local law or regulation which is

H-5717

-6-

H-5717

Page 7

1 inconsistent with or conflicts with the provisions of  
 2 this chapter, unless the local law or regulation is  
 3 more restrictive in application in which case the more  
 4 restrictive portion of the local law or regulation  
 5 shall supersede any inconsistent or conflicting  
 6 provision of this chapter. This section and any other  
 7 provision in this chapter shall not prohibit the  
 8 imposition of a local option cigarette and tobacco tax  
 9 under chapter 422B.

10 Sec. \_\_\_\_ . NEW SECTION. 453A.57 IOWA DO NOT  
 11 START-STOP SMOKING FUND ESTABLISHED.

12 1. An Iowa do not start-stop smoking fund is  
 13 created within the state treasury under the control of  
 14 the Iowa department of public health. Moneys received  
 15 by the department from the proceeds of any tobacco  
 16 company settlement with the state of Iowa shall be  
 17 deposited in the state treasury to the credit of the  
 18 fund and are appropriated for the purposes specified  
 19 in this section. Notwithstanding section 8.33, any  
 20 unexpended balance in the fund at the end of each  
 21 fiscal year shall be retained in the fund. Any  
 22 interest and earnings on investments from money in the  
 23 fund shall be credited to the fund, section 12C.7  
 24 notwithstanding.

25 2. The Iowa department of public health shall  
 26 develop and implement a do not start-stop smoking  
 27 education campaign to educate minors and others about  
 28 the hazards of using cigarettes and tobacco products.

29 Sec. \_\_\_\_ . Section 453A.39, Code 1995, is repealed.

30 Sec. \_\_\_\_ . EFFECTIVE DATE. Section 249A.30, as  
 31 enacted by this Act, relating to the recovery of  
 32 medical assistance expenditures due to smoking, being  
 33 deemed of immediate importance, takes effect upon  
 34 enactment.

35 Sec. \_\_\_\_ . RETROACTIVE APPLICABILITY. The state  
 36 may recover, pursuant to section 249A.30, in addition  
 37 to any subsequent damages, any applicable damages  
 38 incurred within the two years preceding the date of  
 39 enactment of section 249A.30 of this Act."

40 4. Page 22, by inserting after line 28 the  
 41 following:

42 " \_\_\_\_ . Title page, line 1, by inserting after the  
 43 words "relating to" the following: "health matters".

44 \_\_\_\_ . Title page, line 6, by inserting after the  
 45 word "affairs," the following: "providing  
 46 penalties, "."

47 5. By renumbering as necessary.

By BRAMMER of Linn

H-5717 FILED MARCH 28, 1996

*Not Germane  
 Motion to Suspend Rule. Lost 4/1/96 (p. 1251)*

## SENATE FILE 2448

H-5718

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 20, line 2, by striking the figure  
5 "18.6." and inserting the following: "18.6,  
6 subsections 1 through 7, and subsections 9 through 14,  
7 and the dollar limitation in subsection 8."

8 2. Page 20, line 11, by inserting after the word  
9 "subcommittee." the following: "Prior to making a  
10 purchase under this section, the department shall  
11 first determine whether goods or services are  
12 available from a targeted small business and  
13 preference shall be given to making the purchases from  
14 targeted small businesses."

By BRUNKHORST of Bremer  
BAKER of Polk

H-5718 FILED MARCH 28, 1996

*Adopted 4-1-96 (P. 1261)*

## SENATE FILE 2448

H-5728

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 4, line 24, by striking the figure  
5 "986,242" and inserting the following: "792,852".

6 2. Page 18, line 48, by striking the figure  
7 "38,445,924" and inserting the following:  
8 "38,900,388".

By NELSON of Marshall

H-5728 FILED MARCH 28, 1996

*Withdrawn 4-1-96 (P. 1255)*

## SENATE FILE 2448

H-5731

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 16, line 4, by striking the word "county"  
5 and inserting the following: "county, as agreed upon  
6 by the county board of supervisors and any boards of  
7 health within the county,".

8 2. Page 16, by striking lines 8 through 10 and  
9 inserting the following: "available. The department  
10 shall submit a report to the general assembly on or  
11 before January 2, 1997, which shall include an  
12 evaluation of the first year of the voluntary  
13 demonstration project and a plan to expand statewide a  
14 single source contract for each county beginning July  
15 1, 1997. The department may include other state and".

By BRAND of Benton

H-5731 FILED MARCH 28, 1996

*Adopted 4-1-96 (P. 1259)*

## SENATE FILE 2448

H-5713

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 18, line 8, by inserting after the word  
5 "for" the following: "new grants and".

6 2. Page 22, by inserting after line 12 the  
7 following:

8 "Sec. 20. Section 232.190, subsection 4, Code  
9 1995, is amended to read as follows:

10 4. ~~This section is repealed effective June 30,~~  
11 ~~1998.~~ The division of criminal and juvenile justice  
12 planning and the department of human services shall  
13 submit a report to the general assembly by January 15,  
14 1998, regarding the effectiveness of the programs  
15 funded under this section in meeting the objectives  
16 contained in subsection 3."

17 3. By renumbering as necessary.

By WEIGEL of Chickasaw  
MURPHY of Dubuque

H-5713 FILED MARCH 28, 1996

A. Lost 4-1-96 (P. 1265)  
B. Withdrawn 4-1-96 (P. 1265)

## SENATE FILE 2448

H-5711

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 20, line 19, by striking the word  
5 "gamblers" and inserting the following: "gambling".

6 2. Page 20, line 23, by striking the words  
7 "gamblers assistance" and inserting the following:  
8 "~~gamblers-assistance~~ gambling".

9 3. Page 20, lines 26 and 27, by striking the  
10 words "gamblers assistance" and inserting the  
11 following: "~~gamblers-assistance~~ gambling".

12 4. Page 20, line 35, by striking the words  
13 "gamblers assistance" and inserting the following:  
14 "~~gamblers-assistance~~ gambling".

15 5. Page 20, line 38, by striking the words  
16 "gamblers assistance" and inserting the following:  
17 "~~gamblers-assistance~~ gambling".

18 6. Page 20, line 45, by striking the words  
19 "gamblers assistance" and inserting the following:  
20 "~~gamblers-assistance~~ gambling".

21 7. Page 21, by inserting after line 15 the  
22 following:

23 "Sec. \_\_\_\_ . NEW SECTION. 135.108 LEGISLATIVE  
24 INTENT.

25 The intent of this division is to provide quality  
26 treatment and rehabilitation services to persons  
27 experiencing difficulties as a result of problem  
28 gambling, to ensure that the services are adequately  
29 administered by competent persons, and to encourage  
30 and coordinate education and other preventive efforts  
31 concerning problem gambling.

32 Sec. \_\_\_\_ . NEW SECTION. 135.109 DEFINITIONS.

33 As used in this division, unless the context  
34 otherwise requires:

35 1. "Committee" means the gambling treatment  
36 advisory committee established in section 135.111.

37 2. "Participant" means a person receiving services  
38 provided through the gambling treatment program  
39 established in section 135.110.

40 3. "Program" means the gambling treatment program  
41 established in section 135.110.

42 Sec. \_\_\_\_ . NEW SECTION. 135.110 GAMBLING  
43 TREATMENT PROGRAM ESTABLISHED.

44 1. A gambling treatment program is established  
45 within the Iowa department of public health. The  
46 department shall develop, implement, and administer  
47 the program, with the assistance of the gambling  
48 treatment advisory committee.

49 2. The program shall include the development and  
50 implementation of a comprehensive treatment program

H-5711



H-5711

Page 2

1 for problem gamblers and persons affected by gambling.  
2 The program may include, but is not limited to, the  
3 following:  
4 a. Outpatient and follow-up treatment.  
5 b. Rehabilitation programs.  
6 c. Residential treatment.  
7 d. Inpatient treatment.  
8 e. Information and referral services.  
9 f. Education and preventive services.  
10 3. The director may enter into written agreements  
11 with public or private agencies to pay for services  
12 for problem gamblers and other persons affected by  
13 problem gambling. The director shall adopt rules,  
14 pursuant to chapter 17A, specifying the criteria for  
15 payment to the facilities. The problem gambler or  
16 other affected person receiving services is  
17 responsible for payment for the costs of the services,  
18 either through direct payment to the facility or  
19 reimbursement to the department. If the person  
20 receiving services has a claim for reimbursement for  
21 services, through insurance or otherwise, the person  
22 shall assign the claim to the department.  
23 4. The director shall develop and encourage the  
24 development of plans and programs for the prevention  
25 of gambling problems and the treatment of persons  
26 affected by problem gambling on a statewide basis and  
27 in cooperation with public and private agencies by  
28 providing technical assistance and other services. In  
29 cooperation with local gambling treatment programs,  
30 the director shall organize and implement programs for  
31 persons offering gambling treatment services. In  
32 addition, the director shall prepare, publish, and  
33 disseminate educational material concerning problem  
34 gambling and its effects, develop and implement an  
35 educational program as an integral part of treatment  
36 programs for problem gamblers and other persons  
37 affected by problem gambling, and assist in the  
38 development of gambling educational and treatment  
39 programs for employees in both the public and private  
40 sectors. The department may contract for any of the  
41 services required in this subsection.  
42 5. The director may conduct or contract for  
43 research into the causes and nature of gambling  
44 problems and serve as a clearinghouse for information  
45 relating to problem gambling treatment.  
46 Sec. \_\_\_\_ . NEW SECTION. 135.111 GAMBLING  
47 TREATMENT ADVISORY COMMITTEE ESTABLISHED.  
48 1. A gambling treatment advisory committee is  
49 established to advise the department on the  
50 administration of the program. The committee shall

H-5711

-2-

H-5711

Page 3

1 consist of eleven members appointed by the director  
2 for terms of office of three years and two senators  
3 and two state representatives appointed by the  
4 majority and minority leaders of the senate and the  
5 speaker and the minority leader of the house of  
6 representatives, respectively, for two-year terms.  
7 The legislative members shall be nonvoting members. A  
8 nonlegislative member shall not be appointed to more  
9 than two consecutive three-year terms. Terms of  
10 office shall be staggered, and shall commence on July  
11 1 of the year of appointment. The membership of the  
12 advisory committee shall be gender-balanced as  
13 provided in section 69.16A.

14 2. For a vacancy occurring after the appointment  
15 of the initial membership, the committee shall submit  
16 a list of at least two names to the director for  
17 consideration in filling the vacancy on the committee.  
18 The director shall fill the vacancy from the list of  
19 names for a term of three years or for the remainder  
20 of the unexpired term.

21 3. The committee and the director shall ensure  
22 that the committee consists of members from both urban  
23 and rural areas and represents a broad cross section  
24 of the state, selected from the following groups:  
25 recovering gamblers, the judicial department, the  
26 legal community, law enforcement officials, the  
27 religious community, employees of the lottery division  
28 of the department of revenue and finance, employees of  
29 the state racing and gaming commission, education  
30 professionals, parole and probation officers,  
31 psychiatrists licensed under chapter 147 or 150A, and  
32 representatives from employee assistance programs,  
33 consumer credit counseling and financial management  
34 agencies, business and industry, human service  
35 providers, gambling treatment providers, and other  
36 interested citizens.

37 4. Annually, the chairperson of the committee  
38 shall be elected by the committee from among its  
39 membership. The committee shall meet as frequently as  
40 the chairperson deems necessary, but not less than  
41 annually. Special meetings may be called by the  
42 department, the chairperson, or upon written request  
43 by three or more of the members of the committee.

44 5. Committee members who are applicants for or  
45 recipients of funds provided under this program are  
46 disqualified from voting on decisions relating to the  
47 disbursement of those funds for services in which the  
48 member has an interest.

49 6. Members of the committee shall be allowed their  
50 reasonable and necessary expenses incurred in the

H-5711

H-5711

Page 4

1 performance of their duties paid from funds  
2 appropriated for the program. Members of the  
3 committee may also be eligible to receive compensation  
4 as provided in section 7E.6.

5 Sec. \_\_\_\_ . NEW SECTION. 135.112 POWERS AND DUTIES  
6 OF THE DIRECTOR.

7 The director shall:

8 1. Appoint members of the committee pursuant to  
9 section 135.111.

10 2. Be responsible for the administration of the  
11 gamblers assistance fund and the gambling treatment  
12 program.

13 3. Employ personnel under chapter 19A for  
14 administration of the gamblers treatment fund and the  
15 gambling treatment program and to assist the gambling  
16 treatment advisory committee.

17 4. Publish annually a list of facilities providing  
18 services to gamblers and persons affected by problem  
19 gambling.

20 5. Take all necessary and proper actions to carry  
21 out this chapter.

22 6. Adopt the necessary rules required to  
23 administer this division pursuant to chapter 17A.

24 Sec. \_\_\_\_ . NEW SECTION. 135.113 POWERS AND DUTIES  
25 OF THE GAMBLING TREATMENT ADVISORY COMMITTEE.

26 The committee shall:

27 1. Consult with and make recommendations to the  
28 department concerning the adoption of rules relating  
29 to the treatment of problem gamblers and carrying out  
30 the purposes of this division.

31 2. Recommend services to be offered to treat  
32 problem gamblers and persons affected by the actions  
33 of problem gamblers.

34 3. Advise the department on budgeting, planning,  
35 and priorities for effective treatment of gamblers.

36 4. Make recommendations to the director concerning  
37 contract proposals.

38 5. Make recommendations to the director concerning  
39 committee vacancies as provided in section 135.111.

40 6. Take all necessary and proper actions to carry  
41 out the purposes of this division.

42 Sec. \_\_\_\_ . NEW SECTION. 135.114 AUDITS.

43 A contractor providing services pursuant to this  
44 division shall be audited on an annual basis in  
45 accordance with the procedures established in section  
46 11.36.

47 Sec. \_\_\_\_ . NEW SECTION. 135.115 CONFIDENTIALITY  
48 OF RECORDS.

49 1. Records pertaining to participants in the  
50 gambling treatment program are confidential pursuant

H-5711

H-5711

Page 5

1 to section 22.7. The records shall not be inspected  
2 and their contents shall not be disclosed except as  
3 otherwise provided in this section.

4 2. The director may examine participants' records  
5 in order to review or evaluate the program.

6 3. The director may provide information from  
7 participants' records to a person conducting bona fide  
8 research for research purposes under conditions the  
9 director deems appropriate, and may disclose or use  
10 information regarding the cost, purpose, number of  
11 persons served or assisted, results, and other general  
12 and statistical information if personal identifying  
13 data is not disclosed.

14 4. A participant's records may be disclosed to  
15 medical personnel in a medical emergency involving the  
16 patient.

17 5. Upon written application to and approval of the  
18 director, a participant's records shall be disclosed  
19 for public duties, audits, and other purposes directly  
20 related to the administration of the department.

21 6. A participant's records shall be disclosed to  
22 the participant upon the participant's written  
23 request.

24 7. A person shall not solicit, disclose, receive,  
25 use, authorize, or knowingly permit, participate in,  
26 or acquiesce in the use of confidential information  
27 under this section for commercial or political  
28 purposes."

29 8. By renumbering as necessary.

By HARRISON of Scott

H-5711 FILED MARCH 28, 1996

*Withdrawn 4-1-96 (P. 1262)*

SENATE FILE 2448

H-5712

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 17, by striking lines 22 through 28 and  
5 inserting the following:

6 "6A. STATUS OF WOMEN DIVISION CONTINGENT  
7 APPROPRIATION

8 If the general assembly does not enact a statute  
9 creating a workforce development department with  
10 responsibility for the mentoring project for family  
11 investment program participants, the following amount  
12 for the division of the status of women to implement  
13 the mentoring project under section 239.22:

14 ..... \$ 72,000"

15 2. By renumbering, relettering, and redesignating  
16 as necessary.

By KREMER of Buchanan

H-5712 FILED MARCH 28, 1996

*Adopted 4-1-96 (P. 1260)*

## SENATE FILE 2448

H-5667

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 21, by inserting after line 15 the  
5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 135.23 GROUP B  
7 STREPTOCOCCUS.

8 1. A physician providing prenatal care shall  
9 routinely furnish pregnant patients with written  
10 information, to be developed or approved by the  
11 department, regarding group B streptococcus disease  
12 incidence, risks, prevention strategies, diagnosis,  
13 and treatment. Prevention strategy information shall  
14 include the significance and availability of screening  
15 cultures that may be useful in determining whether or  
16 not a pregnant patient is colonized with group B  
17 streptococcus.

18 2. If a screening culture is taken and the patient  
19 tests positive for group B streptococcus colonization,  
20 the physician or designated member of the physician's  
21 staff shall report this status to the hospital or  
22 birth facility to which the patient is to be admitted.  
23 The information shall be entered upon the patient's  
24 medical records by a physician or designated hospital  
25 or birth facility staff member prior to or at the time  
26 of delivery.

27 3. As used in this section, "physician" means a  
28 physician licensed to practice medicine and surgery or  
29 osteopathic medicine and surgery.

30 4. If the centers for disease control and  
31 prevention of the United States department of health  
32 and human services, with the concurrence of the  
33 American academy of pediatrics and the American  
34 college of obstetrics and gynecology, determines that  
35 culture screenings of pregnant women to identify those  
36 who may be at greater risk of delivering babies with  
37 group B streptococcus disease is no longer an  
38 appropriate strategy or is replaced by a treatment  
39 modality which renders the culture screening  
40 unnecessary, the director shall adopt rules pursuant  
41 to section 17A.4, subsection 2, and section 17A.5,  
42 subsection 2, paragraph "b", to reflect the  
43 determination."

44 2. Page 22, by inserting after line 28 the  
45 following:

46 "Sec. \_\_\_\_ . GROUP B STREPTOCOCCUS EMERGENCY RULES.  
47 The Iowa department of public health shall adopt rules  
48 pursuant to section 17A.4, subsection 2, and section  
49 17A.5, subsection 2, paragraph "b", necessary to  
50 administer the provisions of section 135.23, as

H-5667

H-5667

Page 2

- 1 enacted by this Act. The rules shall become effective  
 2 July 1, 1996."  
 3 3. By renumbering as necessary.

By BLODGETT of Cerro Gordo

H-5667 FILED MARCH 27, 1996

*Lost 4-1-96 (p. 1264)*

SENATE FILE 2448

H-5679

- 1 Amend the amendment, H-5541, to Senate File 2448,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

- 4 1. Page 1, by striking lines 36 through 45.

By WEIGEL of Chickasaw

H-5679 FILED MARCH 27, 1996

*Lost 4-1-96 (p. 1252)*

SENATE FILE 2448

H-5680

- 1 Amend the amendment, H-5541, to Senate File 2448,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

- 4 1. Page 1, by striking lines 46 through 50.

By WEIGEL of Chickasaw

H-5680 FILED MARCH 27, 1996.

*Lost 4-1-96 (p. 1252)*

SENATE FILE 2448

H-5681

- 1 Amend the amendment, H-5541, to Senate File 2448,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

- 4 1. Page 6, line 14, by striking the figure  
 5 "7,896,812" and inserting the following: "8,296,812".  
 6 2. Page 18, line 13, by striking the figure  
 7 "1,778,971" and inserting the following: "1,978,971".  
 8 3. Page 18, by inserting after line 14 the  
 9 following:

10 "Of the amount appropriated to the community grant  
 11 fund, \$200,000 shall be allocated by the division of  
 12 criminal and juvenile justice planning of the  
 13 department of human rights, for a grant to an urban  
 14 facility whose primary function is to provide shelter  
 15 services for runaways ages 11 through 17. This shall  
 16 be the only new grant allocated out of this  
 17 appropriation."

- 18 4. Page 19, by striking lines 16 through 44.  
 19 5. Page 21, by striking lines 6 through 15.  
 20 6. By renumbering as necessary.

