

3/13/95 Human Res.

FILED MAR 13 1995

3/14/95 Do Pass

H. 3/22/95 Human Res.

H. 4-4-95 amend/Do Pass

W/H-3119

SENATE FILE

315

BY TINSMAN and SORENSEN

H. 4/13/95 Unfinished Business

Colorado

Passed Senate, Date (p. 765) 3/21/95

Vote: Ayes 46 Nays 0

Passed House, Date 4/18/95 (p. 1674)

Vote: Ayes 90 Nays 7

Approved May 1, 1995

Re passed Senate
Ayes 49 Nays 0
4/14/95
(p. 1297)

A BILL FOR

1 An Act relating to mental health and developmental disabilities
2 assistance by extending a moratorium on the number of
3 intermediate care facility for the mentally retarded beds and
4 requiring certain reporting activities of the state-county
5 management committee, and providing an effective date.

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

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S. F. 315

1 Section 1. Section 135.63, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. For the period beginning July 1, 1995,
4 and ending June 30, 1997, the department shall not process
5 applications for and the council shall not consider a new or
6 changed institutional health service for an intermediate care
7 facility for the mentally retarded except as provided in this
8 subsection.

9 a. For the period beginning July 1, 1995, and ending June
10 30, 1997, the department and council shall process
11 applications and consider applications if either of the
12 following conditions are met:

13 (1) An institutional health facility is reducing the size
14 of the facility's intermediate care facility for the mentally
15 retarded program and wishes to convert an existing number of
16 the facility's approved beds in that program to smaller living
17 environments in accordance with state policies in effect
18 regarding the size and location of such facilities.

19 (2) An institutional health facility proposes to locate a
20 new intermediate care facility for the mentally retarded in an
21 area of the state identified by the department of human
22 services as underserved by intermediate care facility for the
23 mentally retarded beds.

24 b. Both of the following requirements shall apply to an
25 application considered under this section:

26 (1) The new or changed beds shall not result in an
27 increase in the total number of medical assistance certified
28 intermediate care facility for the mentally retarded beds in
29 the state as of July 1, 1994.

30 (2) A letter of support for the application is provided by
31 the director of human services and the county board of
32 supervisors, or the board's designee, in the county in which
33 the beds would be located.

34 Sec. 2. STATE-COUNTY MANAGEMENT COMMITTEE. The state-
35 county management committee's annual report to be submitted to

1 the governor and the general assembly no later than January 1,
2 1996, pursuant to section 331.438, subsection 3, paragraph
3 "c", subparagraph (13), shall include the following:

4 1. Proposed benchmarks for efficiency and quality in the
5 delivery of mental health and developmental disabilities
6 assistance by the state and counties. The committee shall
7 consider the following efficiency measures in developing the
8 benchmarks:

- 9 a. Consumer satisfaction and outcomes.
- 10 b. Relative number of acute care days used.
- 11 c. Net expenditures per capita for the same disability.
- 12 d. Number of persons served and number of persons unserved
13 or underserved.
- 14 e. Disability populations served and unserved.
- 15 f. Number of persons served in varying types of services
16 settings, from least restrictive to most restrictive.
- 17 g. Community-based service availability and number of
18 persons served outside the local area.
- 19 h. Equity with respect to local taxing ability.

20 2. Recommendations for the state and counties to provide
21 mental health and developmental disabilities assistance under
22 a fixed funding budget. The committee shall consider all of
23 the following in developing the recommendations:

- 24 a. The feasibility of requiring counties to expend a
25 certain portion of the budgeted moneys for implementing
26 community-based services innovations to reduce acute care
27 placements.
- 28 b. Modifying legal mandates for counties to serve
29 particular disability populations so that the legal
30 consequences are clarified if a county has insufficient
31 funding for an entire fiscal year and mandated services or
32 populations remain without assistance.
- 33 c. The effect of counties continuing to provide assistance
34 to persons with mental illness or a developmental disability
35 who received the assistance as of June 30, 1995, regardless of

1 whether the assistance is mandated.

2 d. Any statutory changes which would be necessary to allow
3 the placing of persons on a waiting list for assistance and
4 the feasibility of establishing crisis services to meet the
5 short-term needs of persons placed on a waiting list.

