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Place On Calendar

HOUSE FILE 702
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 329)

Passed House, Date ^(P.975) 4-2-97 Passed Senate, Date ^(P.1390) 4/23/97
Vote: Ayes 100 Nays 0 Vote: Ayes 49 Nays 0
Approved May 19, 1997

A BILL FOR

1 An Act relating to human services and facility requirements
2 involving the single entry point process for mental health and
3 developmental disabilities services, regional planning
4 councils, human services institution employee record checks,
5 decategorization of adult disability services funding, and the
6 operating requirements of an intermediate care facility for
7 persons with mental retardation.

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

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HF 702

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DIVISION I

2

SINGLE ENTRY POINT PROCESS

3 Section 1. Section 218.99, Code 1997, is amended to read
4 as follows:

5 218.99 COUNTY-AUDITORS COUNTIES TO BE NOTIFIED OF
6 PATIENTS' PERSONAL ACCOUNTS.

7 The administrator of a division of the department of human
8 services in control of a state institution shall direct the
9 business manager of each institution under the administrator's
10 jurisdiction which is mentioned in section 331.424, subsection
11 1, paragraphs "a" and "b" and for which services are paid
12 under section 331.424A to quarterly inform the ~~auditor-of-the~~
13 county of legal ~~settlement~~ settlement's entity designated to
14 perform the county's single entry point process of any patient
15 or resident who has an amount in excess of two hundred dollars
16 on account in the patients' personal deposit fund and the
17 amount on deposit. The administrators shall direct the
18 business manager to further notify the ~~auditor-of-the-county~~
19 county's single entry point process at least fifteen days
20 before the release of funds in excess of two hundred dollars
21 or upon the death of the patient or resident. If the patient
22 or resident has no county of legal settlement, notice shall be
23 made to the director ~~of-the-department~~ of human services and
24 the administrator of the division of the department in control
25 of the institution involved.

26 Sec. 2. Section 222.13, subsection 1, Code 1997, is
27 amended to read as follows:

28 1. If an adult person is believed to be a person with
29 mental retardation, the adult person or the adult person's
30 guardian may submit a request through the single entry point
31 process for the county board of supervisors ~~or-their~~
32 ~~designated-agent~~ to apply to the superintendent of any state
33 hospital-school for the voluntary admission of the adult
34 person either as an inpatient or an outpatient of the
35 hospital-school. ~~Submission-of-an-application-is-subject-to-a~~

1 ~~recommendation-supporting-the-placement-developed-through-the~~
2 ~~single-entry-point-process.~~ After determining the legal
3 settlement of the adult person as provided by this chapter,
4 the board of supervisors shall, on forms prescribed by the
5 administrator, apply to the superintendent of the hospital-
6 school in the district for the admission of the adult person
7 to the hospital-school. An application for admission to a
8 special unit of any adult person believed to be in need of any
9 of the services provided by the special unit under section
10 222.88 may be made in the same manner, upon request of the
11 adult person or the adult person's guardian. The
12 superintendent shall accept the application providing a
13 preadmission diagnostic evaluation, performed through the
14 single entry point process, confirms or establishes the need
15 for admission, except that an application may not be accepted
16 if the institution does not have adequate facilities available
17 or if the acceptance will result in an overcrowded condition.

18 Sec. 3. Section 222.61, unnumbered paragraph 1 and
19 subsection 1, Code 1997, are amended to read as follows:

20 When ~~the-board-of-supervisors-of-any~~ a county receives an
21 application on behalf of any person for admission to a
22 hospital-school or a special unit or when any court issues an
23 order committing any person to a hospital-school or a special
24 unit, the board of supervisors shall utilize the single entry
25 point process to determine or the court shall determine and
26 enter as a matter of record whether the legal settlement of
27 the person is in one of the following:

28 1. In the county in which the ~~board-of-supervisors~~
29 application is received or court is located.

30 Sec. 4. Section 222.62, Code 1997, is amended to read as
31 follows:

32 222.62 SETTLEMENT IN ANOTHER COUNTY.