By MURPHY of Dubuque

H-5681 FILED MARCH 27, 1996

*Lost 4-1-96 (p. 1255)*

SENATE FILE 2448

H-5701

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 16, by striking lines 41 through 47.

5 2. Page 22, by inserting after line 28 the  
6 following:

7 "Sec. 22. INTERPRETIVE SERVICES STUDY. The  
8 legislative council is requested to establish an  
9 interim committee to evaluate the access to and  
10 quality of interpretive services provided for the deaf  
11 and hard-of-hearing population."

12 3. By renumbering as necessary.

By MASCHER of Johnson  
MUNDIE of Webster

H-5701 FILED MARCH 27, 1996

*Lost 4-1-96 (P. 1259)*

SENATE FILE 2448

H-5702

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, line 13, by striking the figure  
5 "3,040,586" and inserting the following: "3,076,528".

6 2. Page 14, line 6, by striking the figure  
7 "1,052,558" and inserting the following: "1,065,000".

8 3. Page 18, line 13, by striking the figure  
9 "1,778,971" and inserting the following: "1,800,000".

By MASCHER of Johnson

H-5702 FILED MARCH 27, 1996

*Lost 4/1/96  
(P. 1253)*

## SENATE FILE 2448

H-5703

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 6, line 14, by striking the figure  
5 "7,896,812" and inserting the following: "8,296,812".

A 6 2. Page 14, line 6, by striking the figure  
7 "1,052,558" and inserting the following: "652,558".

8 3. Page 14, line 7, by inserting before the word  
9 "The" the following: "(1)".

10 4. Page 14, line 33, by inserting before the word  
11 "The" the following: "(2)".

B 12 5. Page 14, line 43, by inserting before the word  
13 "Of" the following: "(3)".

A 14 6. Page 14, line 44, by striking the figure  
15 "735,000" and inserting the following: "335,000".

16 7. Page 14, by inserting after line 50 the  
17 following:

18 "(4) It is the intent of the general assembly to  
19 develop a process for the fiscal year beginning July  
20 1, 1997, using the criteria set out in this

21 subparagraph, to appropriate state funds in block  
22 grant form to communities for programs for families  
23 with children between zero and five years of age,  
24 based upon the recommendation of the blueprint for  
25 Iowa's young children 1995 interim study committee.

26 The funds, in block grant form, shall be allocated  
27 to a community, for the fiscal year beginning July 1,  
28 1997, and ending June 30, 1998, which may be a city, a  
29 county, a school district, or a group of cities,  
30 counties, or school districts for which a city  
31 government, a county board of supervisors, or a school  
32 district or a group of city governments, county boards  
33 of supervisors, or school districts submits an  
34 application for funding services to families with  
35 children between zero and five years of age.

B 36 The application shall be submitted to the  
37 department of management and shall propose a  
38 collaborative community strategy through participation  
39 of a wide range of consumers and public, private  
40 sector, and voluntary groups and organizations within  
41 the community in the development and implementation of  
42 the plan; to provide matching funds in an amount  
43 designated by the department of management based upon  
44 the number of families with children between zero and  
45 five years of age in the community, and to evaluate  
46 programs through state-developed performance measures.

47 The department of management shall develop criteria  
48 for and a procedure for the approval of community  
49 plans, determine the number of families within a  
50 community with children between zero and five years of

H-5703



H-5703

Page 2

1 age, and develop performance measures, involving both  
2 process and impact evaluation, in consultation with  
3 state agencies which provide services to these  
4 families including but not limited to the department  
5 of human services, the Iowa department of public  
6 health, the department of education, the department of  
7 economic development, the department of employment  
8 services, and the department of human rights.

*B*

9 The directors of state agencies which provide  
10 services to children and families, including but not  
11 limited to the department of human services, the Iowa  
12 department of public health, the department of  
13 education, the department of economic development, the  
14 department of employment services, and the department  
15 of human rights, shall form a work group to internally  
16 coordinate and to increase collaboration regarding  
17 policies and programs which focus on children and  
18 families. The work group shall further evaluate the  
19 best process for the appropriation of state funds in  
20 block grant form as provided in this subparagraph and  
21 shall develop a joint strategic plan to reduce  
22 regulation, to eliminate duplication, and to develop a  
23 system for evaluation of existing and future programs  
24 and activities relating to children and families. The  
25 work group shall submit a comprehensive report to the  
26 general assembly detailing the progress in meeting  
27 this directive on or before December 1, 1996, and  
28 annually on December 1 thereafter."

- 29 8. Page 19, by striking lines 16 through 44.
- 30 9. Page 21, by striking lines 6 through 15.
- 31 10. Page 22, by striking lines 29 through 31.
- 32 11. By renumbering as necessary.

*A*

By HARRISON of Scott  
BRUNKHORST of Bremer

H-5703 FILED MARCH 27, 1996

*A. ADOPTED 4-1-96 (P.1252)*  
*B. Withdrawn 4-1-96 (P.1259)*

SENATE FILE 2448

H-5704

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

- 4 1. Page 2, line 13, by striking the figure
- 5 "3,040,586" and inserting the following: "3,290,586".

By WEIGEL of Chickasaw  
MURPHY of Dubuque  
KREIMAN of Davis  
MASCHER of Johnson  
BRAND of Benton

BURNETT of Story  
BERNAU of Story  
WITT of Black Hawk  
MUNDIE of Webster

H-5704 FILED MARCH 27, 1996

*Withdrawn*  
*4-1-96*  
*(P.1253)*

## SENATE FILE 2448

H-5708

1 Amend the amendment, H-5541, to Senate File 2448,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, line 13, by striking the figure  
 5 "3,040,586" and inserting the following: "3,050,586".  
 6 2. Page 2, by inserting after line 42 the  
 7 following:  
 8 "Of the funds appropriated in this subsection,  
 9 \$10,000 is for use by the Hawkeye area agency on aging  
 10 for support of programs at the Jesse Cosby center."  
 By SHOULTZ of Black Hawk

H-5708 FILED MARCH 27, 1996

*Lost 4-1-96 (P. 1254)*

## SENATE FILE 2448

H-5709

1 Amend the amendment, H-5541, to Senate File 2448,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 6, line 14, by striking the figure  
 5 "7,896,812" and inserting the following: "7,990,159".  
 By BRAND of Benton

H-5709 FILED MARCH 27, 1996

*Out of order 4-1-96 (P. 1257)*

## SENATE FILE 2448

H-5710

1 Amend the amendment, H-5541, to Senate File 2448,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 18, line 48, by striking the figure  
 5 "38,445,924" and inserting the following:  
 6 "38,706,998".  
 7 2. Page 19, by inserting after line 15 the  
 8 following:  
 9 "c. Of the funds appropriated from the general  
 10 fund of the state to the department of human services  
 11 for the fiscal year beginning July 1, 1996, \$193,390  
 12 shall be transferred to the appropriation in this  
 13 subsection for use at the Iowa veterans home at the  
 14 beginning of the fourth quarter of fiscal year 1997,  
 15 based upon anticipated savings from case management."  
 By BRAND of Benton

H-5710 FILED MARCH 27, 1996

*With drawn  
4-1-96  
(P. 1261)*

## SENATE FILE 2448

H-5635

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 20, by inserting after line 20 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 68B.35, subsection 2, paragraph  
7 e, Code 1995, is amended to read as follows:

8 e. Members of the banking board, the ethics and  
9 campaign disclosure board, the credit union review  
10 board, the economic development board, the employment  
11 appeal board, the environmental protection commission,  
12 ~~the health facilities council~~, the Iowa business  
13 investment corporation board of directors, the Iowa  
14 finance authority, the Iowa seed capital corporation,  
15 the Iowa public employees' retirement system  
16 investment board, the lottery board, the natural  
17 resource commission, the board of parole, the  
18 petroleum underground storage tank fund board, the  
19 public employment relations board, the state racing  
20 and gaming commission, the state board of regents, the  
21 tax review board, the transportation commission, the  
22 office of consumer advocate, the utilities board, and  
23 any full-time members of other boards and commissions  
24 as defined under section 7E.4 who receive an annual  
25 salary for their service on the board or commission.

26 Sec. \_\_\_\_\_. Section 97B.41, subsection 8, paragraph  
27 b, subparagraph (13), Code Supplement 1995, is amended  
28 to read as follows:

29 (13) Members of the state transportation  
30 commission, and the board of parole, ~~and the state~~  
31 ~~health facilities council~~ unless a member elects by  
32 filing an application with the department to be  
33 covered under this chapter."

34 2. Page 21, by inserting after line 15 the  
35 following:

36 "Sec. \_\_\_\_\_. Section 135C.2, subsection 5,  
37 unnumbered paragraph 1, Code Supplement 1995, is  
38 amended to read as follows:

39 The department shall establish a special  
40 classification within the residential care facility  
41 category in order to foster the development of  
42 residential care facilities which serve persons with  
43 mental retardation, chronic mental illness, a  
44 developmental disability, or brain injury, as  
45 described under section 225C.26, and which contain  
46 five or fewer residents. ~~A facility within the~~  
47 ~~special classification established pursuant to this~~  
48 ~~subsection is exempt from the requirements of section~~  
49 ~~135-63.~~ The department shall adopt rules which are  
consistent with rules previously developed for the

H-5635

H-5635

Page 2

1 waiver demonstration project pursuant to 1986 Iowa  
2 Acts, chapter 1246, section 206, and which include all  
3 of the following provisions:

4 Sec. \_\_\_\_\_. Section 135H.6, subsection 4, Code 1995,  
5 is amended by striking the subsection.

6 Sec. \_\_\_\_\_. Section 145.3, subsection 1, Code 1995,  
7 is amended to read as follows:

8 1. The health data commission shall enter into an  
9 agreement with the health policy corporation of Iowa  
10 or any other corporation, association, or entity it  
11 deems appropriate to provide staff for the commission,  
12 to provide staff for the compilation, correlation, and  
13 development of the data collected by the commission,  
14 to conduct or contract for studies on health-related  
15 questions which will further the purpose and intent  
16 expressed in section 145.1, ~~and to provide data to the~~  
17 ~~health facilities council as requested by the Iowa~~  
18 ~~department of public health.~~ The agreement may  
19 provide for the corporation, association, or entity to  
20 prepare and distribute or make available data to  
21 health care providers, health care subscribers, third-  
22 party payers, and the general public."

23 3. Page 21, by inserting after line 47 the  
24 following:

25 "Sec. \_\_\_\_\_. Section 231B.2, subsection 1, Code  
26 1995, is amended to read as follows:

27 1. The department shall establish by rule in  
28 accordance with chapter 17A a special classification  
29 for elder group homes. ~~An elder group home~~  
30 ~~established pursuant to this subsection is exempt from~~  
31 ~~the requirements of section 135.63."~~

32 4. Page 22, by inserting after line 27 the  
33 following:

34 "Sec. \_\_\_\_\_. Sections 135.61, 135.62, and 135.64  
35 through 135.83, Code 1995, are repealed.

36 Sec. \_\_\_\_\_. Section 135.63, Code Supplement 1995, is  
37 repealed."

38 5. By renumbering as necessary.

By EDDIE of Buena Vista

MERTZ of Kossuth

HUSEMAN of Cherokee

KLEMME of Plymouth

H-5635 FILED MARCH 26, 1996

*Withdrawn  
4-1-96  
(p. 1262)*

## SENATE FILE 2448

H-5625

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 18, line 48, by striking the figure  
5 "38,445,924" and inserting the following:  
6 "38,900,388".

By NELSON of Marshall

H-5625 FILED MARCH 26, 1996

*Adopted 4-1-96 (P. 1261)*

## SENATE FILE 2448

H-5626

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 21, by inserting after line 15 the  
5 following:

6 "Sec. \_\_\_\_ . Section 135.1, subsection 4, Code  
7 Supplement 1995, is amended to read as follows:

8 4. "Physician" means a person licensed to practice  
9 medicine and surgery, osteopathic medicine and  
10 surgery, osteopathy, chiropractic, or podiatry, or  
11 optometry under the laws of this state; but a person  
12 licensed as a physician and surgeon shall be  
13 designated as a "physician" or "surgeon", a person  
14 licensed as an osteopathic physician and surgeon shall  
15 be designated as an "osteopathic physician" or  
16 "osteopathic surgeon", a person licensed as an  
17 osteopath shall be designated as an "osteopathic  
18 physician", a person licensed as a chiropractor shall  
19 be designated as a "chiropractor", and a person  
20 licensed as a podiatrist shall be designated as a  
21 "podiatric physician", and a person licensed as an  
22 optometrist shall be designated as an "optometrist".

23 A definition or designation contained in this  
24 subsection shall not be interpreted to expand the  
25 scope of practice of such licensees."

26 2. By renumbering as necessary.

By KREMER of Buchanan  
BODDICKER of Cedar  
GARMAN of Story

MERTZ of Kossuth  
MUNDIE of Webster

H-5626 FILED MARCH 26, 1996

*Not Referred**4-1-96**(P. 1263)*

H-5623

1 Amend the amendment, H-5541, to Senate File 2448,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 20, line 19, by striking the word  
 5 "gamblers" and inserting the following: "gambling".

6 2. Page 20, line 23, by striking the words  
 7 "gamblers assistance" and inserting the following:  
 8 "gambiers-assistance gambling".

9 3. Page 20, lines 26 and 27, by striking the  
 10 words "gamblers assistance" and inserting the  
 11 following: "gambiers-assistance gambling".

12 4. Page 20, line 35, by striking the words  
 13 "gamblers assistance" and inserting the following:  
 14 "gambiers-assistance gambling".

15 5. Page 20, line 38, by striking the words  
 16 "gamblers assistance" and inserting the following:  
 17 "gambiers-assistance gambling".

A 18 6. Page 20, line 45, by striking the words  
 19 "gamblers assistance" and inserting the following:  
 20 "gambiers-assistance gambling".

B 21 7. Page 21, line 10, by striking the word  
 22 "gamblers" and inserting the following: "gambling".

By KREMER of Buchanan

H-5623 FILED MARCH 26, 1996

A. Adopted 4-1-96 (p. 1262)  
 B. Out of Order 4-1-96 (p. 1264)

HOUSE AMENDMENT TO  
SENATE FILE 2448

S-5622

1 Amend Senate File 2448, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. DEPARTMENT FOR THE BLIND. There is  
6 appropriated from the general fund of the state to the  
7 department for the blind for the fiscal year beginning  
8 July 1, 1996, and ending June 30, 1997, the following  
9 amount, or so much thereof as is necessary, to be used  
10 for the purpose designated:

11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:

14 .....	\$	1,458,496
15 .....	FTEs	95.00

16 Sec. 2. CIVIL RIGHTS COMMISSION. There is  
17 appropriated from the general fund of the state to the  
18 Iowa state civil rights commission for the fiscal year  
19 beginning July 1, 1996, and ending June 30, 1997, the  
20 following amount, or so much thereof as is necessary,  
21 to be used for the purpose designated:

22 For salaries, support, maintenance, miscellaneous  
23 purposes, and for not more than the following full-  
24 time equivalent positions:

25 .....	\$	1,128,354
26 .....	FTEs	36.00

27 If the anticipated amount of federal funding from  
28 the federal equal employment opportunity commission  
29 and the federal department of housing and urban  
30 development exceeds \$467,900 during the fiscal year  
31 beginning July 1, 1996, and ending June 30, 1997, the  
32 Iowa state civil rights commission may exceed the  
33 staffing level authorized by this section as necessary  
34 to hire additional staff to process or to support the  
35 processing of employment and housing complaints.

36 A first-time violation detected during or as a  
37 result of random testing to detect civil rights  
38 violations shall not result in adjudication or the  
39 assessment of a fine. The intent of civil rights  
40 testing shall be strictly educational. If this  
41 provision is determined to be illegal or  
42 unconstitutional by a court of law, or if the  
43 provision would in any way jeopardize a federal  
44 department of housing and urban development grant to  
45 the commission, the provision shall not apply.

46 The questionnaire which the Iowa state civil rights  
47 commission requires an employer to complete during the  
48 course of an investigation, after a complaint against  
49 the employer has been filed, shall be revised and  
50 shortened.

S-5622

S-5622

Page 2

1 Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is  
2 appropriated from the general fund of the state to the  
3 department of elder affairs for the fiscal year  
4 beginning July 1, 1996, and ending June 30, 1997, the  
5 following amounts, or so much thereof as is necessary,  
6 to be used for the purposes designated:

7 1. For salaries, support, maintenance,  
8 miscellaneous purposes, and for not more than the  
9 following full-time equivalent positions:

10 .....	\$	445,650
11 .....	FTEs	28.00

12 2. For aging programs and services:

13 ..... \$ 3,040,586

14 All funds appropriated in this subsection shall be  
15 received and disbursed by the director of elder  
16 affairs for aging programs and services, shall not be  
17 used by the department for administrative purposes,  
18 not more than \$151,654 shall be used for area agencies  
19 on aging administrative purposes, and shall be used  
20 for citizens of Iowa over 60 years of age for case  
21 management for the frail elderly, mental health  
22 outreach, Alzheimer's support, retired senior  
23 volunteer program, care review committee coordination,  
24 employment, adult day care, respite care, chore  
25 services, telephone reassurance, information and  
26 assistance, and home repair services, including the  
27 winterizing of homes, and for the construction of  
28 entrance ramps which make residences accessible to the  
29 physically handicapped. Funds appropriated in this  
30 subsection may be used to supplement federal funds  
31 under federal regulations. To receive funds  
32 appropriated in this subsection, a local area agency  
33 on aging shall match the funds with funds from other  
34 sources in accordance with rules adopted by the  
35 department. Funds appropriated in this subsection may  
36 be used for elderly services not specifically  
37 enumerated in this subsection only if approved by an  
38 area agency on aging for provision of the service  
39 within the area.

40 The department shall maintain policies and  
41 procedures regarding Alzheimer's support and the  
42 retired senior volunteer program.

43 Sec. 4. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE.

44 There is appropriated from the general fund of the  
45 state to the governor's alliance on substance abuse  
46 for the fiscal year beginning July 1, 1996, and ending  
47 June 30, 1997, the following amounts, or so much  
48 thereof as is necessary, to be used for the purposes  
49 designated:

50 1. For salaries, support, maintenance,

S-5622



S-5622

Page 3

1 miscellaneous purposes, and for not more than the  
2 following full-time equivalent positions:

3 .....	\$	300,778
4 .....	FTEs	10.00

5 2. For the Iowa substance abuse clearinghouse in  
6 Cedar Rapids for staff, materials, and operating  
7 expenses:

8 .....	\$	32,510
---------	----	--------

9 Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is  
10 appropriated from the general fund of the state to the  
11 Iowa department of public health for the fiscal year  
12 beginning July 1, 1996, and ending June 30, 1997, the  
13 following amounts, or so much thereof as is necessary,  
14 to be used for the purposes designated:

15 1. a. PLANNING AND ADMINISTRATION DIVISION

16 For salaries, support, maintenance, miscellaneous  
17 purposes, and for not more than the following full-  
18 time equivalent positions:

19 .....	\$	2,171,724
20 .....	FTEs	61.15

21 (1) Of the funds appropriated in this lettered  
22 paragraph, \$738,182 shall be used for the chronic  
23 renal disease program. The types of assistance  
24 available to eligible recipients under the program may  
25 include insurance premiums, travel reimbursement, and  
26 prescription and nonprescription drugs. The program  
27 expenditures shall not exceed this allocation. If  
28 projected expenditures would exceed the allocation,  
29 the department shall establish by administrative rule  
30 a mechanism to reduce financial assistance under the  
31 renal disease program in order to keep expenditures  
32 within the amount allocated in this paragraph.