6 e. Creation of an appeal process for persons denied
7 assistance or denied access to the assistance desired.

8 f. Provisions to require the state and counties to
9 maintain their financial commitments under a fixed funding
10 budget.

11 3. Consideration and recommendations involving the
12 following intermediate care facility for the mentally retarded
13 issues:

14 a. Providing more authority for case managers, in
15 conjunction with the medical assistance review organization,
16 to review placement requests and participate in meetings to
17 consider treatment provided to a resident of an intermediate
18 care facility for the mentally retarded.

19 b. Determining the need for and methods for improving the
20 education level of intermediate care facilities for the
21 mentally retarded providers concerning levels of active
22 treatment provided to residents.

23 Sec. 3. EFFECTIVE DATE. Section 1 of this Act, being
24 deemed of immediate importance, takes effect upon enactment.

25 EXPLANATION

26 This bill relates to mental health and developmental
27 disabilities assistance. Section 1 codifies and extends a
28 moratorium on the issuance of a certificate of need involving
29 intermediate care facilities for the mentally retarded through
30 June 30, 1997. Under current law, the moratorium expires June
31 30, 1995. The extension of the moratorium takes effect upon
32 enactment.

33 The bill relates to county mental health and developmental
34 disabilities assistance by requiring the state-county
35 management committee to make recommendations for performance

1 benchmarks for the assistance, for county provision of the
2 assistance under a fixed budget, and for recommendations
3 involving intermediate care facilities for the mentally
4 retarded (ICFMR) funding. The recommendations are to be
5 submitted with the committee's annual report on or prior to
6 January 1, 1996.

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H-3719

1 Amend Senate File 315, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 33 the
4 following:

5 "Sec. 100. Section 331.438, subsection 3,
6 paragraph b, Code 1995, is amended to read as follows:

7 b. The management committee shall consist of not
8 more than ~~nine~~ eleven voting members representing the
9 state and counties as follows:

10 (1) An equal number of ~~the~~ not more than nine
11 members shall be appointed by the director of human
12 services and the Iowa state association of counties
13 and one additional member shall be jointly appointed
14 by both entities. Members appointed by the Iowa state
15 association of counties shall be selected from a pool
16 nominated by the county supervisor affiliate of the
17 association with four members from the affiliate. The
18 affiliate shall select the nominees through a secret
19 ballot process. The portion of the committee
20 membership appointed by the Iowa state association of
21 counties is not subject to the provisions of sections
22 69.16 and 69.16A.

23 (2) ~~In addition, the~~ The committee shall also
24 include one member nominated by service providers and
25 one member nominated by service advocates and
26 consumers, with both members appointed by the
27 governor.

28 (3) In addition, the committee shall include four
29 members of the general assembly with one each
30 designated by the majority leader and minority leader
31 of the senate and the speaker and minority leader of
32 the house of representatives. A legislative member
33 serves in an ex officio, nonvoting capacity and is
34 eligible for per diem and expenses as provided in
35 section 2.10.

36 (4) A member who is not a legislator shall have
37 expenses and other costs paid by the state or the
38 county entity that the member represents. The
39 committee shall establish terms for its members, elect
40 officers, adopt operating procedures, and meet as
41 deemed necessary by the committee."

42 2. Page 3, by inserting after line 22 the
43 following:

44 "Sec. ____ . APPLICABILITY. The provisions of
45 section 100 of this Act shall apply to appointments
46 made on or after July 1, 1995, for expired terms and
47 to fill vacancies in the membership of the state-
48 county management committee."

49 3. Title page, by striking lines 4 and 5 and
50 inserting the following: "applying certain

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1 requirements to the state-county management committee,
2 and providing an applicability provision and an
3 effective date."

By COMMITTEE ON HUMAN RESOURCES
DAGGETT of Union, Chairperson

H-3719 FILED APRIL 4, 1995

Adopted as amended 4/18/95 (p. 1674)

SENATE FILE 315

H-3829

1 Amend the amendment, H-3719, to Senate File 315, as
2 passed by the Senate, as follows:

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

5 "Sec. ____ . Section 228.1, subsection 1, Code
6 1995, is amended to read as follows:

7 1. "Administrative information" means an
8 individual's name, identifying number, age, sex,
9 address, dates and character of professional services
10 provided to the individual, fees for the professional
11 services, third-party payor name and payor number of a
12 patient, if known, name and location of the facility
13 where treatment is received, the date of the
14 individual's admission to the facility, and the name
15 of the individual's attending physician or attending
16 mental health professional.