33 Whenever the board of supervisors utilizes a single entry
34 point process to determine or the court determines that the
35 legal settlement of the person is other than in the county in

1 which the board application is received or the court is
2 located, the board or court shall, as soon as determination is
3 made, certify such finding to the superintendent of the
4 hospital-school or the special unit where the person is a
5 patient. The superintendent shall charge the expenses already
6 incurred and unadjusted, and all future expenses of the
7 patient, to the county so certified until said the patient's
8 legal settlement shall be otherwise determined as provided by
9 this chapter.

10 Sec. 5. Section 222.64, Code 1997, is amended to read as
11 follows:

12 222.64 FOREIGN STATE OR UNKNOWN LEGAL SETTLEMENT.

13 If the legal settlement of the person is found by the board
14 of supervisors through a single entry point process or the
15 court to be in a foreign state or country or is found to be
16 unknown, the board of supervisors or the court shall
17 immediately notify the administrator of such the finding and
18 shall furnish the administrator with a copy of the evidence
19 taken on the question of legal settlement. The care of said
20 the person shall be as arranged by the board of supervisors or
21 by such an order as the court may enter. Application for
22 admission or order of commitment may be made pending
23 investigation by the administrator.

24 Sec. 6. Section 229.42, unnumbered paragraph 1, Code 1997,
25 is amended to read as follows:

26 If a person wishing to make application for voluntary
27 admission to a mental hospital established by chapter 226 is
28 unable to pay the costs of hospitalization or those
29 responsible for the person are unable to pay the costs,
30 application for authorization of voluntary admission must be
31 ~~made to any clerk of the district court~~ through a single entry
32 point process before application for admission is made to the
33 hospital. ~~The clerk shall determine the person's county of~~
34 legal settlement shall be determined through the single entry
35 point process and if the admission is approved through the

1 single entry point process, the ~~clerk shall authorize~~ the
2 person's admission to a mental health hospital shall be
3 authorized as a voluntary case. The authorization shall be
4 issued on forms provided by the administrator. ~~The clerk~~
5 ~~shall at once provide a duplicate copy of the form to the~~
6 ~~single entry point process.~~ The costs of the hospitalization
7 shall be paid by the county of legal settlement to the
8 director of revenue and finance and credited to the general
9 fund of the state, providing the mental health hospital
10 rendering the services has certified to the county auditor of
11 the county of legal settlement the amount chargeable to the
12 county and has sent a duplicate statement of the charges to
13 the director of revenue and finance. A county shall not be
14 billed for the cost of a patient unless the patient's
15 admission is authorized through the single entry point
16 process. The mental health institute and the county shall
17 work together to locate appropriate alternative placements and
18 services, and to educate patients and family members of
19 patients regarding such alternatives.

20 DIVISION II

21 REGIONAL PLANNING COUNCILS

22 Sec. 7. Section 225.7, subsection 3, Code 1997, is amended
23 by striking the subsection.

24 Sec. 8. Section 225C.18, subsections 1 and 2, Code 1997,
25 are amended by striking the subsections and inserting in lieu
26 thereof the following:

27 1. A county may participate in a mental health and
28 developmental disabilities regional planning council. The
29 region encompassed by a planning council shall be determined
30 by the counties participating in the planning council.

31 2. The boards of supervisors of the counties comprising
32 the planning council shall determine the size and membership
33 of the planning council.

34 Sec. 9. Section 225C.18, subsection 3, Code 1997, is
35 amended by striking the subsection.

1 Sec. 10. Section 225C.18, subsection 4, unnumbered
2 paragraph 1, Code 1997, is amended to read as follows:

3 A planning council ~~shall~~ may perform the following tasks:

4 Sec. 11. Section 225C.18, subsection 5, Code 1997, is
5 amended to read as follows:

6 5. The requirements provisions of this section relating to
7 services to persons with disabilities are not intended as and
8 shall not be construed as a requirement to provide services.

9 DIVISION III

10 DEPARTMENT OF HUMAN SERVICES EMPLOYEE RECORD CHECKS

11 Sec. 12. Section 218.13, subsections 2, 3, 4, and 5, Code
12 1997, are amended to read as follows:

13 2. If a person is being considered for employment
14 involving direct responsibility for a resident or with access
15 to a resident when the resident is alone, or if a person will
16 reside in a facility utilized by an institution, and if the
17 person has been convicted of a crime or has a record of
18 founded child or dependent adult abuse, the department shall
19 perform an evaluation to determine whether the crime or
20 founded ~~child~~ abuse warrants prohibition of employment or
21 residence in the facility. The department shall conduct
22 criminal and child and dependent adult abuse record checks of
23 the person in this state and may conduct these checks in other
24 states. The investigation and evaluation shall be performed
25 in accordance with procedures adopted for this purpose by the
26 department.