33 (2) Hospitals shall not collect fees for birth  
34 certificates in excess of the fees as set out in the  
35 administrative rules of the Iowa department of public  
36 health.

37 (3) Of the funds appropriated in this lettered  
38 paragraph, \$117,027 shall be used to provide  
39 regulatory oversight of accountable health plans.

40 (4) Of the funds appropriated in this lettered  
41 paragraph, \$46,658 shall be used for the purchase,  
42 verification, updating, and storage of health data  
43 information.

44 The department shall compile, correlate, and  
45 disseminate data from health care providers, the state  
46 medical assistance program, third-party payors,  
47 associations, and other appropriate sources in  
48 furtherance of the purpose and intent of this  
49 appropriation.

50 The department shall request and receive

S-5622

S-5622

Page 4

1 information from other state agencies similar to that  
 2 required of third-party payors for the purpose of  
 3 dissemination of health data. The department may  
 4 enter into agreements for studies on health-related  
 5 questions and provide or make data available to health  
 6 care providers, health care subscribers, third-party  
 7 payors and the general public. The department may  
 8 purchase data for the purpose of dissemination of  
 9 health data information. The department shall assure  
 10 the confidentiality of the data collected from other  
 11 state agencies, hospitals, and third-party payors  
 12 under chapter 22. The compilation of data information  
 13 prepared for release or dissemination from the data  
 14 collected shall be a public record. The department  
 15 shall adopt administrative rules to address a  
 16 contracting process, define confidential information,  
 17 set fees to be charged for data, and prescribe the  
 18 forms upon which the information is to be made  
 19 available.

20 b. PROFESSIONAL LICENSURE

21 For salaries, support, maintenance, miscellaneous  
 22 purposes, and for not more than the following full-  
 23 time equivalent positions:

24 .....	\$	986,242
25 .....	FTEs	12.00

26 The director of public health, when estimating  
 27 expenditure requirements for the boards funded under  
 28 this paragraph, shall base the budget on 85 percent of  
 29 the average annual fees generated for the previous two  
 30 fiscal years. The department shall confer with the  
 31 boards funded under this paragraph in estimating the  
 32 boards' annual fee generation and administrative  
 33 costs. When the department develops each board's  
 34 annual budget, a board's budget shall not exceed 85  
 35 percent of fees collected, based on the average of the  
 36 previous two fiscal years. The department may expend  
 37 funds in addition to amounts budgeted, if those  
 38 additional expenditures are directly the result of  
 39 unanticipated litigation costs arising from the  
 40 discharge of the board's regulatory duties. Before  
 41 the department expends or encumbers an amount in  
 42 excess of the funds budgeted for a board, the director  
 43 of the department of management shall approve the  
 44 expenditure or encumbrance. The amounts necessary to  
 45 fund the unanticipated litigation in the fiscal year  
 46 beginning July 1, 1996, shall not exceed 5 percent of  
 47 the average annual fees generated by the board for the  
 48 previous two fiscal years.

49 c. EMERGENCY MEDICAL SERVICES

50 For salaries, support, maintenance, and emergency

S-5622

S-5622

Page 5

1 medical services training of emergency medical  
2 services (EMS) personnel at the state, county, and  
3 local levels and for not more than the following full-  
4 time equivalent positions:

5 ..... \$ 1,010,416

6 ..... FTEs 12.00

7 If a person in the course of responding to an  
8 emergency renders aid to an injured person and becomes  
9 exposed to bodily fluids of the injured person, that  
10 emergency responder shall be entitled to hepatitis  
11 testing and immunization in accordance with the latest  
12 available medical technology to determine if infection  
13 with hepatitis has occurred. The person shall be  
14 entitled to reimbursement from the EMS funds available  
15 under this lettered paragraph only if the  
16 reimbursement is not available through any employer or  
17 third-party payor.

18 2. HEALTH PROTECTION DIVISION

19 a. For salaries, support, maintenance,  
20 miscellaneous purposes, and for not more than the  
21 following full-time equivalent positions:

22 ..... \$ 2,141,836

23 ..... FTEs 76.00

24 b. Of the funds appropriated in this subsection,  
25 \$75,000 shall be used for chlamydia testing.

26 c. Of the funds appropriated in this subsection,  
27 \$39,547 shall be used for the lead abatement program.

28 d. The state university of Iowa hospitals and  
29 clinics shall not receive indirect costs from the  
30 funds appropriated in this subsection.

31 3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

32 a. For salaries, support, maintenance,  
33 miscellaneous purposes, and for not more than the  
34 following full-time equivalent positions:

35 ..... \$ 625,907

36 ..... FTEs 47.35

37 (1) The division shall continue to coordinate with  
38 substance abuse treatment and prevention providers  
39 regardless of funding source to assure the delivery of  
40 substance abuse treatment and prevention programs.

41 (2) The commission on substance abuse, in  
42 conjunction with the division, shall continue to  
43 coordinate the delivery of substance abuse services  
44 involving prevention, social and medical  
45 detoxification, and other treatment by medical and  
46 nonmedical providers to uninsured and court-ordered  
47 substance abuse patients in all counties of the state.

48 b. Of the funds appropriated in this subsection,  
49 \$15,000 is allocated to support the surveillance and  
50 reporting of disabilities suffered by persons engaged

S-5622

Page 6

1 in agriculture resulting from diseases or injuries,  
 2 including identifying the amount and severity of  
 3 agriculture-related injuries and diseases in the  
 4 state, identifying causal factors associated with  
 5 agriculture-related injuries and diseases, and  
 6 evaluating the effectiveness of intervention programs  
 7 designed to reduce injuries and diseases. The  
 8 department shall cooperate with the department of  
 9 agriculture and land stewardship, Iowa state  
 10 university of science and technology, and the college  
 11 of medicine at the state university of Iowa in  
 12 accomplishing these duties.

13 c. For program grants:

14 ..... \$ 8,296,812

15 (1) Of the funds appropriated in this lettered  
 16 paragraph, \$193,500 shall be used for the provision of  
 17 aftercare services for persons completing substance  
 18 abuse treatment.

19 (2) Of the funds appropriated in this lettered  
 20 paragraph, a minimum of \$950,000 shall be used by the  
 21 Iowa department of public health to continue the  
 22 integrated substance abuse managed care system.

23 4. FAMILY AND COMMUNITY HEALTH DIVISION

24 a. For salaries, support, maintenance,  
 25 miscellaneous purposes, and for not more than the  
 26 following full-time equivalent positions:

27 ..... \$ 3,375,144

28 ..... FTEs 71.00

29 (1) Of the funds appropriated in this lettered  
 30 paragraph, at least \$587,865 shall be allocated by the  
 31 division for the birth defects and genetics counseling  
 32 program and of these funds, \$279,402 is allocated for  
 33 regional genetic counseling services contracted from  
 34 the state university of Iowa hospitals and clinics  
 35 under the control of the state board of regents.

36 (2) Of the funds appropriated in this lettered  
 37 paragraph, the following amounts are allocated to the  
 38 state university of Iowa hospitals and clinics under  
 39 the control of the state board of regents for the  
 40 following programs under the Iowa specialized child  
 41 health care services:

42 (a) Mobile and regional child health specialty  
 43 clinics:

44 ..... \$ 392,931

45 The regional clinic located in Sioux City shall  
 46 maintain a social worker component to assist the  
 47 families of children participating in the clinic  
 48 program.

49 Of the funds allocated in this subparagraph,  
 50 \$97,937 shall be used for a specialized medical home

S-5622

S-5622

Page 7

1 care program providing care planning and coordination  
2 of community support services for children who require  
3 technical medical care in the home.

4 (b) Muscular dystrophy and related genetic disease  
5 programs:

6 ..... \$ 115,613

7 (c) Statewide perinatal program:

8 ..... \$ 61,693

9 (3) The birth defects and genetic counseling  
10 service shall apply a sliding fee scale to determine  
11 the amount a person receiving the services is required  
12 to pay for the services. These fees shall be  
13 considered repayment receipts and used for the  
14 program.

15 (4) The state university of Iowa hospitals and  
16 clinics shall not receive indirect costs from the  
17 funds allocated in this lettered paragraph.

18 (5) Of the funds appropriated in this lettered  
19 paragraph, \$1,001,209 shall be used for maternal and  
20 child health services.

21 (6) If during the 1996-1997 fiscal year, the  
22 federal government incorporates the special  
23 supplemental nutrition program for women, infants, and  
24 children into a block grant, the department of human  
25 services, Iowa department of public health, or any  
26 other state agency which administers the block grant  
27 shall require a competitive bid process for infant  
28 formula purchased by or for families under the block  
29 grant.

30 (7) The Iowa department of public health shall  
31 administer the statewide maternal and child health  
32 program, conduct mobile and regional child health  
33 specialty clinics, and conduct other activities to  
34 improve the health of low-income women and children  
35 and to promote the welfare of children with actual or  
36 potential handicapping conditions and chronic  
37 illnesses in accordance with the requirements of Title  
38 V of the federal Social Security Act.

39 (8) The department shall continue efforts to  
40 realize the "Healthy Iowans 2000" goal of promoting  
41 prevention and health promotion to improve the quality  
42 of life of Iowans and to hold down health care costs  
43 and shall submit an annual "Healthy Iowans 2000"  
44 progress report to the general assembly on January 1  
45 of each fiscal year.

46 (9) Of the funds appropriated in this lettered  
47 paragraph, \$165,391 is allocated for the office of  
48 rural health to provide technical assistance to rural  
49 areas in the area of health care delivery.

50 (10) Of the funds appropriated in this lettered

S-5622

S-5622

Page 8

1 paragraph, \$182,028 shall be used to develop,  
2 implement, and maintain rural health provider  
3 recruitment and retention efforts.

4 b. Sudden infant death syndrome autopsies:

5 For reimbursing counties for expenses resulting  
6 from autopsies of suspected victims of sudden infant  
7 death syndrome required under section 331.802,  
8 subsection 3, paragraph "j":

9 ..... \$ 9,562

10 c. For grants to local boards of health for the  
11 public health nursing program:

12 ..... \$ 2,482,525

13 (1) Funds appropriated in this lettered paragraph  
14 shall be used to maintain and expand the existing  
15 public health nursing program for elderly and low-  
16 income persons with the objective of preventing or  
17 reducing inappropriate institutionalization. The  
18 funds shall not be used for any other purpose. As  
19 used in this lettered paragraph, "elderly person"  
20 means a person who is 60 years of age or older and  
21 "low-income person" means a person whose income and  
22 resources are below the guidelines established by the  
23 department.

24 (2) One-fourth of the total amount to be allocated  
25 shall be divided so that an equal amount is available  
26 for use in each county in the state. Three-fourths of  
27 the total amount to be allocated shall be divided so  
28 that the share available for use in each county is  
29 proportionate to the number of elderly and low-income  
30 persons living in that county in relation to the total  
31 number of elderly and low-income persons living in the  
32 state.

33 (3) In order to receive allocations under this  
34 lettered paragraph, the local board of health having  
35 jurisdiction shall prepare a proposal for the use of  
36 the allocated funds available for that jurisdiction  
37 that will provide the maximum benefits of expanded  
38 public health nursing care to elderly and low-income  
39 persons in the jurisdiction. After approval of the  
40 proposal by the department, the department shall enter  
41 into a contract with the local board of health. The  
42 local board of health shall subcontract with a  
43 nonprofit nurses' association, an independent  
44 nonprofit agency, or a suitable local governmental  
45 body to use the allocated funds to provide public  
46 health nursing care. Local boards of health shall  
47 make an effort to prevent duplication of services.

48 (4) If by July 30 of the fiscal year, the  
49 department is unable to conclude contracts for use of  
50 the allocated funds in a county, the department shall

S-5622

S-5622

Page 9

1 consider the unused funds appropriated under this  
 2 lettered paragraph an unallocated pool. If the  
 3 unallocated pool is \$50,000 or more it shall be  
 4 reallocated to the counties in substantially the same  
 5 manner as the original allocations. The reallocated  
 6 funds are available for use in those counties during  
 7 the period beginning January 1 and ending June 30 of  
 8 the fiscal year. If the unallocated pool is less than  
 9 \$50,000, the department may allocate the pool to  
 10 counties with demonstrated special needs for public  
 11 health nursing.

12 (5) The department shall maintain rules governing  
 13 the expenditure of funds appropriated in this lettered  
 14 paragraph. The rules shall require each local agency  
 15 receiving funds to establish and use a sliding fee  
 16 scale for those persons able to pay for all or a  
 17 portion of the cost of the care.

18 (6) The department shall annually evaluate the  
 19 success of the public health nursing program. The  
 20 evaluation shall include the extent to which the  
 21 program reduced or prevented inappropriate  
 22 institutionalization, the extent to which the program  
 23 increased the availability of public health nursing  
 24 care to elderly and low-income persons, and the extent  
 25 of public health nursing care provided to elderly and  
 26 low-income persons. The department shall submit a  
 27 report of each annual evaluation to the governor and  
 28 the general assembly.

29 d. For grants to county boards of supervisors for  
 30 the home care aide program:

31 ..... \$ 8,486,400

32 Funds appropriated in this lettered paragraph shall  
 33 be used to provide home care aide services with  
 34 emphasis on services to elderly and persons below the  
 35 poverty level and children and adults in need of  
 36 protective services with the objective of preventing  
 37 or reducing inappropriate institutionalization. In  
 38 addition, up to 15 percent of the funds appropriated  
 39 in this lettered paragraph may be used to provide  
 40 chore services. The funds shall not be used for any  
 41 other purposes. In providing services to elderly  
 42 persons, the service provider shall coordinate efforts  
 43 with the integrated case management for the frail  
 44 elderly program of the department of elder affairs.  
 45 As used in this lettered paragraph:

46 (1) "Chore services" means services provided to  
 47 individuals or families, who, due to incapacity, or  
 48 illness, are unable to perform certain home  
 49 maintenance functions. The services include but are  
 50 not limited to yard work such as mowing lawns, raking

S-5622

Page 10

1 leaves, and shoveling walks; window and door  
2 maintenance such as hanging screen windows and doors,  
3 replacing windowpanes, and washing windows; and minor  
4 repairs to walls, floors, stairs, railings, and  
5 handles. It also includes heavy house cleaning which  
6 includes cleaning attics or basements to remove fire  
7 hazards, moving heavy furniture, extensive wall  
8 washing, floor care or painting, and trash removal.

9 (2) "Elderly person" means a person who is 60  
10 years of age or older.

11 (3) "Home care aide services" means services  
12 intended to enhance the capacity of household members  
13 to attain or maintain the independence of the  
14 household members and provided by trained and  
15 supervised workers to individuals or families, who,  
16 due to the absence, incapacity, or limitations of the  
17 usual homemaker, are experiencing stress or crisis.  
18 The services include but are not limited to essential  
19 shopping, housekeeping, meal preparation, child care,  
20 respite care, money management and consumer education,  
21 family management, personal services, transportation,  
22 and providing information, assistance, and household  
23 management.

24 (4) "Low-income person" means a person whose  
25 income and resources are below the guidelines  
26 established by the department.

27 (5) "Protective services" means those home care  
28 aide services intended to stabilize a child's or an  
29 adult's residential environment and relationships with  
30 relatives, caretakers, and other persons or household  
31 members in order to alleviate a situation involving  
32 abuse or neglect or to otherwise protect the child or  
33 adult from a threat of abuse or neglect.

34 The amount appropriated in this lettered paragraph  
35 shall be allocated for use in the counties of the  
36 state. Fifteen percent of the amount shall be divided  
37 so that an equal amount is available for use in each  
38 county in the state. The following percentages of the  
39 remaining amount shall be allocated to each county  
40 according to that county's proportion of residents  
41 with the following demographic characteristics: 60  
42 percent according to the number of elderly persons  
43 living in the county, 20 percent according to the  
44 number of persons below the poverty level living in  
45 the county, and 20 percent according to the number of  
46 substantiated cases of child abuse in the county  
47 during the three most recent fiscal years for which  
48 data is available.

49 In order to receive allocations in this lettered  
50 paragraph, the county board of supervisors, after

S-5622

-10-



S-5622

Page 11

1 consultation with the local boards of health, human  
2 services county cluster boards, area agency on aging  
3 advisory council, local office of the department of  
4 human services, and other in-home health care provider  
5 agencies in the jurisdiction, shall prepare a proposal  
6 for the use of the allocated funds available for that  
7 jurisdiction that will provide the maximum benefits of  
8 home care aide services to elderly and low-income  
9 persons and children and adults in need of protective  
10 services in the jurisdiction. An agency requesting  
11 service or financial information about a current  
12 subcontractor shall provide similar information  
13 concerning its own home care aide or chore services  
14 program to the current subcontractor. The proposal  
15 may provide that a maximum of 15 percent of the  
16 allocated funds will be used to provide chore  
17 services. The proposal shall include a statement  
18 assuring that children and adults in need of  
19 protective services are given priority for home care  
20 aide services and that the appropriate local agencies  
21 have participated in the planning for the proposal.  
22 After approval of the proposal by the department, the  
23 department shall enter into a contract with the county  
24 board of supervisors or a governmental body designated  
25 by the county board of supervisors. The county board  
26 of supervisors or its designee shall subcontract with  
27 a nonprofit nurses' association, an independent  
28 nonprofit agency, the department of human services, or  
29 a suitable local governmental body to use the  
30 allocated funds to provide home care aide services and  
31 chore services providing that the subcontract requires  
32 any service provided away from the home to be  
33 documented in a report available for review by the  
34 department, and that each home care aide  
35 subcontracting agency shall maintain the direct  
36 service workers' time assigned to direct client  
37 service at 70 percent or more of the workers' paid  
38 time and that not more than 35 percent of the total  
39 cost of the service be included in the combined costs  
40 for service administration and agency administration.  
41 The subcontract shall require that each home care aide  
42 subcontracting agency shall pay the employer's  
43 contribution of social security and provide workers'  
44 compensation coverage for persons providing direct  
45 home care aide service and meet any other applicable  
46 legal requirements of an employer-employee  
47 relationship.

48 If by July 30 of the fiscal year, the department is  
49 unable to conclude contracts for use of the allocated  
50 funds in a county, the department shall consider the

S-5622

-11-

S-5622

Page 12

1 unused funds appropriated in this lettered paragraph  
2 an unallocated pool. The department shall also  
3 identify any allocated funds which the counties do not  
4 anticipate spending during the fiscal year. If the  
5 amount of anticipated excess funds to any county is  
6 substantial, the department and the county may agree  
7 to return those excess funds, if the funds are other  
8 than program revenues, to the department, and if  
9 returned, the department shall consider the returned  
10 funds a part of the unallocated pool. The department  
11 shall, prior to February 15 of the fiscal year,  
12 reallocate the funds in the unallocated pool among the  
13 counties in which the department has concluded  
14 contracts under this lettered paragraph. The  
15 department shall also review the first 10 months'  
16 expenditures for each county in May of the fiscal  
17 year, to determine if any counties possess contracted  
18 funds which they do not anticipate spending. If such  
19 funds are identified and the county agrees to release  
20 the funds, the released funds will be considered a new  
21 reallocation pool. The department may, prior to June  
22 1 of the fiscal year, reallocate funds from this new  
23 reallocation pool to those counties which have  
24 experienced a high utilization of protective service  
25 hours for children and dependent adults.

26 The department shall maintain rules governing the  
27 expenditure of funds appropriated in this lettered  
28 paragraph. The rules shall require each local agency  
29 receiving funds to establish and use a sliding fee  
30 scale for those persons able to pay for all or a  
31 portion of the cost of the services and shall require  
32 the payments to be applied to the cost of the  
33 services. The department shall also maintain rules  
34 for standards regarding training, supervision,  
35 recordkeeping, appeals, program evaluation, cost  
36 analysis, and financial audits, and rules specifying  
37 reporting requirements.