17 Sec. ____ . Section 229.24, Code 1995, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 3. If all or part of the costs
20 associated with hospitalization of an individual under
21 this chapter are chargeable to a county of legal
22 settlement, the county of legal settlement and the
23 county in which the hospitalization order is entered
24 shall have access to the following information
25 pertaining to the individual which would be
26 confidential under subsection 1:

27 a. Administrative information, as defined in
28 section 228.1.

29 b. An evaluation order under this chapter and the
30 location of the individual's placement under the
31 order.

32 c. A hospitalization or placement order under this
33 chapter and the location of the individual's placement
34 under the order.

35 d. The date, location, and disposition of any
36 hearing concerning the individual held under this
37 chapter.

38 e. Any payment source available for the costs of
39 the individual's care.

40 Sec. ____ . Section 230.20, Code 1995, is amended by
41 adding the following new subsection:

42 NEW SUBSECTION. 7. The department shall provide a
43 county with information, which is not otherwise
44 confidential under law, in the department's possession
45 concerning a patient whose cost of care is chargeable
46 to the county, including but not limited to the
47 information specified in section 229.24, subsection
48 3."

49 2. Page 1, by inserting after line 48 the
50 following:

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1 "_____. Title page, line 3, by striking the word
2 "and" and inserting the following: ", providing for
3 access to certain mental health information by a
4 county responsible for payment of costs, and".
5 3. By renumbering as necessary.

By GRUNDBERG of Polk
HOUSER of Pottawattamie

H-3829 FILED APRIL 10, 1995

Adopted 4/18/95 (p. 1674)

SENATE FILE 315

H-3877

1 Amend the amendment, H-3719, to Senate File 315, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 19 through 22 and
4 inserting the following: "ballot process."

By HARPER of Black Hawk

H-3877 FILED APRIL 11, 1995

Adopted 4/18/95 (p. 1674)

HOUSE AMENDMENT TO
SENATE FILE 315

S-3477

1 Amend Senate File 315, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 33 the
4 following:
5 "Sec. _____. Section 228.1, subsection 1, Code 1995,
6 is amended to read as follows:
7 1. "Administrative information" means an
8 individual's name, identifying number, age, sex,
9 address, dates and character of professional services
10 provided to the individual, fees for the professional
11 services, third-party payor name and payor number of a
12 patient, if known, name and location of the facility
13 where treatment is received, the date of the
14 individual's admission to the facility, and the name
15 of the individual's attending physician or attending
16 mental health professional.
17 Sec. _____. Section 229.24, Code 1995, is amended by
18 adding the following new subsection:
19 NEW SUBSECTION. 3. If all or part of the costs
20 associated with hospitalization of an individual under
21 this chapter are chargeable to a county of legal
22 settlement, the county of legal settlement and the
23 county in which the hospitalization order is entered
24 shall have access to the following information
25 pertaining to the individual which would be
26 confidential under subsection 1:
27 a. Administrative information, as defined in
28 section 228.1.
29 b. An evaluation order under this chapter and the
30 location of the individual's placement under the
31 order.
32 c. A hospitalization or placement order under this
33 chapter and the location of the individual's placement
34 under the order.
35 d. The date, location, and disposition of any
36 hearing concerning the individual held under this
37 chapter.
38 e. Any payment source available for the costs of
39 the individual's care.
40 Sec. _____. Section 230.20, Code 1995, is amended by
41 adding the following new subsection:
42 NEW SUBSECTION. 7. The department shall provide a
43 county with information, which is not otherwise
44 confidential under law, in the department's possession
45 concerning a patient whose cost of care is chargeable
46 to the county, including but not limited to the
47 information specified in section 229.24, subsection 3.
48 Sec. 100. Section 331.438, subsection 3, paragraph
49 b, Code 1995, is amended to read as follows:
50 b. The management committee shall consist of not
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1 more than ~~nine~~ eleven voting members representing the
2 state and counties, as follows:

3 (1) An equal number of ~~the~~ not more than nine
4 members shall be appointed by the director of human
5 services and the Iowa state association of counties
6 and one additional member shall be jointly appointed
7 by both entities. Members appointed by the Iowa state
8 association of counties shall be selected from a pool
9 nominated by the county supervisor affiliate of the
10 association with four members from the affiliate. The
11 affiliate shall select the nominees through a secret
12 ballot process.