38 The department shall annually evaluate the success  
39 of the home care aide program. The evaluation shall  
40 include a description of the program and its  
41 implementation, the extent of local participation, the  
42 extent to which the program reduced or prevented  
43 inappropriate institutionalization, the extent to  
44 which the program provided or increased the  
45 availability of home care aide services to elderly and  
46 low-income persons and children and adults in need of  
47 protective services, any problems and recommendations  
48 concerning the program, and an analysis of the costs  
49 of services across the state. The department shall  
50 submit a report of the annual evaluation to the

S-5622

-12-

S-5622

Page 13

1 governor and the general assembly.

2 e. For the development and maintenance of well-  
3 elderly clinics in the state:

4 ..... \$ 578,499

5 The appropriation in this lettered paragraph shall  
6 be distributed by a formula to well-elderly clinics  
7 located in counties which provide funding on a  
8 matching basis for the well-elderly clinics.

9 f. For the physician care for children program:

10 ..... \$ 406,383

11 The physician services shall be subject to managed  
12 care and selective contracting provisions and shall be  
13 used to provide for the medical treatment of children  
14 and shall include coverage of diagnostic procedures,  
15 prescription drugs, and physician-ordered treatments  
16 necessary to treat an acute condition. Services  
17 provided under this lettered paragraph shall be  
18 reimbursed according to medical assistance  
19 reimbursement rates.

20 g. For primary and preventive health care for  
21 children:

22 ..... \$ 74,124

23 Funds appropriated in this lettered paragraph shall  
24 be for the public purpose of providing a renewable  
25 grant, following a request for proposals, to a  
26 statewide charitable organization within the meaning  
27 of section 501(c)(3) of the Internal Revenue Code  
28 which was organized prior to April 1, 1989, and has as  
29 one of its purposes the sponsorship or support for  
30 programs designed to improve the quality, awareness,  
31 and availability of health care for the young, to  
32 serve as the funding mechanism for the provision of  
33 primary health care and preventive services to  
34 children in the state who are uninsured and who are  
35 not eligible under any public plan of health  
36 insurance, provided all of the following conditions  
37 are met:

38 (1) The organization shall provide a match of \$4  
39 in advance of each state dollar provided.

40 (2) The organization coordinates services with new  
41 or existing public programs and services provided by  
42 or funded by appropriate state agencies in an effort  
43 to avoid inappropriate duplication of services and  
44 ensure access to care to the extent as is reasonably  
45 possible. The organization shall work with the Iowa  
46 department of public health, family and community  
47 health division, to ensure duplication is minimized.

48 (3) The organization's governing board includes in  
49 its membership representatives from the executive and  
50 legislative branches of state government.

S-5622

S-5622

Page 14

1 (4) Grant funds are available as needed to provide  
2 services and shall not be used for administrative  
3 costs of the department or the grantee.

4 h. For the Iowa healthy family program under  
5 section 135.106:

6 ..... \$ 652,558

7 The moneys appropriated in this lettered paragraph  
8 shall be granted pursuant to 1992 Iowa Acts, Second  
9 Extraordinary Session, chapter 1001, section 415,  
10 except that the grants shall be extended through  
11 September 30, 1997. Notwithstanding the provisions of  
12 1992 Iowa Acts, Second Extraordinary Session, chapter  
13 1001, section 416, the use of mid-level practitioners  
14 to improve access to prenatal care shall include  
15 obstetrical-gynecological nurse practitioners and  
16 family nurse practitioners focusing on maternal and  
17 child health. The department is encouraged to expand  
18 funding eligibility under the program to private  
19 physician and clinic-sponsored programs servicing low-  
20 income populations. The administrative entities of  
21 the Iowa healthy family program shall work  
22 collaboratively to assure continuity of the provision  
23 of service from the prenatal to the preschool period  
24 to an individual client by having a single resource  
25 mother work with that client. The department shall  
26 submit an annual report to the general assembly  
27 concerning the efficiency of the healthy family  
28 program and make any recommendations for improvements.  
29 Any funds contracted to agencies under this paragraph  
30 which are projected to be unused at the close of the  
31 fiscal year shall be allowed to be reallocated within  
32 the healthy family program by April 1, 1997.

33 The Iowa department of public health and the  
34 department of human services shall determine if  
35 expenses under any portion of the healthy family  
36 program would qualify for payment under the medical  
37 assistance program and if so, shall apply to the  
38 federal government for a medical assistance waiver.  
39 The Iowa department of public health and the  
40 department of human services shall evaluate the  
41 funding change's potential impact upon clients of the  
42 healthy family program.

43 Of the funds appropriated in this lettered  
44 paragraph, a minimum of \$335,000 shall be used for the  
45 healthy opportunities for parents to experience  
46 success program. If funds are appropriated by the  
47 Seventy-sixth General Assembly, 1996 Session, in  
48 excess of \$335,000, the excess funds shall be used by  
49 the department to expand the program to counties of  
50 greatest need.

S-5622

S-5622

Page 15

1 i. For primary care provider recruitment and  
 2 retention endeavors:  
 3 ..... \$ 232,255

4 5. STATE BOARD OF DENTAL EXAMINERS  
 5 For salaries, support, maintenance, miscellaneous  
 6 purposes, and for not more than the following full-  
 7 time equivalent positions:  
 8 ..... \$ 306,149  
 9 ..... FTEs 4.00

10 6. STATE BOARD OF MEDICAL EXAMINERS  
 11 For salaries, support, maintenance, miscellaneous  
 12 purposes, and for not more than the following full-  
 13 time equivalent positions:  
 14 ..... \$ 1,024,051  
 15 ..... FTEs 18.00

16 7. STATE BOARD OF NURSING EXAMINERS  
 17 For salaries, support, maintenance, miscellaneous  
 18 purposes, and for not more than the following full-  
 19 time equivalent positions:  
 20 ..... \$ 969,938  
 21 ..... FTEs 18.00

22 8. STATE BOARD OF PHARMACY EXAMINERS  
 23 For salaries, support, maintenance, miscellaneous  
 24 purposes, and for not more than the following full-  
 25 time equivalent positions:  
 26 ..... \$ 672,192  
 27 ..... FTEs 11.00

28 9. The state board of medical examiners, the state  
 29 board of pharmacy examiners, the state board of dental  
 30 examiners, and the state board of nursing examiners  
 31 shall prepare estimates of projected receipts to be  
 32 generated by the licensing, certification, and  
 33 examination fees of each board as well as a projection  
 34 of the fairly apportioned administrative costs and  
 35 rental expenses attributable to each board. Each  
 36 board shall annually review and adjust its schedule of  
 37 fees so that, as nearly as possible, projected  
 38 receipts equal projected costs.

39 10. The state board of medical examiners, the  
 40 state board of pharmacy examiners, the state board of  
 41 dental examiners, and the state board of nursing  
 42 examiners shall retain their individual executive  
 43 officers, but are strongly encouraged to share  
 44 administrative, clerical, and investigative staffs to  
 45 the greatest extent possible.

46 11. A local health care provider or nonprofit  
 47 health care organization seeking grant moneys  
 48 administered by the Iowa department of public health  
 49 shall provide documentation that the provider or  
 50 organization has coordinated its services with other

S-5622

S-5622

Page 16

1 local entities providing similar services.  
 2 12. Consolidation of state funding sources for  
 3 public health nursing, home care aid, and the senior  
 4 health program into a single contract for each county,  
 5 as agreed upon by the county board of supervisors and  
 6 any boards of health within the county, shall be  
 7 available for implementation beginning July 1, 1996.  
 8 It is the department's goal to add federal funding for  
 9 health promotion as federal funds become available.  
 10 The department shall submit a report to the general  
 11 assembly on or before January 2, 1997, which shall  
 12 include an evaluation of the first year of the  
 13 voluntary demonstration project and a plan to expand  
 14 statewide a single source contract for each county  
 15 beginning July 1, 1997. The department may include  
 16 other state and federal funding sources with the  
 17 understanding that local, city, or county funds not be  
 18 supplanted.

19 Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is  
 20 appropriated from the general fund of the state to the  
 21 department of human rights for the fiscal year  
 22 beginning July 1, 1996, and ending June 30, 1997, the  
 23 following amounts, or so much thereof as is necessary,  
 24 to be used for the purposes designated:

25 1. CENTRAL ADMINISTRATION DIVISION

26 For salaries, support, maintenance, miscellaneous  
 27 purposes, and for not more than the following full-  
 28 time equivalent positions:

29 .....	\$	184,343
30 .....	FTEs	6.60

31 2. COMMUNITY ACTION AGENCIES DIVISION

32 For the expenses of the community action agencies  
 33 commission:

34 .....	\$	3,327
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35 3. DEAF SERVICES DIVISION

36 For salaries, support, maintenance, miscellaneous  
 37 purposes, and for not more than the following full-  
 38 time equivalent positions:

39 .....	\$	253,174
40 .....	FTEs	7.00

41 The fees collected by the division for provision of  
 42 interpretation services by the division to obligated  
 43 agencies shall be disbursed pursuant to the provisions  
 44 of section 8.32, and shall be dedicated and used by  
 45 the division for continued and expanded interpretation  
 46 services.

47 The department shall conduct a study to evaluate  
 48 the access to and quality of interpretative services  
 49 provided for persons who are deaf or hard-of-hearing.  
 50 The study shall include input from persons who are

S-5622

S-5622

Page 17

1 deaf or hard-of-hearing. A report of the department's  
2 findings shall be submitted to the general assembly by  
3 January 15, 1997.

4 4. PERSONS WITH DISABILITIES DIVISION

5 For salaries, support, maintenance, miscellaneous  
6 purposes, and for not more than the following full-  
7 time equivalent positions:

8 ..... \$ 96,623  
9 .....FTEs 2.00

10 5. LATINO AFFAIRS DIVISION

11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:

14 ..... \$ 140,778  
15 ..... FTEs 3.00

16 6. STATUS OF WOMEN DIVISION

17 For salaries, support, maintenance, miscellaneous  
18 purposes, and for not more than the following full-  
19 time equivalent positions:

20 ..... \$ 320,095  
21 ..... FTEs 3.00

22 a. Of the funds appropriated in this subsection,  
23 at least \$125,775 shall be spent for the displaced  
24 homemaker program.

25 b. Of the funds appropriated in this subsection,  
26 at least \$42,570 shall be spent for domestic violence  
27 and sexual assault-related grants.

28 6A. STATUS OF WOMEN DIVISION CONTINGENT

29 APPROPRIATION

30 If the general assembly does not enact a statute  
31 creating a workforce development department with  
32 responsibility for the mentoring project for family  
33 investment program participants, the following amount  
34 for the division of the status of women to implement  
35 the mentoring project under section 239.22:

36 ..... \$ 72,000

37 7. STATUS OF AFRICAN-AMERICANS DIVISION

38 For salaries, support, maintenance, miscellaneous  
39 purposes, and for not more than the following full-  
40 time equivalent positions:

41 ..... \$ 104,159  
42 ..... FTEs 2.00

43 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

44 For salaries, support, maintenance, miscellaneous  
45 purposes, and for not more than the following full-  
46 time equivalent positions:

47 ..... \$ 472,648  
48 ..... FTEs 10.05

49 a. The criminal and juvenile justice planning  
50 advisory council and the juvenile justice advisory

S-5622

Page 18

1 council shall coordinate their efforts in carrying out  
2 their respective duties relative to juvenile justice.

3 b. Of the funds appropriated in this subsection,  
4 at least \$36,300 shall be spent for expenses relating  
5 to the administration of federal funds for juvenile  
6 assistance. It is the intent of the general assembly  
7 that the department of human rights employ sufficient  
8 staff to meet the federal funding match requirements  
9 established by the federal office for juvenile justice  
10 delinquency prevention. The governor's advisory  
11 council on juvenile justice shall determine the  
12 staffing level necessary to carry out federal and  
13 state mandates for juvenile justice.

14 9. COMMUNITY GRANT FUND

15 For the community grant fund established under  
16 section 232.190 for the continuation of existing  
17 grants for the fiscal year beginning July 1, 1996, and  
18 ending June 30, 1997, to be used for the purposes of  
19 the community grant fund and for not more than the  
20 following full-time equivalent positions:

21 .....	\$	1,778,971
22 .....	FTEs	1.43

23 10. SHARED STAFF. Except for the persons with  
24 disabilities division which shall be administered by  
25 the director of the department of human rights, the  
26 divisions of the department of human rights shall  
27 retain their individual administrators, but shall  
28 share staff to the greatest extent possible.

29 Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is  
30 appropriated from the general fund of the state to the  
31 commission of veterans affairs for the fiscal year  
32 beginning July 1, 1996, and ending June 30, 1997, the  
33 following amounts, or so much thereof as is necessary,  
34 to be used for the purposes designated:

35 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

36 For salaries, support, maintenance, and  
37 miscellaneous purposes, and for not more than the  
38 following full-time equivalent positions:

39 .....	\$	286,128
40 .....	FTEs	5.00

41 The commission of veterans affairs may use the  
42 gifts accepted by the chairperson of the commission of  
43 veterans affairs, or designee, and other resources  
44 available to the commission for use at its Camp Dodge  
45 office. The commission shall report annually to the  
46 governor and the general assembly on monetary gifts  
47 received by the commission for the Camp Dodge office.

48 2. WAR ORPHANS

49 For the war orphans educational aid fund  
50 established pursuant to chapter 35:

S-5622



S-5622

Page 19

1	.....	\$	4,744
2	3. IOWA VETERANS HOME		
3	For salaries, support, maintenance, and		
4	miscellaneous purposes and for not more than the		
5	following full-time equivalent positions:		
6	.....	\$	38,900,388
7	.....	FTEs	800.82

8 a. The Iowa veterans home may use the gifts  
 9 accepted by the chairperson of the commission of  
 10 veterans affairs and other resources available to the  
 11 commission for use at the Iowa veterans home.

12 b. If medical assistance revenues are expanded at  
 13 the Iowa veterans home, and this expansion results in  
 14 medical assistance reimbursements which exceed the  
 15 amount budgeted for that purpose in the fiscal year  
 16 beginning July 1, 1996, and ending June 30, 1997, the  
 17 Iowa veterans home may expend the excess amounts to  
 18 exceed the number of full-time equivalent positions  
 19 authorized in this section for the purpose of meeting  
 20 related certification requirements or to provide  
 21 additional beds. The expenditure of additional funds  
 22 received, as outlined in this paragraph, is subject to  
 23 the approval by the department of management.

24 Sec. 8. DIRECT PURCHASE INCENTIVE.

25 1. If a department is able to demonstrate a 10  
 26 percent savings resulting from a direct purchase of  
 27 equipment which is otherwise required to be purchased  
 28 pursuant to a state contract, the department, after  
 29 consultation with the department of general services,  
 30 is authorized to make the direct purchase,  
 31 notwithstanding section 18.6, subsections 1 through 7,  
 32 and subsections 9 through 14, and the dollar  
 33 limitation in subsection 8. To provide an incentive  
 34 to encourage departments to consider direct  
 35 purchasing, 50 percent of the savings realized from  
 36 the direct purchase may be retained by a department,  
 37 and the remaining 50 percent shall be deposited into  
 38 the general fund of the state. The department of  
 39 management shall monitor the savings for a one-year  
 40 period beginning on July 1, 1996, and submit a report  
 41 at the conclusion of the one-year period to the health  
 42 and human rights appropriations subcommittee. Prior  
 43 to making a purchase under this section, the  
 44 department shall first determine whether goods or  
 45 services are available from a targeted small business  
 46 and preference shall be given to making the purchases  
 47 from targeted small businesses.

48 2. The provisions of this section shall apply to  
 49 purchases made with moneys appropriated in sections 1  
 50 through 7 of this Act.

S-5622

S-5622

Page 20

1 Sec. 9. Section 22.7, Code Supplement 1995, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 33. Records of the Iowa  
4 department of public health pertaining to participants  
5 in the gambling treatment program except as otherwise  
6 provided in this chapter.

7 Sec. 10. Section 99D.7, subsection 21, Code  
8 Supplement 1995, is amended to read as follows:

9 21. To cooperate with the gamblers-assistance  
10 gambling treatment program administered by the  
11 department-of-human-services Iowa department of public  
12 health to incorporate information regarding the  
13 gamblers-assistance gambling treatment program and its  
14 toll-free telephone number in printed materials  
15 distributed by the commission. The commission may  
16 require licensees to have the information available in  
17 a conspicuous place as a condition of licensure.

18 Sec. 11. Section 99E.9, subsection 8, Code  
19 Supplement 1995, is amended to read as follows:

20 8. The Iowa lottery board shall cooperate with the  
21 gamblers-assistance gambling treatment program  
22 administered by the department-of-human-services Iowa  
23 department of public health to incorporate information  
24 regarding the gamblers-assistance gambling treatment  
25 program and its toll-free telephone number in printed  
26 materials distributed by the board.

27 Sec. 12. Section 99E.10, subsection 1, paragraph  
28 a, Code 1995, is amended to read as follows:

29 a. An amount equal to three-tenths of one percent  
30 of the gross lottery revenue shall be deposited in a  
31 gamblers-assistance gambling treatment fund in the  
32 office of the treasurer of state. The director of  
33 human-services the Iowa department of public health  
34 shall administer the fund and shall provide that  
35 receipts are allocated on a monthly basis to fund  
36 administrative costs and to provide programs which may  
37 include, but are not limited to, outpatient and  
38 follow-up treatment for persons affected by problem  
39 gambling, rehabilitation and residential treatment  
40 programs, information and referral services, and  
41 education and preventive services.

42 Sec. 13. Section 216A.2, subsection 5, Code  
43 Supplement 1995, is amended by striking the subsection  
44 and inserting in lieu thereof the following:

45 5. Appoint the administrator of each division in  
46 cooperation and consultation with the commissions.  
47 Each administrator shall be exempt from the merit  
48 system provisions of chapter 19A. The director shall  
49 set the salary of the division administrators within  
50 the range set by the general assembly.

S-5622

-20-

S-5622

Page 21

1 Sec. 14. Section 216A.2, subsection 8, Code  
2 Supplement 1995, is amended by striking the subsection  
3 and inserting in lieu thereof the following:

4 8. Establish goals and objectives for  
5 administrators to assist in complying with policy set  
6 by the commissions.

7 Sec. 15. Section 216A.2, Code Supplement 1995, is  
8 amended by adding the following new subsections:

9 NEW SUBSECTION. 10. After consultation with the  
10 appropriate commission, discipline or discharge an  
11 administrator or employee, when determined  
12 appropriate, provided the discharge or disciplinary  
13 action conforms to existing statutory requirements,  
14 and does not conflict with labor contract provisions.

15 NEW SUBSECTION. 11. Assign staff to obtain  
16 maximum efficiency and coordination of duties to  
17 facilitate the administration of functions required to  
18 be performed by the various divisions.

19 Sec. 16. Section 216A.2, unnumbered paragraph 2,  
20 Code Supplement 1995, is amended by striking the  
21 paragraph and inserting in lieu thereof the following:

22 The terms of all division administrators in the  
23 department shall terminate on July 1, 1996.

24 Sec. 17. Section 232.190, subsection 1, Code 1995,  
25 is amended to read as follows:

26 1. A community grant fund is established in the  
27 state treasury under the control of the division of  
28 criminal and juvenile justice planning of the  
29 department of human rights for the purposes of  
30 awarding grants under this section. The criminal and  
31 juvenile justice planning advisory council and the  
32 juvenile justice advisory council shall assist the  
33 division in administering grants awarded under this  
34 section. The department of human services shall  
35 advise the division on programs which meet the  
36 criteria established for grant recipients. Not more  
37 than one five percent of the moneys appropriated to  
38 the fund shall be used for administrative purposes.

39 Sec. 18. 1993 Iowa Acts, chapter 55, section 1,  
40 subsection 3, is amended to read as follows:

41 3. The project shall be completed on or before  
42 June 30, 1997, and existing vital records shall be  
43 converted to the electronic system by that date.  
44 Moneys appropriated pursuant to this section which  
45 remain unexpended unencumbered on June 30, 1997, shall  
46 revert to the general fund of the state. The  
47 remaining encumbered moneys which remain unexpended on  
48 June 30, 1998, shall revert to the general fund of the  
49 state. For the fiscal year beginning July 1, 1997,  
50 and succeeding fiscal years, the provisions of section

S 5622

-21-

S-5622

Page 22

1 144.46, requiring the vital records fee to be set by  
2 rule based on the average administrative costs, shall  
3 apply.

4 Sec. 19. Section 216A.5, Code 1995, is repealed.

RECEIVED FROM THE HOUSE

S-5622 FILED APRIL 2, 1996

*Senate refused to concur 4/3/96 (p. 1209)*

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2448

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2448, a bill for an Act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date, respectfully make the following report:

1. That the House recedes from its amendment, S-5622.

2. That Senate File 2448, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by inserting after line 30 the following:

"A first-time violation detected during or as a result of random testing to detect civil rights violations shall not result in assessment of a fine over \$500.00. The intent of civil rights testing shall be educational. If this provision is determined to be illegal or unconstitutional by a court of law, or if the provision would in any way jeopardize a federal department of housing and urban development grant to the commission, the provision shall not apply.

The questionnaire which the Iowa state civil rights commission requires an employer to complete during the course of an investigation, after a complaint against the employer has been filed, shall be revised and shortened."

2. Page 3, line 12, by striking the figure "29,552" and

CCS-2448

Page 2

inserting the following: "32,894".

3. Page 3, line 23, by striking the figure "2,200,738" and inserting the following: "2,197,396".

4. Page 4, line 8, by striking the figure "50,000" and inserting the following: "46,658".

5. Page 5, line 1, by striking the figure "997,900" and inserting the following: "884,900".

6. Page 17, line 6, by striking the figure "1,065,000" and inserting the following: "952,000".

7. Page 18, line 4, by striking the figure "735,000" and inserting the following: "622,000".

8. Page 19, line 25, by striking the word "county" and inserting the following: "county, as agreed upon by the county board of supervisors and any boards of health within the county,".

9. Page 19, by striking lines 28 through 30 and inserting the following: "funds become available. The department shall submit a report to the general assembly on or before January 2, 1997, which shall include an evaluation of the first year of the voluntary demonstration project and a plan to expand statewide a single source contract for each county beginning July 1, 1997. The department may include other state and federal".

10. Page 21, by striking lines 12 through 17 and inserting the following:

"6A. STATUS OF WOMEN DIVISION CONTINGENT APPROPRIATION.

If the general assembly does not enact a statute creating a department of workforce development with responsibility for the mentoring project for family investment program participants, the following amount for the division of the status of women to implement the mentoring project under section 239.22:

.....	\$	72,000
.....	FTEs	1.50"

11. Page 21, line 28, by striking the figure "478,235"

CCS-2448

Page 3

and inserting the following: "378,021".

12. Page 22, line 11, by striking the words "new grants and".

13. Page 22, line 16, by striking the figure "1,800,000" and inserting the following: "1,600,000".

14. Page 24, by striking lines 6 through 9 and inserting the following: "232.190:"

15. Page 24, line 30, by striking the figure "18.6" and inserting the following: "18.6, subsections 1 through 7, and subsections 9 through 14, and the dollar limitation in subsection 8".

16. Page 25, line 3, by inserting after the word "subcommittee." the following: "Prior to making a purchase under this section, the department shall first determine whether goods or services are available from a targeted small business and preference shall be given to making the purchases from targeted small businesses."

17. Page 25, line 10, by striking the word "gamblers" and inserting the following: "gambling".

18. Page 25, line 15, by striking the words "gamblers assistance" and inserting the following: "gamblers-assistance gambling".

19. Page 25, line 18, by striking the words "gamblers assistance" and inserting the following: "gamblers-assistance gambling".

20. Page 25, line 26, by striking the words "gamblers assistance" and inserting the following: "gamblers-assistance gambling".

21. Page 25, line 28, by striking the words "gamblers assistance" and inserting the following: "gamblers-assistance gambling".

22. Page 25, lines 34 and 35, by striking the words "gamblers assistance" and inserting the following: "gamblers assistance gambling".

23. Page 26, line 13, by striking the word "gamblers" and

CCS-2448

Page 4

inserting the following: "gambling".

24. By renumbering as necessary.

ON THE PART OF THE SENATE:

TOM FLYNN, Chairperson  
NANCY BOETTGER  
DICK DEARDEN  
RANDAL GIANNETTO  
WILMER RENSINK

ON THE PART OF THE HOUSE:

JOSEPH KREMER, Chairperson  
NORMAN MUNDIE  
KEITH WEIGEL

CCS-2448 FILED APRIL 8, 1996

*Adopted  
4-9-96  
(p. 1286)*

*Adopted  
4-11-96  
(p. 1593)*

Flynn  
Murphy  
Rensink

SSB. 2342

Appropriation

SENATE FILE 311.F 2448  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
SENATE APPROPRIATIONS  
SUBCOMMITTEE ON HEALTH  
AND HUMAN RIGHTS)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to and making appropriations to the department  
2 for the blind, the Iowa state civil rights commission, the  
3 department of elder affairs, the governor's alliance on  
4 substance abuse, the Iowa department of public health, the  
5 department of human rights, and the commission of veterans  
6 affairs.

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

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274472  
Succeeded By

1 Sec 1 DEPARTMENT FOR THE BLIND. There is  
2 appropriated from the general fund of the state to the  
3 department for the blind for the fiscal year beginning July 1,  
4 1996, and ending June 30, 1997, the following amount, or so  
5 much thereof as is necessary, to be used for the purpose  
6 designated:

7 For salaries, support, maintenance, miscellaneous purposes,  
8 and for not more than the following full-time equivalent  
9 positions:

10 ..... \$ 1,475,737  
11 ..... FTES 95.00

12 Sec. 2. CIVIL RIGHTS COMMISSION. There is appropriated  
13 from the general fund of the state to the Iowa state civil  
14 rights commission for the fiscal year beginning July 1, 1996,  
15 and ending June 30, 1997, the following amount, or so much  
16 thereof as is necessary, to be used for the purpose  
17 designated:

18 For salaries, support, maintenance, miscellaneous purposes,  
19 and for not more than the following full-time equivalent  
20 positions:

21 ..... \$ 1,141,692  
22 ..... FTES 36.00

23 If the anticipated amount of federal funding from the  
24 federal equal employment opportunity commission and the  
25 federal department of housing and urban development exceeds  
26 \$467,900 during the fiscal year beginning July 1, 1996, and  
27 ending June 30, 1997, the Iowa state civil rights commission  
28 may exceed the staffing level authorized by this section as  
29 necessary to hire additional staff to process or to support  
30 the processing of employment and housing complaints.

31 Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is  
32 appropriated from the general fund of the state to the  
33 department of elder affairs for the fiscal year beginning July  
34 1, 1996, and ending June 30, 1997, the following amounts, or  
35 so much thereof as is necessary, to be used for the purposes

1 designated:

2 1. For salaries, support, maintenance, miscellaneous  
3 purposes, and for not more than the following full-time  
4 equivalent positions:

5 ..... \$ 450,918

6 ..... FTEs 28.00

7 2. For aging programs and services:

8 ..... \$ 3,076,528

9 All funds appropriated in this subsection shall be received  
10 and disbursed by the director of elder affairs for aging  
11 programs and services, shall not be used by the department for  
12 administrative purposes, not more than \$151,654 shall be used  
13 for area agencies on aging administrative purposes, and shall  
14 be used for citizens of Iowa over 60 years of age for case  
15 management for the frail elderly, mental health outreach,  
16 Alzheimer's support, retired senior volunteer program, care  
17 review committee coordination, employment, adult day care,  
18 respite care, chore services, telephone reassurance,  
19 information and assistance, and home repair services,  
20 including the winterizing of homes, and for the construction  
21 of entrance ramps which make residences accessible to the  
22 physically handicapped. Funds appropriated in this subsection  
23 may be used to supplement federal funds under federal  
24 regulations. To receive funds appropriated in this  
25 subsection, a local area agency on aging shall match the funds  
26 with funds from other sources in accordance with rules adopted  
27 by the department. Funds appropriated in this subsection may  
28 be used for elderly services not specifically enumerated in  
29 this subsection only if approved by an area agency on aging  
30 for provision of the service within the area.

31 The department shall maintain policies and procedures  
32 regarding Alzheimer's support and the retired senior volunteer  
33 program.

34 Sec. 4. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE. There is  
35 appropriated from the general fund of the state to the

1 governor's alliance on substance abuse for the fiscal year  
2 beginning July 1, 1996, and ending June 30, 1997, the  
3 following amounts, or so much thereof as is necessary, to be  
4 used for the purposes designated:

5 1. For salaries, support, maintenance, miscellaneous  
6 purposes, and for not more than the following full-time  
7 equivalent positions:

8 ..... \$ 304,333  
9 ..... FTEs 10.00

10 2. For the Iowa substance abuse clearinghouse in Cedar  
11 Rapids for staff, materials, and operating expenses:

12 ..... \$ 29,552

13 Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is  
14 appropriated from the general fund of the state to the Iowa  
15 department of public health for the fiscal year beginning July  
16 1, 1996, and ending June 30, 1997, the following amounts, or  
17 so much thereof as is necessary, to be used for the purposes  
18 designated:

19 1. a. PLANNING AND ADMINISTRATION DIVISION

20 For salaries, support, maintenance, miscellaneous purposes,  
21 and for not more than the following full-time equivalent  
22 positions:

23 ..... \$ 2,200,738  
24 ..... FTEs 61.15

25 (1) Of the funds appropriated in this lettered paragraph,  
26 \$738,182 shall be used for the chronic renal disease program.  
27 The types of assistance available to eligible recipients under  
28 the program may include insurance premiums, travel  
29 reimbursement, and prescription and nonprescription drugs.  
30 The program expenditures shall not exceed this allocation. If  
31 projected expenditures would exceed the allocation, the  
32 department shall establish by administrative rule a mechanism  
33 to reduce financial assistance under the renal disease program  
34 in order to keep expenditures within the amount allocated in  
35 this paragraph.

1 (2) Hospitals shall not collect fees for birth  
2 certificates in excess of the fees as set out in the  
3 administrative rules of the Iowa department of public health.

4 (3) Of the funds appropriated in this lettered paragraph,  
5 \$117,027 shall be used to provide regulatory oversight of  
6 accountable health plans.

7 (4) Of the funds appropriated in this lettered paragraph,  
8 \$50,000 shall be used for the purchase, verification,  
9 updating, and storage of health data information.

10 The department shall compile, correlate, and disseminate  
11 data from health care providers, the state medical assistance  
12 program, third-party payers, associations, and other  
13 appropriate sources in furtherance of the purpose and intent  
14 of this appropriation.

15 The department shall request and receive information from  
16 other state agencies similar to that required of third-party  
17 payers for the purpose of dissemination of health data. The  
18 department may enter into agreements for studies on health-  
19 related questions and provide or make available data to health  
20 care providers, health care subscribers, third-party payers  
21 and the general public. The department may purchase data for  
22 the purpose of dissemination of health data information. The  
23 department shall assure the confidentiality of the data  
24 collected from other state agencies, hospitals, and third-  
25 party payers under chapter 22. The compilation of data  
26 information prepared for release or dissemination from the  
27 data collected shall be a public record. The department shall  
28 adopt administrative rules to address a contracting process,  
29 define confidential information, fees to be charged for data,  
30 and the forms that the information is to be made available.

31 b. PROFESSIONAL LICENSURE

32 For salaries, support, maintenance, miscellaneous purposes,  
33 and for not more than the following full-time equivalent  
34 positions:

35 ..... \$ 997,900

1 ..... FTEs 12.00

2 The director of public health, when estimating expenditure  
3 requirements for the boards funded under this paragraph, shall  
4 base the budget on 85 percent of the average annual fees  
5 generated for the previous two fiscal years. The department  
6 shall confer with the boards funded under this paragraph in  
7 estimating the boards' annual fee generation and  
8 administrative costs. When the department develops each  
9 board's annual budget, a board's budget shall not exceed 85  
10 percent of fees collected, based on the average of the  
11 previous two fiscal years. The department may expend funds in  
12 addition to amounts budgeted, if those additional expenditures  
13 are directly the result of unanticipated litigation costs  
14 arising from the discharge of the board's regulatory duties.  
15 Before the department expends or encumbers an amount in excess  
16 of the funds budgeted for a board, the director of the  
17 department of management shall approve the expenditure or  
18 encumbrance. The amounts necessary to fund the unanticipated  
19 litigation in the fiscal year beginning July 1, 1996, shall  
20 not exceed 5 percent of the average annual fees generated by  
21 the board for the previous two fiscal years.

22 c. EMERGENCY MEDICAL SERVICES

23 For salaries, support, maintenance, and emergency medical  
24 services training of emergency medical services (EMS)  
25 personnel at the state, county, and local levels and for not  
26 more than the following full-time equivalent positions:

27 ..... \$ 1,022,360  
28 ..... FTEs 12.00

29 If a person in the course of responding to an emergency  
30 renders aid to an injured person and becomes exposed to bodily  
31 fluids of the injured person, that emergency responder shall  
32 be entitled to hepatitis testing and immunization in  
33 accordance with the latest available medical technology to  
34 determine if infection with hepatitis has occurred. The  
35 person shall be entitled to reimbursement from the EMS funds

1 available under this lettered paragraph only if the  
2 reimbursement is not available through any employer or third-  
3 party payor.

4 2. HEALTH PROTECTION DIVISION

5 a. For salaries, support, maintenance, miscellaneous  
6 purposes, and for not more than the following full-time  
7 equivalent positions:

8 .....	\$	2,167,154
9 .....	FTEs	76.00

10 b. Of the funds appropriated in this subsection, \$75,000  
11 shall be used for chlamydia testing.

12 c. Of the funds appropriated in this subsection, \$39,547  
13 shall be used for the lead abatement program.

14 d. The state university of Iowa hospitals and clinics  
15 shall not receive indirect costs from the funds appropriated  
16 in this subsection.

17 3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

18 a. For salaries, support, maintenance, miscellaneous  
19 purposes, and for not more than the following full-time  
20 equivalent positions:

21 .....	\$	633,306
22 .....	FTEs	46.35

23 (1) The division shall continue to coordinate with  
24 substance abuse treatment and prevention providers regardless  
25 of funding source to assure the delivery of substance abuse  
26 treatment and prevention programs.

27 (2) The commission on substance abuse, in conjunction with  
28 the division, shall continue to coordinate the delivery of  
29 substance abuse services involving prevention, social and  
30 medical detoxification, and other treatment by medical and  
31 nonmedical providers to uninsured and court-ordered substance  
32 abuse patients in all counties of the state.

33 b. Of the funds appropriated in this subsection, \$15,000  
34 is allocated to support the surveillance and reporting of  
35 disabilities suffered by persons engaged in agriculture

1 resulting from diseases or injuries, including identifying the  
2 amount and severity of agriculture-related injuries and  
3 diseases in the state, identifying causal factors associated  
4 with agriculture-related injuries and diseases, and evaluating  
5 the effectiveness of intervention programs designed to reduce  
6 injuries and diseases. The department shall cooperate with  
7 the department of agriculture and land stewardship, Iowa state  
8 university of science and technology, and the college of  
9 medicine at the state university of Iowa in accomplishing  
10 these duties.

11 c. For program grants:

12 ..... \$ 8,390,159

13 (1) Of the funds appropriated in this lettered paragraph,  
14 \$193,500 shall be used for the provision of aftercare services  
15 for persons completing substance abuse treatment.

16 (2) Of the funds appropriated in this lettered paragraph,  
17 a minimum of \$950,000 shall be used by the Iowa department of  
18 public health to continue the integrated substance abuse  
19 managed care system.

20 . FAMILY AND COMMUNITY HEALTH DIVISION

21 a. For salaries, support, maintenance, miscellaneous  
22 purposes, and for not more than the following full-time  
23 equivalent positions:

24 ..... \$ 3,415,041

25 ..... FTEs 71.00

26 (1) Of the funds appropriated in this lettered paragraph,  
27 at least \$587,865 shall be allocated by the division for the  
28 birth defects and genetics counseling program and of these  
29 funds, \$279,402 is allocated for regional genetic counseling  
30 services contracted from the state university of Iowa  
31 hospitals and clinics under the control of the state board of  
32 regents.

33 (2) Of the funds appropriated in this lettered paragraph,  
34 the following amounts are allocated to the state university of  
35 Iowa hospitals and clinics under the control of the state

1 board of regents for the following programs under the Iowa  
2 specialized child health care services:

3 (a) Mobile and regional child health specialty clinics:  
4 ..... \$ 392,931

5 The regional clinic located in Sioux City shall maintain a  
6 social worker component to assist the families of children  
7 participating in the clinic program.

8 Of the funds allocated in this subparagraph, \$97,937 shall  
9 be used for a specialized medical home care program providing  
10 care planning and coordination of community support services  
11 for children who require technical medical care in the home.

12 (b) Muscular dystrophy and related genetic disease  
13 programs:  
14 ..... \$ 115,613

15 (c) Statewide perinatal program:  
16 ..... \$ 61,693

17 (3) The birth defects and genetic counseling service shall  
18 apply a sliding fee scale to determine the amount a person  
19 receiving the services is required to pay for the services.  
20 These fees shall be considered repayment receipts and used for  
21 the program.

22 (4) The state university of Iowa hospitals and clinics  
23 shall not receive indirect costs from the funds allocated in  
24 this lettered paragraph.

25 (5) Of the funds appropriated in this lettered paragraph,  
26 \$1,001,209 shall be used for maternal and child health  
27 services.

28 (6) If during the 1996-1997 fiscal year, the federal  
29 government incorporates the special supplemental nutrition  
30 program for women, infants, and children into a block grant,  
31 the department of human services, Iowa department of public  
32 health, or any other state agency which administers the block  
33 grant shall require a competitive bid process for infant  
34 formula purchased by or for families under the block grant.

35 (7) The Iowa department of public health shall administer



1 the statewide maternal and child health program, conduct  
2 mobile and regional child health specialty clinics, and  
3 conduct other activities to improve the health of low-income  
4 women and children and to promote the welfare of children with  
5 actual or potential handicapping conditions and chronic  
6 illnesses in accordance with the requirements of Title V of  
7 the federal Social Security Act.

8 (8) The department shall continue efforts to realize the  
9 "Healthy Iowans 2000" goal of promoting prevention and health  
10 promotion to improve the quality of life of Iowans and to hold  
11 down health care costs and shall submit an annual "Healthy  
12 Iowans 2000" progress report to the general assembly on  
13 January 1 of each fiscal year.

14 (9) Of the funds appropriated in this lettered paragraph,  
15 \$165,391 is allocated for the office of rural health to  
16 provide technical assistance to rural areas in the area of  
17 health care delivery.

18 (10) Of the funds appropriated in this lettered paragraph,  
19 \$182,028 shall be used to develop, implement, and maintain  
20 rural health provider recruitment and retention efforts.