13 (2) ~~In addition, the~~ The committee shall also
14 include one member nominated by service providers and
15 one member nominated by service advocates and
16 consumers, with both members appointed by the
17 governor.

18 (3) In addition, the committee shall include four
19 members of the general assembly with one each
20 designated by the majority leader and minority leader
21 of the senate and the speaker and minority leader of
22 the house of representatives. A legislative member
23 serves in an ex officio, nonvoting capacity and is
24 eligible for per diem and expenses as provided in
25 section 2.10.

26 (4) A member who is not a legislator shall have
27 expenses and other costs paid by the state or the
28 county entity that the member represents. The
29 committee shall establish terms for its members, elect
30 officers, adopt operating procedures, and meet as
31 deemed necessary by the committee."

32 2. Page 3, by inserting after line 22 the
33 following:

34 "Sec. ____ . APPLICABILITY. The provisions of
35 section 100 of this Act shall apply to appointments
36 made on or after July 1, 1995, for expired terms and
37 to fill vacancies in the membership of the state-
38 county management committee."

39 3. Title page, line 3, by striking the word "and"
40 and inserting the following: ", providing for access
41 to certain mental health information by a county
42 responsible for payment of costs, and".

43 4. Title page, by striking lines 4 and 5 and
44 inserting the following: "applying certain
45 requirements to the state-county management committee,
46 and providing an applicability provision and an
47 effective date."

RECEIVED FROM THE HOUSE

S-3477 FILED APRIL 18, 1995

Senate concurred 4/19/95 (p. 1297)

SENATE FILE 315

AN ACT

RELATING TO MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ASSISTANCE BY EXTENDING A MORATORIUM ON THE NUMBER OF INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED BEDS, PROVIDING FOR ACCESS TO CERTAIN MENTAL HEALTH INFORMATION BY A COUNTY RESPONSIBLE FOR PAYMENT OF COSTS, AND APPLYING CERTAIN REQUIREMENTS TO THE STATE-COUNTY MANAGEMENT COMMITTEE, AND PROVIDING AN APPLICABILITY PROVISION AND AN EFFECTIVE DATE.

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

Section 1. Section 135.63, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 4. For the period beginning July 1, 1995, and ending June 30, 1997, the department shall not process applications for and the council shall not consider a new or changed institutional health service for an intermediate care facility for the mentally retarded except as provided in this subsection.

a. For the period beginning July 1, 1995, and ending June 30, 1997, the department and council shall process applications and consider applications if either of the following conditions are met:

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

(2) An institutional health facility proposes to locate a new intermediate care facility for the mentally retarded in an area of the state identified by the department of human

services as underserved by intermediate care facility for the mentally retarded beds.

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

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

(2) A letter of support for the application is provided by the director of human services and the county board of supervisors, or the board's designee, in the county in which the beds would be located.

Sec. 2. Section 228.1, subsection 1, Code 1995, is amended to read as follows:

1. "Administrative information" means an individual's name, identifying number, age, sex, address, dates and character of professional services provided to the individual, fees for the professional services, third-party payor name and payor number of a patient, if known, name and location of the facility where treatment is received, the date of the individual's admission to the facility, and the name of the individual's attending physician or attending mental health professional.

Sec. 3. Section 229.24, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If all or part of the costs associated with hospitalization of an individual under this chapter are chargeable to a county of legal settlement, the county of legal settlement and the county in which the hospitalization order is entered shall have access to the following information pertaining to the individual which would be confidential under subsection 1:

a. Administrative information, as defined in section 228.1.

b. An evaluation order under this chapter and the location of the individual's placement under the order.

c. A hospitalization or placement order under this chapter and the location of the individual's placement under the order.

d. The date, location, and disposition of any hearing concerning the individual held under this chapter.

e. Any payment source available for the costs of the individual's care.