21 b. Sudden infant death syndrome autopsies:

22 For reimbursing counties for expenses resulting from  
23 autopsies of suspected victims of sudden infant death syndrome  
24 required under section 331.802, subsection 3, paragraph "j":

25 ..... \$ 9,675

26 c. For grants to local boards of health for the public  
27 health nursing program:

28 ..... \$ 2,511,871

29 (1) Funds appropriated in this lettered paragraph shall be  
30 used to maintain and expand the existing public health nursing  
31 program for elderly and low-income persons with the objective  
32 of preventing or reducing inappropriate institutionalization.  
33 The funds shall not be used for any other purpose. As used in  
34 this lettered paragraph, "elderly person" means a person who  
35 is 60 years of age or older and "low-income person" means a

1 person whose income and resources are below the guidelines  
2 established by the department.

3 (2) One-fourth of the total amount to be allocated shall  
4 be divided so that an equal amount is available for use in  
5 each county in the state. Three-fourths of the total amount  
6 to be allocated shall be divided so that the share available  
7 for use in each county is proportionate to the number of  
8 elderly and low-income persons living in that county in  
9 relation to the total number of elderly and low-income persons  
10 living in the state.

11 (3) In order to receive allocations under this lettered  
12 paragraph, the local board of health having jurisdiction shall  
13 prepare a proposal for the use of the allocated funds  
14 available for that jurisdiction that will provide the maximum  
15 benefits of expanded public health nursing care to elderly and  
16 low-income persons in the jurisdiction. After approval of the  
17 proposal by the department, the department shall enter into a  
18 contract with the local board of health. The local board of  
19 health shall subcontract with a nonprofit nurses' association,  
20 an independent nonprofit agency, or a suitable local  
21 governmental body to use the allocated funds to provide public  
22 health nursing care. Local boards of health shall make an  
23 effort to prevent duplication of services.

24 (4) If by July 30 of the fiscal year, the department is  
25 unable to conclude contracts for use of the allocated funds in  
26 a county, the department shall consider the unused funds  
27 appropriated under this lettered paragraph an unallocated  
28 pool. If the unallocated pool is \$50,000 or more it shall be  
29 reallocated to the counties in substantially the same manner  
30 as the original allocations. The reallocated funds are  
31 available for use in those counties during the period  
32 beginning January 1 and ending June 30 of the fiscal year. If  
33 the unallocated pool is less than \$50,000, the department may  
34 allocate the pool to counties with demonstrated special needs  
35 for public health nursing.

1 (5) The department shall maintain rules governing the  
2 expenditure of funds appropriated in this lettered paragraph.  
3 The rules shall require each local agency receiving funds to  
4 establish and use a sliding fee scale for those persons able  
5 to pay for all or a portion of the cost of the care.

6 (6) The department shall annually evaluate the success of  
7 the public health nursing program. The evaluation shall  
8 include the extent to which the program reduced or prevented  
9 inappropriate institutionalization, the extent to which the  
10 program increased the availability of public health nursing  
11 care to elderly and low-income persons, and the extent of  
12 public health nursing care provided to elderly and low-income  
13 persons. The department shall submit a report of each annual  
14 evaluation to the governor and the general assembly.

15 d. For grants to county boards of supervisors for the home  
16 care aide program:

17 ..... \$ 8,586,716

18 Funds appropriated in this lettered paragraph shall be used  
19 to provide home care aide services with emphasis on services  
20 to elderly and persons below the poverty level and children  
21 and adults in need of protective services with the objective  
22 of preventing or reducing inappropriate institutionalization.  
23 In addition, up to 15 percent of the funds appropriated in  
24 this lettered paragraph may be used to provide chore services.  
25 The funds shall not be used for any other purposes. In  
26 providing services to elderly persons, the service provider  
27 shall coordinate efforts with the integrated case management  
28 for the frail elderly program of the department of elder  
29 affairs. As used in this lettered paragraph:

30 (1) "Chore services" means services provided to  
31 individuals or families, who, due to incapacity, or illness,  
32 are unable to perform certain home maintenance functions. The  
33 services include but are not limited to yard work such as  
34 mowing lawns, raking leaves, and shoveling walks; window and  
35 door maintenance such as hanging screen windows and doors,

1 replacing windowpanes, and washing windows; and minor repairs  
2 to walls, floors, stairs, railings, and handles. It also  
3 includes heavy house cleaning which includes cleaning attics  
4 or basements to remove fire hazards, moving heavy furniture,  
5 extensive wall washing, floor care or painting, and trash  
6 removal.

7 (2) "Elderly person" means a person who is 60 years of age  
8 or older.

9 (3) "Home care aide services" means services intended to  
10 enhance the capacity of household members to attain or  
11 maintain the independence of the household members and  
12 provided by trained and supervised workers to individuals or  
13 families, who, due to the absence, incapacity, or limitations  
14 of the usual homemaker, are experiencing stress or crisis.  
15 The services include but are not limited to essential  
16 shopping, housekeeping, meal preparation, child care, respite  
17 care, money management and consumer education, family  
18 management, personal services, transportation and providing  
19 information, assistance, and household management.

20 (4) "Low-income person" means a person whose income and  
21 resources are below the guidelines established by the  
22 department.

23 (5) "Protective services" means those home care aide  
24 services intended to stabilize a child's or an adult's  
25 residential environment and relationships with relatives,  
26 caretakers, and other persons or household members in order to  
27 alleviate a situation involving abuse or neglect or to  
28 otherwise protect the child or adult from a threat of abuse or  
29 neglect.

30 The amount appropriated in this lettered paragraph shall be  
31 allocated for use in the counties of the state. Fifteen  
32 percent of the amount shall be divided so that an equal amount  
33 is available for use in each county in the state. The  
34 following percentages of the remaining amount shall be  
35 allocated to each county according to that county's proportion

1 of residents with the following demographic characteristics:  
2 60 percent according to the number of elderly persons living  
3 in the county, 20 percent according to the number of persons  
4 below the poverty level living in the county, and 20 percent  
5 according to the number of substantiated cases of child abuse  
6 in the county during the three most recent fiscal years for  
7 which data is available.

8 In order to receive allocations in this lettered paragraph,  
9 the county board of supervisors, after consultation with the  
10 local boards of health, human services county cluster boards,  
11 area agency on aging advisory council, local office of the  
12 department of human services, and other in-home health care  
13 provider agencies in the jurisdiction, shall prepare a  
14 proposal for the use of the allocated funds available for that  
15 jurisdiction that will provide the maximum benefits of home  
16 care aide services to elderly and low-income persons and  
17 children and adults in need of protective services in the  
18 jurisdiction. An agency requesting service or financial  
19 information about a current subcontractor shall provide  
20 similar information concerning its own home care aide or chore  
21 services program to the current subcontractor. The proposal  
22 may provide that a maximum of 15 percent of the allocated  
23 funds will be used to provide chore services. The proposal  
24 shall include a statement assuring that children and adults in  
25 need of protective services are given priority for home care  
26 aide services and that the appropriate local agencies have  
27 participated in the planning for the proposal. After approval  
28 of the proposal by the department, the department shall enter  
29 into a contract with the county board of supervisors or a  
30 governmental body designated by the county board of  
31 supervisors. The county board of supervisors or its designee  
32 shall subcontract with a nonprofit nurses' association, an  
33 independent nonprofit agency, the department of human  
34 services, or a suitable local governmental body to use the  
35 allocated funds to provide home care aide services and chore

1 services providing that the subcontract requires any service  
2 provided away from the home to be documented in a report  
3 available for review by the department, and that each home  
4 care aide subcontracting agency shall maintain the direct  
5 service workers' time assigned to direct client service at 70  
6 percent or more of the workers' paid time and that not more  
7 than 35 percent of the total cost of the service be included  
8 in the combined costs for service administration and agency  
9 administration. The subcontract shall require that each home  
10 care aide subcontracting agency shall pay the employer's  
11 contribution of social security and provide workers'  
12 compensation coverage for persons providing direct home care  
13 aide service and meet any other applicable legal requirements  
14 of an employer-employee relationship.

15 If by July 30 of the fiscal year, the department is unable  
16 to conclude contracts for use of the allocated funds in a  
17 county, the department shall consider the unused funds  
18 appropriated in this lettered paragraph an unallocated pool.  
19 The department shall also identify any allocated funds which  
20 the counties do not anticipate spending during the fiscal  
21 year. If the amount of anticipated excess funds to any county  
22 is substantial, the department and the county may agree to  
23 return those excess funds, if the funds are other than program  
24 revenues, to the department, and if returned, the department  
25 shall consider the returned funds a part of the unallocated  
26 pool. The department shall, prior to February 15 of the  
27 fiscal year, reallocate the funds in the unallocated pool  
28 among the counties in which the department has concluded  
29 contracts under this lettered paragraph. The department shall  
30 also review the first 10 months' expenditures for each county  
31 in May of the fiscal year, to determine if any counties  
32 possess contracted funds which they do not anticipate  
33 spending. If such funds are identified and the county agrees  
34 to release the funds, the released funds will be considered a  
35 new reallocation pool. The department may, prior to June 1 of

1 the fiscal year, reallocate funds from this new reallocation  
2 pool to those counties which have experienced a high  
3 utilization of protective service hours for children and  
4 dependent adults.

5 The department shall maintain rules governing the  
6 expenditure of funds appropriated in this lettered paragraph.  
7 The rules shall require each local agency receiving funds to  
8 establish and use a sliding fee scale for those persons able  
9 to pay for all or a portion of the cost of the services and  
10 shall require the payments to be applied to the cost of the  
11 services. The department shall also maintain rules for  
12 standards regarding training, supervision, recordkeeping,  
13 appeals, program evaluation, cost analysis, and financial  
14 audits, and rules specifying reporting requirements.

15 The department shall annually evaluate the success of the  
16 home care aide program. The evaluation shall include a  
17 description of the program and its implementation, the extent  
18 of local participation, the extent to which the program  
19 reduced or prevented inappropriate institutionalization, the  
20 extent to which the program provided or increased the  
21 availability of home care aide services to elderly and low-  
22 income persons and children and adults in need of protective  
23 services, any problems and recommendations concerning the  
24 program, and an analysis of the costs of services across the  
25 state. The department shall submit a report of the annual  
26 evaluation to the governor and the general assembly.

27 e. For the development and maintenance of well-elderly  
28 clinics in the state:

29 ..... \$ 585,337

30 The appropriation in this lettered paragraph shall be  
31 distributed by a formula to well-elderly clinics located in  
32 counties which provide funding on a matching basis for the  
33 well-elderly clinics.

34 f. For the physician care for children program:

35 ..... \$ 411,187

1 The physician services shall be subject to managed care and  
 2 selective contracting provisions and shall be used to provide  
 3 for the medical treatment of children and shall include  
 4 coverage of diagnostic procedures, prescription drugs, and  
 5 physician-ordered treatments necessary to treat an acute  
 6 condition. Services provided under this lettered paragraph  
 7 shall be reimbursed according to medical assistance  
 8 reimbursement rates.

9 g. For primary and preventive health care for children:  
 10 ..... \$ 75,000

11 Funds appropriated in this lettered paragraph shall be for  
 12 the public purpose of providing a renewable grant, following a  
 13 request for proposals, to a statewide charitable organization  
 14 within the meaning of section 501(c)(3) of the Internal  
 15 Revenue Code which was organized prior to April 1, 1989, and  
 16 has as one of its purposes the sponsorship or support for  
 17 programs designed to improve the quality, awareness, and  
 18 availability of health care for the young, to serve as the  
 19 funding mechanism for the provision of primary health care and  
 20 preventive services to children in the state who are uninsured  
 21 and who are not eligible under any public plan of health  
 22 insurance, provided all of the following conditions are met:

- 23 (1) The organization shall provide a match of \$4 in  
 24 advance of each state dollar provided.
- 25 (2) The organization coordinates services with new or  
 26 existing public programs and services provided by or funded by  
 27 appropriate state agencies in an effort to avoid inappropriate  
 28 duplication of services and ensure access to care to the  
 29 extent as is reasonably possible. The organization shall work  
 30 with the Iowa department of public health, family and  
 31 community health division, to ensure duplication is minimized.
- 32 (3) The organization's governing board includes in its  
 33 membership representatives from the executive and legislative  
 34 branches of state government.
- 35 (4) Grant funds are available as needed to provide



1 services and shall not be used for administrative costs of the  
2 department or the grantee.

3 h. For the Iowa healthy family program under section  
4 135.106:

5 ..... \$ 1,065,000

6 The moneys appropriated in this lettered paragraph shall be  
7 granted pursuant to 1992 Iowa Acts, Second Extraordinary  
8 Session, chapter 1001, section 415, except that the grants  
9 shall be extended through September 30, 1997. Notwithstanding  
10 the provisions of 1992 Iowa Acts, Second Extraordinary  
11 Session, chapter 1001, section 416, the use of mid-level  
12 practitioners to improve access to prenatal care shall include  
13 obstetrical-gynecological nurse practitioners and family nurse  
14 practitioners focusing on maternal and child health. The  
15 department is encouraged to expand funding eligibility under  
16 the program to private physician and clinic-sponsored programs  
17 servicing low-income populations. The administrative entities  
18 of the Iowa healthy family program shall work collaboratively  
19 to assure continuity of the provision of services from the  
20 prenatal to the preschool period to an individual client by  
21 having a single resource mother work with that client. The  
22 department shall submit an annual report to the general  
23 assembly concerning the efficiency of the healthy family  
24 program and make any recommendations for improvements. Any  
25 funds contracted to agencies under this paragraph which are  
26 projected to be unused at the close of the fiscal year shall  
27 be allowed to be reallocated within the healthy family program  
28 by April 1, 1997.

29 The Iowa department of public health and the department of  
30 human services shall determine if expenses under any portion  
31 of the healthy family program would qualify for payment under  
32 the medical assistance program and if so, shall apply to the  
33 federal government for a medical assistance waiver. The Iowa  
34 department of public health and the department of human  
35 services shall evaluate the funding change's potential impact

1 upon clients of the healthy family program.

2 Of the funds appropriated in this lettered paragraph, a  
3 minimum of \$735,000 shall be used for the healthy  
4 opportunities for parents to experience success program. If  
5 funds are appropriated by the Seventy-sixth General Assembly,  
6 1996 Session, in excess of \$335,000, the excess funds shall be  
7 used by the department to expand the program to counties of  
8 greatest need.

9 i. For primary care provider recruitment and retention  
10 endeavors:

11 ..... \$ 235,000

12 5. STATE BOARD OF DENTAL EXAMINERS

13 For salaries, support, maintenance, miscellaneous purposes,  
14 and for not more than the following full-time equivalent  
15 positions:

16 ..... \$ 309,768

17 ..... FTEs 4.00

18 6. STATE BOARD OF MEDICAL EXAMINERS

19 For salaries, support, maintenance, miscellaneous purposes,  
20 and for not more than the following full-time equivalent  
21 positions:

22 ..... \$ 1,036,156

23 ..... FTEs 18.00

24 7. STATE BOARD OF NURSING EXAMINERS

25 For salaries, support, maintenance, miscellaneous purposes,  
26 and for not more than the following full-time equivalent  
27 positions:

28 ..... \$ 981,403

29 ..... FTEs 18.00

30 8. STATE BOARD OF PHARMACY EXAMINERS

31 For salaries, support, maintenance, miscellaneous purposes,  
32 and for not more than the following full-time equivalent  
33 positions:

34 ..... \$ 680,138

35 ..... FTEs 11.00

1 9. The state board of medical examiners, the state board  
2 of pharmacy examiners, the state board of dental examiners,  
3 and the state board of nursing examiners shall prepare  
4 estimates of projected receipts to be generated by the  
5 licensing, certification, and examination fees of each board  
6 as well as a projection of the fairly apportioned  
7 administrative costs and rental expenses attributable to each  
8 board. Each board shall annually review and adjust its  
9 schedule of fees so that, as nearly as possible, projected  
10 receipts equal projected costs.

11 10. The state board of medical examiners, the state board  
12 of pharmacy examiners, the state board of dental examiners,  
13 and the state board of nursing examiners shall retain their  
14 individual executive officers, but are strongly encouraged to  
15 share administrative, clerical, and investigative staffs to  
16 the greatest extent possible.

17 11. A local health care provider or nonprofit health care  
18 organization seeking grant moneys administered by the Iowa  
19 department of public health shall provide documentation that  
20 the provider or organization has coordinated its services with  
21 other local entities providing similar services.

22 12. Consolidation of state funding sources for public  
23 health nursing, home care aid, and the senior health program  
24 into a single contract for each county shall be available for  
25 implementation beginning July 1, 1996. It is the department's  
26 goal to add federal funding for health promotion as federal  
27 funds become available. The department shall implement  
28 statewide a single source contract on July 1, 1997, for each  
29 county. The department may include other state and federal  
30 funding sources with the understanding that local, city, or  
31 county funds not be supplanted.

32 Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is appropriated  
33 from the general fund of the state to the department of human  
34 rights for the fiscal year beginning July 1, 1996, and ending  
35 June 30, 1997, the following amounts, or so much thereof as is

1 necessary, to be used for the purposes designated:

2 1. CENTRAL ADMINISTRATION DIVISION

3 For salaries, support, maintenance, miscellaneous purposes,  
4 and for not more than the following full-time equivalent  
5 positions:

6 .....	\$	186,522
7 .....	FTEs	6.60

8 2. COMMUNITY ACTION AGENCIES DIVISION

9 For the expenses of the community action agencies  
10 commission:

11 .....	\$	3,366
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12 3. DEAF SERVICES DIVISION

13 For salaries, support, maintenance, miscellaneous purposes,  
14 and for not more than the following full-time equivalent  
15 positions:

16 .....	\$	256,167
17 .....	FTEs	7.00

18 The fees collected by the division for provision of  
19 interpretation services by the division to obligated agencies  
20 shall be disbursed pursuant to the provisions of section 8.32,  
21 and shall be dedicated and used by the division for continued  
22 and expanded interpretation services.

23 4. PERSONS WITH DISABILITIES DIVISION

24 For salaries, support, maintenance, miscellaneous purposes,  
25 and for not more than the following full-time equivalent  
26 positions:

27 .....	\$	97,765
28 .....	FTEs	2.00

29 5. LATINO AFFAIRS DIVISION

30 For salaries, support, maintenance, miscellaneous purposes,  
31 and for not more than the following full-time equivalent  
32 positions:

33 .....	\$	142,442
34 .....	FTEs	3.00

35 6. STATUS OF WOMEN DIVISION

1 For salaries, support, maintenance, miscellaneous purposes,  
2 and for not more than the following full-time equivalent  
3 positions:

4 ..... \$ 323,879  
5 ..... FTEs 3.00

6 a. Of the funds appropriated in this subsection, at least  
7 \$125,775 shall be spent for the displaced homemaker program.

8 b. Of the funds appropriated in this subsection, at least  
9 \$42,570 shall be spent for domestic violence and sexual  
10 assault-related grants.

11 c. If the general assembly does not enact a statute  
12 establishing a workforce development department, then moneys  
13 appropriated in this subsection shall be spent as directed in  
14 law by the general assembly for the mentoring project for  
15 family investment program participants developed in accordance  
16 with section 239.22.

17 7. STATUS OF AFRICAN-AMERICANS DIVISION

18 For salaries, support, maintenance, miscellaneous purposes,  
19 and for not more than the following full-time equivalent  
20 positions:

21 ..... \$ 105,390  
22 ..... FTEs 2.00

23 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

24 For salaries, support, maintenance, miscellaneous purposes,  
25 and for not more than the following full-time equivalent  
26 positions:

27 ..... \$ 478,235  
28 ..... FTEs 10.05

29 a. The criminal and juvenile justice planning advisory  
30 council and the juvenile justice advisory council shall  
31 coordinate their efforts in carrying out their respective  
32 duties relative to juvenile justice.

33 b. Of the funds appropriated in this subsection, at least  
34 \$36,300 shall be spent for expenses relating to the  
35 administration of federal funds for juvenile assistance. It

1 is the intent of the general assembly that the department of  
2 human rights employ sufficient staff to meet the federal  
3 funding match requirements established by the federal office  
4 for juvenile justice delinquency prevention. The governor's  
5 advisory council on juvenile justice shall determine the  
6 staffing level necessary to carry out federal and state  
7 mandates for juvenile justice.

8 9. COMMUNITY GRANT FUND

9 For the community grant fund established under section  
10 232.190 for new grants and the continuation of existing grants  
11 for the fiscal year beginning July 1, 1996, and ending June  
12 30, 1997, to be used for the purposes of the community grant  
13 fund and for not more than the following full-time equivalent  
14 positions:

15 .....	\$	1,800,000
16 .....	FTEs	1.43

17 10. SHARED STAFF. Except for the persons with  
18 disabilities division which shall be administered by the  
19 director of the department of human rights, the divisions of  
20 the department of human rights shall retain their individual  
21 administrators, but shall share staff to the greatest extent  
22 possible.

23 Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is  
24 appropriated from the general fund of the state to the  
25 commission of veterans affairs for the fiscal year beginning  
26 July 1, 1996, and ending June 30, 1997, the following amounts,  
27 or so much thereof as is necessary, to be used for the  
28 purposes designated:

29 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

30 For salaries, support, maintenance, and miscellaneous  
31 purposes, and for not more than the following full-time  
32 equivalent positions:

33 .....	\$	289,510
34 .....	FTEs	5.00

35 The commission of veterans affairs may use the gifts

1 accepted by the chairperson of the commission of veterans  
2 affairs, or designee, and other resources available to the  
3 commission for use at its Camp Dodge office. The commission  
4 shall report annually to the governor and the general assembly  
5 on monetary gifts received by the commission for the Camp  
6 Dodge office.

7 2. WAR ORPHANS

8 For the war orphans educational aid fund established  
9 pursuant to chapter 35:

10 ..... \$ 4,800

11 3. IOWA VETERANS HOME

12 For salaries, support, maintenance, and miscellaneous  
13 purposes and for not more than the following full-time  
14 equivalent positions:

15 ..... \$ 38,900,388

16 ..... FTEs 800.82

17 a. The Iowa veterans home may use the gifts accepted by  
18 the chairperson of the commission of veterans affairs and  
19 other resources available to the commission for use at the  
20 Iowa veterans home.

21 b. If medical assistance revenues are expanded at the Iowa  
22 veterans home, and this expansion results in medical  
23 assistance reimbursements which exceed the amount budgeted for  
24 that purpose in the fiscal year beginning July 1, 1996, and  
25 ending June 30, 1997, the Iowa veterans home may expend the  
26 excess amounts to exceed the number of full-time equivalent  
27 positions authorized in this section for the purpose of  
28 meeting related certification requirements or to provide  
29 additional beds. The expenditure of additional funds  
30 received, as outlined in this paragraph, is subject to the  
31 approval by the department of management.

32 Sec. 8. DIRECT PURCHASE INCENTIVE.

33 1. If a department is able to demonstrate a 10 percent  
34 savings resulting from a direct purchase of equipment which is  
35 otherwise required to be purchased pursuant to a state

1 contract, the department, after consultation with the  
2 department of general services, is authorized to make the  
3 direct purchase, notwithstanding section 18.6. To provide an  
4 incentive to encourage departments to consider direct  
5 purchasing, 50 percent of the savings realized from the direct  
6 purchase may be retained by a department, and the remaining 50  
7 percent shall be deposited into the general fund of the state.  
8 The department of management shall monitor the savings for a  
9 one-year period beginning on July 1, 1996, and submit a report  
10 at the conclusion of the one-year period to the health and  
11 human rights appropriations subcommittee.

12 2. The provisions of this section shall apply to purchases  
13 made with moneys appropriated in sections 1 through 7 of this  
14 Act.

15 Sec. 9. Section 22.7, Code Supplement 1995, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 33. Records of the Iowa department of  
18 public health pertaining to participants in the gamblers  
19 treatment program except as otherwise provided in this  
20 chapter.

21 Sec. 10. Section 99D.7, subsection 21, Code Supplement  
22 1995, is amended to read as follows:

23 21. To cooperate with the gamblers assistance treatment  
24 program administered by the ~~department-of-human-services~~ Iowa  
25 department of public health to incorporate information  
26 regarding the gamblers assistance treatment program and its  
27 toll-free telephone number in printed materials distributed by  
28 the commission. The commission may require licensees to have  
29 the information available in a conspicuous place as a  
30 condition of licensure.

31 Sec. 11. Section 99E.9, subsection 8, Code Supplement  
32 1995, is amended to read as follows:

33 8. The Iowa lottery board shall cooperate with the  
34 gamblers assistance treatment program administered by the  
35 ~~department-of-human-services~~ Iowa department of public health



1 to incorporate information regarding the gamblers assistance  
2 treatment program and its toll-free telephone number in  
3 printed materials distributed by the board.

4 Sec. 12. Section 135.1, subsection 4, Code Supplement  
5 1995, is amended to read as follows:

6 4. "Physician" means a person licensed to practice  
7 medicine and surgery, osteopathic medicine and surgery,  
8 osteopathy, chiropractic, ~~or~~ podiatry, or optometry under the  
9 laws of this state; but a person licensed as a physician and  
10 surgeon shall be designated as a "physician" or "surgeon", a  
11 person licensed as an osteopathic physician and surgeon shall  
12 be designated as an "osteopathic physician" or "osteopathic  
13 surgeon", a person licensed as an osteopath shall be  
14 designated as an "osteopathic physician", a person licensed as  
15 a chiropractor shall be designated as a "chiropractor", and a  
16 person licensed as a podiatrist shall be designated as a  
17 "podiatric physician", and a person licensed as an optometrist  
18 shall be designated as an "optometrist".

19 Sec. 13. Section 232.190, subsection 1, Code 1995, is  
20 amended to read as follows:

21 1. A community grant fund is established in the state  
22 treasury under the control of the division of criminal and  
23 juvenile justice planning of the department of human rights  
24 for the purposes of awarding grants under this section. The  
25 criminal and juvenile justice planning advisory council and  
26 the juvenile justice advisory council shall assist the  
27 division in administering grants awarded under this section.  
28 The department of human services shall advise the division on  
29 programs which meet the criteria established for grant  
30 recipients. Not more than one five percent of the moneys  
31 appropriated to the fund shall be used for administrative  
32 purposes.

33 Sec. 14. INTERPRETIVE SERVICES STUDY. The legislative  
34 council is requested to establish an interim committee to  
35 evaluate the access to and quality of interpretive services

1 provided for the deaf and hard-of-hearing population.

2 EXPLANATION

3 This bill makes appropriations to the department for the  
4 blind, the Iowa state civil rights commission, the department  
5 of elder affairs, the governor's alliance on substance abuse,  
6 the Iowa department of public health, the department of human  
7 rights, and the commission of veterans affairs.

8 The bill provides for a direct purchase incentive for the  
9 departments receiving an appropriation in the bill which are  
10 able to demonstrate a 10 percent savings by a direct purchase  
11 of equipment, as opposed to by state contract. The bill also  
12 provides for administration of the gamblers treatment program  
13 through the Iowa department of public health, instead of the  
14 department of human services. The bill additionally adds the  
15 terms "optometry" and "optometrist" to the definitions used in  
16 section 135.1. Further, section 232.190 is amended to permit  
17 up to 5 percent of moneys in the community grant fund to be  
18 used for administrative costs instead of the current 1  
19 percent.

20 The bill requests the legislative council to establish an  
21 interim committee to evaluate the access to and quality of  
22 interpretive services provided for the deaf and hard-of-  
23 hearing population.

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TERRY E. BRANSTAD  
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL  
DES MOINES, IOWA 50319

515 281-5211

May 28, 1996

RECEIVED

MAY 31 1996

LEGISLATIVE SERVICE  
BUREAU

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 2448, an act relating to and making appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, the Governor's Alliance on Substance Abuse, the Iowa Department of Public Health, the Department of Human Rights, the Commission of Veterans Affairs, and providing an immediate effective date.

Senate File 2448 is therefore approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 2, unnumbered and unlettered paragraph 3, in its entirety. This item would restrict the Iowa Civil Rights Commission in effectively enforcing Iowa's anti-discrimination laws by reducing the maximum fine that could be assessed for first time violations detected during a random test. Information received from the U.S. Department of Housing and Urban Development indicates this restriction would negatively affect the Commission's ability to contract with and obtain grants from HUD. It could also impact the Commission's continued certification as a "substantially equivalent agency" under the Fair Housing Act.

I am unable to approve the item designated as Section 8, in its entirety. This item would appropriate the balance remaining in the Gamblers Treatment Fund at the end of this fiscal year for other purposes in fiscal year 1997. This is yet another example of a bad budgeting practice in that it would fund ongoing programs from a one-time revenue source. As a result of this action, these funds will remain in the Gamblers Treatment Fund to be used to treat the increasing number of persons with gambling addictions.

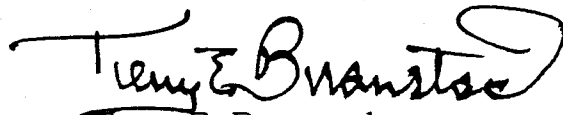
The Honorable Paul Pate

May 28, 1996

Page 2

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2448 are hereby approved as of this date.

Sincerely,

A handwritten signature in black ink, reading "Terry E. Branstad". The signature is written in a cursive style with a large, sweeping initial "T".

Terry E. Branstad  
Governor

TEB/ps

cc: Secretary of the Senate  
Chief Clerk of the House

SENATE FILE 2448

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE DEPARTMENT FOR THE BLIND, THE IOWA STATE CIVIL RIGHTS COMMISSION, THE DEPARTMENT OF ELDER AFFAIRS, THE GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE, THE IOWA DEPARTMENT OF PUBLIC HEALTH, THE DEPARTMENT OF HUMAN RIGHTS, AND THE COMMISSION OF VETERANS AFFAIRS, AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. DEPARTMENT FOR THE BLIND. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,475,737
..... FTEs 95.00

Sec. 2. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much

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

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,141,692
..... FTEs 36.00

If the anticipated amount of federal funding from the federal equal employment opportunity commission and the federal department of housing and urban development exceeds \$467,900 during the fiscal year beginning July 1, 1996, and ending June 30, 1997, the Iowa state civil rights commission may exceed the staffing level authorized by this section as necessary to hire additional staff to process or to support the processing of employment and housing complaints.

Verbed

A first-time violation detected during or as a result of random testing to detect civil rights violations shall not result in assessment of a fine over \$500.00. The intent of civil rights testing shall be educational. If this provision is determined to be illegal or unconstitutional by a court of law, or if the provision would in any way jeopardize a federal department of housing and urban development grant to the commission, the provision shall not apply.

The questionnaire which the Iowa state civil rights commission requires an employer to complete during the course of an investigation, after a complaint against the employer has been filed, shall be revised and shortened.

Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	450,918
.....	FTEs	28.00

2. For aging programs and services:

.....	\$	3,076,528
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All funds appropriated in this subsection shall be received and disbursed by the director of elder affairs for aging programs and services, shall not be used by the department for administrative purposes, not more than \$151,654 shall be used for area agencies on aging administrative purposes, and shall be used for citizens of Iowa over 60 years of age for case management for the frail elderly, mental health outreach, Alzheimer's support, retired senior volunteer program, care review committee coordination, employment, adult day care, respite care, chore services, telephone reassurance, information and assistance, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which make residences accessible to the physically handicapped. Funds appropriated in this subsection may be used to supplement federal funds under federal regulations. To receive funds appropriated in this subsection, a local area agency on aging shall match the funds with funds from other sources in accordance with rules adopted by the department. Funds appropriated in this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency on aging for provision of the service within the area.

The department shall maintain policies and procedures regarding Alzheimer's support and the retired senior volunteer program.

Sec. 4. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE. There is appropriated from the general fund of the state to the governor's alliance on substance abuse for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	304,333
.....	FTEs	10.00

2. For the Iowa substance abuse clearinghouse in Cedar Rapids for staff, materials, and operating expenses:

.....	\$	32,894
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Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. a. PLANNING AND ADMINISTRATION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,197,396
.....	FTEs	61.15

(1) Of the funds appropriated in this lettered paragraph, \$738,182 shall be used for the chronic renal disease program. The types of assistance available to eligible recipients under the program may include insurance premiums, travel reimbursement, and prescription and nonprescription drugs. The program expenditures shall not exceed this allocation. If projected expenditures would exceed the allocation, the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures within the amount allocated in this paragraph.

(2) Hospitals shall not collect fees for birth certificates in excess of the fees as set out in the administrative rules of the Iowa department of public health.

(3) Of the funds appropriated in this lettered paragraph, \$117,027 shall be used to provide regulatory oversight of accountable health plans.

(4) Of the funds appropriated in this lettered paragraph, \$46,658 shall be used for the purchase, verification, updating, and storage of health data information.

The department shall compile, correlate, and disseminate data from health care providers, the state medical assistance program, third-party payors, associations, and other appropriate sources in furtherance of the purpose and intent of this appropriation.

The department shall request and receive information from other state agencies similar to that required of third-party payors for the purpose of dissemination of health data. The department may enter into agreements for studies on health-related questions and provide or make data available to health care providers, health care subscribers, third-party payors and the general public. The department may purchase data for the purpose of dissemination of health data information. The department shall assure the confidentiality of the data collected from other state agencies, hospitals, and third-party payors under chapter 22. The compilation of data information prepared for release or dissemination from the data collected shall be a public record. The department shall adopt administrative rules to address a contracting process, define confidential information, set fees to be charged for data, and prescribe the forms upon which the information is to be made available.

b. PROFESSIONAL LICENSURE

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	884,900
.....	FTEs	12.00

The director of public health, when estimating expenditure requirements for the boards funded under this paragraph, shall base the budget on 85 percent of the average annual fees generated for the previous two fiscal years. The department shall confer with the boards funded under this paragraph in estimating the boards' annual fee generation and administrative costs. When the department develops each board's annual budget, a board's budget shall not exceed 85 percent of fees collected, based on the average of the previous two fiscal years. The department may expend funds in addition to amounts budgeted, if those additional expenditures are directly the result of unanticipated litigation costs arising from the discharge of the board's regulatory duties. Before the department expends or encumbers an amount in excess of the funds budgeted for a board, the director of the department of management shall approve the expenditure or encumbrance. The amounts necessary to fund the unanticipated litigation in the fiscal year beginning July 1, 1996, shall not exceed 5 percent of the average annual fees generated by the board for the previous two fiscal years.

c. EMERGENCY MEDICAL SERVICES

For salaries, support, maintenance, and emergency medical services training of emergency medical services (EMS) personnel at the state, county, and local levels and for not more than the following full-time equivalent positions:

.....	\$	1,022,360
.....	FTEs	12.00

If a person in the course of responding to an emergency renders aid to an injured person and becomes exposed to bodily fluids of the injured person, that emergency responder shall be entitled to hepatitis testing and immunization in accordance with the latest available medical technology to determine if infection with hepatitis has occurred. The person shall be entitled to reimbursement from the EMS funds available under this lettered paragraph only if the

reimbursement is not available through any employer or third-party payor.

2. HEALTH PROTECTION DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,167,154
..... FTEs 76.00

b. Of the funds appropriated in this subsection, \$75,000 shall be used for chlamydia testing.

c. Of the funds appropriated in this subsection, \$39,547 shall be used for the lead abatement program.

d. The state university of Iowa hospitals and clinics shall not receive indirect costs from the funds appropriated in this subsection.

3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 633,306
..... FTEs 47.35

(1) The division shall continue to coordinate with substance abuse treatment and prevention providers regardless of funding source to assure the delivery of substance abuse treatment and prevention programs.

(2) The commission on substance abuse, in conjunction with the division, shall continue to coordinate the delivery of substance abuse services involving prevention, social and medical detoxification, and other treatment by medical and nonmedical providers to uninsured and court-ordered substance abuse patients in all counties of the state.

b. Of the funds appropriated in this subsection, \$15,000 is allocated to support the surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the

amount and severity of agriculture-related injuries and diseases in the state, identifying causal factors associated with agriculture-related injuries and diseases, and evaluating the effectiveness of intervention programs designed to reduce injuries and diseases. The department shall cooperate with the department of agriculture and land stewardship, Iowa state university of science and technology, and the college of medicine at the state university of Iowa in accomplishing these duties.

c. For program grants:

..... \$ 7,990,159

(1) Of the funds appropriated in this lettered paragraph, \$193,500 shall be used for the provision of aftercare services for persons completing substance abuse treatment.

(2) Of the funds appropriated in this lettered paragraph, a minimum of \$950,000 shall be used by the Iowa department of public health to continue the integrated substance abuse managed care system.

4. FAMILY AND COMMUNITY HEALTH DIVISION

a. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,415,041
..... FTEs 71.00

(1) Of the funds appropriated in this lettered paragraph, at least \$587,865 shall be allocated by the division for the birth defects and genetics counseling program and of these funds, \$279,402 is allocated for regional genetic counseling services contracted from the state university of Iowa hospitals and clinics under the control of the state board of regents.

(2) Of the funds appropriated in this lettered paragraph, the following amounts are allocated to the state university of Iowa hospitals and clinics under the control of the state board of regents for the following programs under the Iowa specialized child health care services:



(a) Mobile and regional child health specialty clinics:  
..... \$ 392,931

The regional clinic located in Sioux City shall maintain a social worker component to assist the families of children participating in the clinic program.

Of the funds allocated in this subparagraph, \$97,937 shall be used for a specialized medical home care program providing care planning and coordination of community support services for children who require technical medical care in the home.

(b) Muscular dystrophy and related genetic disease programs:  
..... \$ 115,613

(c) Statewide perinatal program:  
..... \$ 61,693

(3) The birth defects and genetic counseling service shall apply a sliding fee scale to determine the amount a person receiving the services is required to pay for the services. These fees shall be considered repayment receipts and used for the program.

(4) The state university of Iowa hospitals and clinics shall not receive indirect costs from the funds allocated in this lettered paragraph.

(5) Of the funds appropriated in this lettered paragraph, \$1,001,209 shall be used for maternal and child health services.

(6) If during the 1996-1997 fiscal year, the federal government incorporates the special supplemental nutrition program for women, infants, and children into a block grant, the department of human services, Iowa department of public health, or any other state agency which administers the block grant shall require a competitive bid process for infant formula purchased by or for families under the block grant.

(7) The Iowa department of public health shall administer the statewide maternal and child health program, conduct mobile and regional child health specialty clinics, and

conduct other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Title V of the federal Social Security Act.

(8) The department shall continue efforts to realize the "Healthy Iowans 2000" goal of promoting prevention and health promotion to improve the quality of life of Iowans and to hold down health care costs and shall submit an annual "Healthy Iowans 2000" progress report to the general assembly on January 1 of each fiscal year.

(9) Of the funds appropriated in this lettered paragraph, \$165,391 is allocated for the office of rural health to provide technical assistance to rural areas in the area of health care delivery.

(10) Of the funds appropriated in this lettered paragraph, \$182,028 shall be used to develop, implement, and maintain rural health provider recruitment and retention efforts.

b. Sudden infant death syndrome autopsies:

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 331.802, subsection 3, paragraph "j":  
..... \$ 9,675

c. For grants to local boards of health for the public health nursing program:  
..... \$ 2,511,871

(1) Funds appropriated in this lettered paragraph shall be used to maintain and expand the existing public health nursing program for elderly and low-income persons with the objective of preventing or reducing inappropriate institutionalization. The funds shall not be used for any other purpose. As used in this lettered paragraph, "elderly person" means a person who is 60 years of age or older and "low-income person" means a person whose income and resources are below the guidelines established by the department.

(2) One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly and low-income persons living in that county in relation to the total number of elderly and low-income persons living in the state.