Sec. 4. Section 230.20, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The department shall provide a county with information, which is not otherwise confidential under law, in the department's possession concerning a patient whose cost of care is chargeable to the county, including but not limited to the information specified in section 229.24, subsection 3.

Sec. 5. Section 331.438, subsection 3, paragraph b, Code 1995, is amended to read as follows:

b. The management committee shall consist of not more than ~~nine~~ eleven voting members representing the state and counties ~~as follows:~~

(1) An equal number of the not more than nine members shall be appointed by the director of human services and the Iowa state association of counties and one additional member shall be jointly appointed by both entities. Members appointed by the Iowa state association of counties shall be selected from a pool nominated by the county supervisor affiliate of the association with four members from the affiliate. The affiliate shall select the nominees through a secret ballot process.

(2) ~~In addition, the~~ The committee shall also include one member nominated by service providers and one member nominated by service advocates and consumers, with both members appointed by the governor.

(3) In addition, the committee shall include four members of the general assembly with one each designated by the majority leader and minority leader of the senate and the speaker and minority leader of the house of representatives. A legislative member serves in an ex officio, nonvoting capacity and is eligible for per diem and expenses as provided in section 2.10.

(4) A member who is not a legislator shall have expenses and other costs paid by the state or the county entity that the member represents. The committee shall establish terms for its members, elect officers, adopt operating procedures, and meet as deemed necessary by the committee.

Sec. 6. STATE-COUNTY MANAGEMENT COMMITTEE. The state-county management committee's annual report to be submitted to the governor and the general assembly no later than January 1, 1996, pursuant to section 331.438, subsection 3, paragraph "c", subparagraph (13), shall include the following:

1. Proposed benchmarks for efficiency and quality in the delivery of mental health and developmental disabilities assistance by the state and counties. The committee shall consider the following efficiency measures in developing the benchmarks:

- a. Consumer satisfaction and outcomes.
 - b. Relative number of acute care days used.
 - c. Net expenditures per capita for the same disability.
 - d. Number of persons served and number of persons unserved or underserved.
 - e. Disability populations served and unserved.
 - f. Number of persons served in varying types of services settings, from least restrictive to most restrictive.
 - g. Community-based service availability and number of persons served outside the local area.
 - h. Equity with respect to local taxing ability.
2. Recommendations for the state and counties to provide mental health and developmental disabilities assistance under

a fixed funding budget. The committee shall consider all of the following in developing the recommendations:

- a. The feasibility of requiring counties to expend a certain portion of the budgeted moneys for implementing community-based services innovations to reduce acute care placements.
 - b. Modifying legal mandates for counties to serve particular disability populations so that the legal consequences are clarified if a county has insufficient funding for an entire fiscal year and mandated services or populations remain without assistance.
 - c. The effect of counties continuing to provide assistance to persons with mental illness or a developmental disability who received the assistance as of June 30, 1995, regardless of whether the assistance is mandated.
 - d. Any statutory changes which would be necessary to allow the placing of persons on a waiting list for assistance and the feasibility of establishing crisis services to meet the short-term needs of persons placed on a waiting list.
 - e. Creation of an appeal process for persons denied assistance or denied access to the assistance desired.
 - f. Provisions to require the state and counties to maintain their financial commitments under a fixed funding budget.
3. Consideration and recommendations involving the following intermediate care facility for the mentally retarded issues:
- a. Providing more authority for case managers, in conjunction with the medical assistance review organization, to review placement requests and participate in meetings to consider treatment provided to a resident of an intermediate care facility for the mentally retarded.
 - b. Determining the need for and methods for improving the education level of intermediate care facilities for the mentally retarded providers concerning levels of active treatment provided to residents.

Sec. 7. APPLICABILITY. The provisions of section 5 of this Act shall apply to appointments made on or after July 1, 1995, for expired terms and to fill vacancies in the membership of the state-county management committee.

Sec. 8. EFFECTIVE DATE. Section 1 of this Act, being deemed of immediate importance, takes effect upon enactment.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 315, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved  , 1995

TERRY E. BRANSTAD
Governor