(3) In order to receive allocations under this lettered paragraph, the local board of health having jurisdiction shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded public health nursing care to elderly and low-income persons in the jurisdiction. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, or a suitable local governmental body to use the allocated funds to provide public health nursing care. Local boards of health shall make an effort to prevent duplication of services.

(4) If by July 30 of the fiscal year, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this lettered paragraph an unallocated pool. If the unallocated pool is \$50,000 or more it shall be reallocated to the counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1 and ending June 30 of the fiscal year. If the unallocated pool is less than \$50,000, the department may allocate the pool to counties with demonstrated special needs for public health nursing.

(5) The department shall maintain rules governing the expenditure of funds appropriated in this lettered paragraph.

The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the care.

(6) The department shall annually evaluate the success of the public health nursing program. The evaluation shall include the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program increased the availability of public health nursing care to elderly and low-income persons, and the extent of public health nursing care provided to elderly and low-income persons. The department shall submit a report of each annual evaluation to the governor and the general assembly.

d. For grants to county boards of supervisors for the home care aide program:

..... \$ 8,586,716

Funds appropriated in this lettered paragraph shall be used to provide home care aide services with emphasis on services to elderly and persons below the poverty level and children and adults in need of protective services with the objective of preventing or reducing inappropriate institutionalization. In addition, up to 15 percent of the funds appropriated in this lettered paragraph may be used to provide chore services. The funds shall not be used for any other purposes. In providing services to elderly persons, the service provider shall coordinate efforts with the integrated case management for the frail elderly program of the department of elder affairs. As used in this lettered paragraph:

(1) "Chore services" means services provided to individuals or families, who, due to incapacity, or illness, are unable to perform certain home maintenance functions. The services include but are not limited to yard work such as mowing lawns, raking leaves, and shoveling walks; window and door maintenance such as hanging screen windows and doors, replacing windowpanes, and washing windows; and minor repairs to walls, floors, stairs, railings, and handles. It also

includes heavy house cleaning which includes cleaning attics or basements to remove fire hazards, moving heavy furniture, extensive wall washing, floor care or painting, and trash removal.

(2) "Elderly person" means a person who is 60 years of age or older.

(3) "Home care aide services" means services intended to enhance the capacity of household members to attain or maintain the independence of the household members and provided by trained and supervised workers to individuals or families, who, due to the absence, incapacity, or limitations of the usual homemaker, are experiencing stress or crisis. The services include but are not limited to essential shopping, housekeeping, meal preparation, child care, respite care, money management and consumer education, family management, personal services, transportation, and providing information, assistance, and household management.

(4) "Low-income person" means a person whose income and resources are below the guidelines established by the department.

(5) "Protective services" means those home care aide services intended to stabilize a child's or an adult's residential environment and relationships with relatives, caretakers, and other persons or household members in order to alleviate a situation involving abuse or neglect or to otherwise protect the child or adult from a threat of abuse or neglect.

The amount appropriated in this lettered paragraph shall be allocated for use in the counties of the state. Fifteen percent of the amount shall be divided so that an equal amount is available for use in each county in the state. The following percentages of the remaining amount shall be allocated to each county according to that county's proportion of residents with the following demographic characteristics: 60 percent according to the number of elderly persons living

in the county, 20 percent according to the number of persons below the poverty level living in the county, and 20 percent according to the number of substantiated cases of child abuse in the county during the three most recent fiscal years for which data is available.

In order to receive allocations in this lettered paragraph, the county board of supervisors, after consultation with the local boards of health, human services county cluster boards, area agency on aging advisory council, local office of the department of human services, and other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of home care aide services to elderly and low-income persons and children and adults in need of protective services in the jurisdiction. An agency requesting service or financial information about a current subcontractor shall provide similar information concerning its own home care aide or chore services program to the current subcontractor. The proposal may provide that a maximum of 15 percent of the allocated funds will be used to provide chore services. The proposal shall include a statement assuring that children and adults in need of protective services are given priority for home care aide services and that the appropriate local agencies have participated in the planning for the proposal. After approval of the proposal by the department, the department shall enter into a contract with the county board of supervisors or a governmental body designated by the county board of supervisors. The county board of supervisors or its designee shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of human services, or a suitable local governmental body to use the allocated funds to provide home care aide services and chore services providing that the subcontract requires any service provided away from the home to be documented in a report

available for review by the department, and that each home care aide subcontracting agency shall maintain the direct service workers' time assigned to direct client service at 70 percent or more of the workers' paid time and that not more than 35 percent of the total cost of the service be included in the combined costs for service administration and agency administration. The subcontract shall require that each home care aide subcontracting agency shall pay the employer's contribution of social security and provide workers' compensation coverage for persons providing direct home care aide service and meet any other applicable legal requirements of an employer-employee relationship.

If by July 30 of the fiscal year, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated in this lettered paragraph an unallocated pool. The department shall also identify any allocated funds which the counties do not anticipate spending during the fiscal year. If the amount of anticipated excess funds to any county is substantial, the department and the county may agree to return those excess funds, if the funds are other than program revenues, to the department, and if returned, the department shall consider the returned funds a part of the unallocated pool. The department shall, prior to February 15 of the fiscal year, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this lettered paragraph. The department shall also review the first 10 months' expenditures for each county in May of the fiscal year, to determine if any counties possess contracted funds which they do not anticipate spending. If such funds are identified and the county agrees to release the funds, the released funds will be considered a new reallocation pool. The department may, prior to June 1 of the fiscal year, reallocate funds from this new reallocation pool to those counties which have experienced a high

utilization of protective service hours for children and dependent adults.

The department shall maintain rules governing the expenditure of funds appropriated in this lettered paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the services and shall require the payments to be applied to the cost of the services. The department shall also maintain rules for standards regarding training, supervision, recordkeeping, appeals, program evaluation, cost analysis, and financial audits, and rules specifying reporting requirements.

The department shall annually evaluate the success of the home care aide program. The evaluation shall include a description of the program and its implementation, the extent of local participation, the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program provided or increased the availability of home care aide services to elderly and low-income persons and children and adults in need of protective services, any problems and recommendations concerning the program, and an analysis of the costs of services across the state. The department shall submit a report of the annual evaluation to the governor and the general assembly.

e. For the development and maintenance of well-elderly clinics in the state:

..... \$ 585,337

The appropriation in this lettered paragraph shall be distributed by a formula to well-elderly clinics located in counties which provide funding on a matching basis for the well-elderly clinics.

f. For the physician care for children program:

..... \$ 411,187

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide

for the medical treatment of children and shall include coverage of diagnostic procedures, prescription drugs, and physician-ordered treatments necessary to treat an acute condition. Services provided under this lettered paragraph shall be reimbursed according to medical assistance reimbursement rates.

g. For primary and preventive health care for children: ..... \$ 75,000

Funds appropriated in this lettered paragraph shall be for the public purpose of providing a renewable grant, following a request for proposals, to a statewide charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code which was organized prior to April 1, 1989, and has as one of its purposes the sponsorship or support for programs designed to improve the quality, awareness, and availability of health care for the young, to serve as the funding mechanism for the provision of primary health care and preventive services to children in the state who are uninsured and who are not eligible under any public plan of health insurance, provided all of the following conditions are met:

- (1) The organization shall provide a match of \$4 in advance of each state dollar provided.
- (2) The organization coordinates services with new or existing public programs and services provided by or funded by appropriate state agencies in an effort to avoid inappropriate duplication of services and ensure access to care to the extent as is reasonably possible. The organization shall work with the Iowa department of public health, family and community health division, to ensure duplication is minimized.
- (3) The organization's governing board includes in its membership representatives from the executive and legislative branches of state government.
- (4) Grant funds are available as needed to provide services and shall not be used for administrative costs of the department or the grantee.

h. For the Iowa healthy family program under section 135.106:

..... \$ 952,000

The moneys appropriated in this lettered paragraph shall be granted pursuant to 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 415, except that the grants shall be extended through September 30, 1997. Notwithstanding the provisions of 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 416, the use of mid-level practitioners to improve access to prenatal care shall include obstetrical-gynecological nurse practitioners and family nurse practitioners focusing on maternal and child health. The department is encouraged to expand funding eligibility under the program to private physician and clinic-sponsored programs servicing low-income populations. The administrative entities of the Iowa healthy family program shall work collaboratively to assure continuity of the provision of services from the prenatal to the preschool period to an individual client by having a single resource mother work with that client. The department shall submit an annual report to the general assembly concerning the efficiency of the healthy family program and make any recommendations for improvements. Any funds contracted to agencies under this paragraph which are projected to be unused at the close of the fiscal year shall be allowed to be reallocated within the healthy family program by April 1, 1997.

The Iowa department of public health and the department of human services shall determine if expenses under any portion of the healthy family program would qualify for payment under the medical assistance program and if so, shall apply to the federal government for a medical assistance waiver. The Iowa department of public health and the department of human services shall evaluate the funding change's potential impact upon clients of the healthy family program.

Of the funds appropriated in this lettered paragraph, a minimum of \$622,000 shall be used for the healthy opportunities for parents to experience success program. If funds are appropriated by the Seventy-sixth General Assembly, 1996 Session, in excess of \$335,000, the excess funds shall be used by the department to expand the program to counties of greatest need.

i. For primary care provider recruitment and retention endeavors:

..... \$ 235,000

5. STATE BOARD OF DENTAL EXAMINERS

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 309,768

..... FTEs 4.00

6. STATE BOARD OF MEDICAL EXAMINERS

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,036,156

..... FTEs 18.00

7. STATE BOARD OF NURSING EXAMINERS

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 981,403

..... FTEs 18.00

8. STATE BOARD OF PHARMACY EXAMINERS

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 680,138

..... FTEs 11.00

9. The state board of medical examiners, the state board of pharmacy examiners, the state board of dental examiners, and the state board of nursing examiners shall prepare estimates of projected receipts to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected receipts equal projected costs.

10. The state board of medical examiners, the state board of pharmacy examiners, the state board of dental examiners, and the state board of nursing examiners shall retain their individual executive officers, but are strongly encouraged to share administrative, clerical, and investigative staffs to the greatest extent possible.

11. A local health care provider or nonprofit health care organization seeking grant moneys administered by the Iowa department of public health shall provide documentation that the provider or organization has coordinated its services with other local entities providing similar services.

12. Consolidation of state funding sources for public health nursing, home care aid, and the senior health program into a single contract for each county, as agreed upon by the county board of supervisors and any boards of health within the county, shall be available for implementation beginning July 1, 1996. It is the department's goal to add federal funding for health promotion as federal funds become available. The department shall submit a report to the general assembly on or before January 2, 1997, which shall include an evaluation of the first year of the voluntary demonstration project and a plan to expand statewide a single source contract for each county beginning July 1, 1997. The department may include other state and federal funding sources with the understanding that local, city, or county funds not be supplanted.

Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 186,522  
 ..... FTEs 6.60

2. COMMUNITY ACTION AGENCIES DIVISION

For the expenses of the community action agencies commission:

..... \$ 3,366

3. DEAF SERVICES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 256,167  
 ..... FTEs 7.60

The fees collected by the division for provision of interpretation services by the division to obligated agencies shall be disbursed pursuant to the provisions of section 8.32, and shall be dedicated and used by the division for continued and expanded interpretation services.

4. PERSONS WITH DISABILITIES DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 97,765  
 ..... FTEs 2.00

5. LATINO AFFAIRS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 142,442  
 ..... FTEs 3.00

6. STATUS OF WOMEN DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 323,879  
 ..... FTEs 3.00

a. Of the funds appropriated in this subsection, at least \$125,775 shall be spent for the displaced homemaker program.

b. Of the funds appropriated in this subsection, at least \$42,570 shall be spent for domestic violence and sexual assault-related grants.

6A. STATUS OF WOMEN DIVISION CONTINGENT APPROPRIATION

If the general assembly does not enact a statute creating a department of workforce development with responsibility for the mentoring project for family investment program participants, the following amount for the division of the status of women to implement the mentoring project under section 239.22:

..... \$ 72,000  
 ..... FTEs 1.50

7. STATUS OF AFRICAN-AMERICANS DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 105,390  
 ..... FTEs 2.00

8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 378,021  
 ..... FTEs 10.05

a. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

b. Of the funds appropriated in this subsection, at least \$36,300 shall be spent for expenses relating to the administration of federal funds for juvenile assistance. It is the intent of the general assembly that the department of human rights employ sufficient staff to meet the federal funding match requirements established by the federal office for juvenile justice delinquency prevention. The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice.

9. COMMUNITY GRANT FUND

For the community grant fund established under section 232.190 for the continuation of existing grants for the fiscal year beginning July 1, 1996, and ending June 30, 1997, to be used for the purposes of the community grant fund and for not more than the following full-time equivalent positions:

..... \$ 1,600,000  
..... FTEs 1.43

10. SHARED STAFF. Except for the persons with disabilities division which shall be administered by the director of the department of human rights, the divisions of the department of human rights shall retain their individual administrators, but shall share staff to the greatest extent possible.

Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the commission of veterans affairs for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 289,510  
..... FTEs 5.00

The commission of veterans affairs may use the gifts accepted by the chairperson of the commission of veterans affairs, or designee, and other resources available to the commission for use at its Camp Dodge office. The commission shall report annually to the governor and the general assembly on monetary gifts received by the commission for the Camp Dodge office.

2. WAR ORPHANS

For the war orphans educational aid fund established pursuant to chapter 35:

..... \$ 4,800

3. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 38,900,388  
..... FTEs 800.82

a. The Iowa veterans home may use the gifts accepted by the chairperson of the commission of veterans affairs and other resources available to the commission for use at the Iowa veterans home.

b. If medical assistance revenues are expanded at the Iowa veterans home, and this expansion results in medical assistance reimbursements which exceed the amount budgeted for that purpose in the fiscal year beginning July 1, 1996, and ending June 30, 1997, the Iowa veterans home may expend the excess amounts to exceed the number of full-time equivalent positions authorized in this section for the purpose of meeting related certification requirements or to provide additional beds. The expenditure of additional funds



received, as outlined in this paragraph, is subject to the approval by the department of management.

Sec. 8. COMMUNITY GRANT FUND AND SUBSTANCE ABUSE GRANTS -- FISCAL YEAR 1996. There is appropriated from the unobligated and unencumbered balance of the gamblers assistance fund for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts to be used for the purposes designated:

1. COMMUNITY GRANT FUND

To the community grant fund established under section 232.190: .....

\$ 200,000

2. SUBSTANCE ABUSE GRANTS

To the Iowa department of public health for substance abuse program grants administered by the department: .....

\$ 400,000

The appropriations made in this section shall be in descending priority order and if the unobligated and unencumbered balance of the fund is insufficient for both appropriations, the appropriation in subsection 2 shall be reduced accordingly.

Notwithstanding section 8.33, moneys appropriated in this section shall not revert to the gamblers assistance fund but shall remain available to be used for the purpose designated in the fiscal year beginning July 1, 1996.

Sec. 9. DIRECT PURCHASE INCENTIVE.

1. If a department is able to demonstrate a 10 percent savings resulting from a direct purchase of equipment which is otherwise required to be purchased pursuant to a state contract, the department, after consultation with the department of general services, is authorized to make the direct purchase, notwithstanding section 18.6, subsections 1 through 7, and subsections 9 through 14, and the dollar limitation in subsection 8. To provide an incentive to encourage departments to consider direct purchasing, 50

Vetoed

percent of the savings realized from the direct purchase may be retained by a department, and the remaining 50 percent shall be deposited into the general fund of the state. The department of management shall monitor the savings for a one-year period beginning on July 1, 1996, and submit a report at the conclusion of the one-year period to the health and human rights appropriations subcommittee. Prior to making a purchase under this section, the department shall first determine whether goods or services are available from a targeted small business and preference shall be given to making the purchases from targeted small businesses.

2. The provisions of this section shall apply to purchases made with moneys appropriated in sections 1 through 7 of this Act.

Sec. 10. Section 22.7, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 33. Records of the Iowa department of public health pertaining to participants in the gambling treatment program except as otherwise provided in this chapter.

Sec. 11. Section 99D.7, subsection 21, Code Supplement 1995, is amended to read as follows:

21. To cooperate with the gamblers-assistance gambling treatment program administered by the department-of-human services Iowa department of public health to incorporate information regarding the gamblers-assistance gambling treatment program and its toll-free telephone number in printed materials distributed by the commission. The commission may require licensees to have the information available in a conspicuous place as a condition of licensure.

Sec. 12. Section 99E.9, subsection 8, Code Supplement 1995, is amended to read as follows:

8. The Iowa lottery board shall cooperate with the gamblers-assistance gambling treatment program administered by the department-of-human-services Iowa department of public

health to incorporate information regarding the gamblers assistance gambling treatment program and its toll-free telephone number in printed materials distributed by the board.

Sec. 13. Section 99E.10, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. An amount equal to three-tenths of one percent of the gross lottery revenue shall be deposited in a gamblers assistance gambling treatment fund in the office of the treasurer of state. The director of human-services the Iowa department of public health shall administer the fund and shall provide that receipts are allocated on a monthly basis to fund administrative costs and 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. 14. Section 99E.10, subsection 1, paragraph a, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Of the moneys remaining in the gambling treatment fund at the close of the fiscal year which otherwise would remain unexpended or unobligated for the purposes designated in this paragraph "a", up to four hundred thousand dollars shall be used by the Iowa department of public health for substance abuse program grants.

Sec. 15. Section 135.1, subsection 4, Code Supplement 1995, is amended to read as follows:

4. "Physician" means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, osteopathy, chiropractic, or podiatry, or optometry under the laws of this state; but a person licensed as a physician and surgeon shall be designated as a "physician" or "surgeon", a person licensed as an osteopathic physician and surgeon shall be designated as an "osteopathic physician" or "osteopathic

surgeon", a person licensed as an osteopath shall be designated as an "osteopathic physician", a person licensed as a chiropractor shall be designated as a "chiropractor", and a person licensed as a podiatrist shall be designated as a "podiatric physician", and a person licensed as an optometrist shall be designated as an "optometrist". A definition or designation contained in this subsection shall not be interpreted to expand the scope of practice of such licensees.

Sec. 16. Section 232.190, subsection 1, Code 1995, is amended to read as follows:

1. A community grant fund is established in the state treasury under the control of the division of criminal and juvenile justice planning of the department of human rights for the purposes of awarding grants under this section. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall assist the division in administering grants awarded under this section. The department of human services shall advise the division on programs which meet the criteria established for grant recipients. Not more than one five percent of the moneys appropriated to the fund shall be used for administrative purposes.

Sec. 17. 1993 Iowa Acts, chapter 55, section 1, subsection 3, is amended to read as follows:

3. The project shall be completed on or before June 30, 1997, and existing vital records shall be converted to the electronic system by that date. Moneys appropriated pursuant to this section which remain unexpended unencumbered on June 30, 1997, shall revert to the general fund of the state. The remaining encumbered moneys which remain unexpended on June 30, 1998, shall revert to the general fund of the state. For the fiscal year beginning July 1, 1997, and succeeding fiscal years, the provisions of section 144.46, requiring the vital records fee to be set by rule based on the average administrative costs, shall apply.

Sec. 18. INTERPRETIVE SERVICES STUDY. The legislative council is requested to establish an interim committee to evaluate the access to and quality of interpretive services provided for the deaf and hard-of-hearing population.

Sec. 19. EFFECTIVE DATE. Section 8 of this Act, being deemed of immediate importance, takes effect upon enactment.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2448, Seventy-sixth General Assembly.

*Item Voted*  
Approved 5/28/96, 1996

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JOHN F. DWYER  
Secretary of the Senate

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TERRY E. BRANSTAD  
Governor

SF 2448