27 3. If the department determines that a person, who is
28 employed by an institution or resides in a facility utilized
29 by an institution, has been convicted of a crime or has a
30 record of founded child or dependent adult abuse, the
31 department shall perform an evaluation to determine whether
32 prohibition of the person's employment or residence is
33 warranted. The evaluation shall be performed in accordance
34 with procedures adopted for this purpose by the department.

35 4. In an evaluation, the department shall consider the

1 nature and seriousness of the crime or founded child or
2 dependent adult abuse in relation to the position sought or
3 held, the time elapsed since the commission of the crime or
4 founded child abuse, the circumstances under which the crime
5 or founded child abuse was committed, the degree of
6 rehabilitation, the likelihood that the person will commit the
7 crime or founded child abuse again, and the number of crimes
8 or founded child abuses committed by the person involved. The
9 department may permit a person who is evaluated to be employed
10 or reside or to continue employment or residence if the person
11 complies with the department's conditions relating to
12 employment or residence which may include completion of
13 additional training.

14 5. If the department determines that the person has
15 committed a crime or has a record of founded child or
16 dependent adult abuse which warrants prohibition of employment
17 or residence, the person shall not be employed by an
18 institution or reside in a facility utilized by an
19 institution.

20 DIVISION IV

21 DECATEGORIZATION OF ADULT DISABILITY SERVICES

22 Sec. 13. Section 331.424A, subsection 2, Code 1997, is
23 amended to read as follows:

24 2. a. For the fiscal year beginning July 1, 1996, and
25 succeeding fiscal years, county revenues from taxes and other
26 sources designated for mental health, mental retardation, and
27 developmental disabilities services shall be credited to the
28 mental health, mental retardation, and developmental
29 disabilities services fund of the county. The board shall
30 make appropriations from the fund for payment of services
31 provided under the county management plan approved pursuant to
32 section 331.439.

33 b. The county may pay for the services in cooperation with
34 other counties by pooling appropriations from the fund with
35 other counties or through county regional entities including

1 but not limited to the county's mental health and
2 developmental disabilities regional planning council created
3 pursuant to section 225C.18 or other entity designated by the
4 county to implement the county's participation in an agreement
5 for decategorization of adult disability services funding
6 under section 331.440A.

7 Sec. 14. NEW SECTION. 331.440A DECATEGORIZATION OF ADULT
8 DISABILITY SERVICES FUNDING.

9 1. DEFINITIONS. As used in this section, unless the
10 context otherwise requires:

11 a. "Adult disability services" means services or other
12 assistance available to adults with mental illness, mental
13 retardation, or a developmental disability.

14 b. "Regional planning council" means a county mental
15 health and developmental disabilities regional planning
16 council created pursuant to section 225C.18 or other entity
17 designated by the county to implement the county's
18 participation in an agreement under this section.

19 2. PURPOSES. Decategorization of adult disability
20 services funding is intended to replace a system based upon a
21 multitude of categorical programs and funding sources, each
22 with different service definitions and eligibility
23 requirements, and to establish a system of delivering services
24 based upon client needs. The purposes of decategorization
25 include but are not limited to redirecting adult disability
26 services funding to services which are rehabilitative,
27 consumer-centered, and community-based in order to reduce use
28 of restrictive approaches to service delivery which rely upon
29 institutional, out-of-home, and out-of-community services, and
30 to eliminate opportunities for cost-shifting between funding
31 streams.

32 3. FUNDING POOL. In partnership with an interested county
33 or group of counties, the department shall develop agreements
34 providing for the decategorization of all specific county,
35 state, and state-federal funding categories into an adult

1 disability services funding pool for that county or group of
2 counties. The county, state, and state-federal funding
3 categories which may be included in the funding pool shall
4 include but are not limited to any of the following:

5 a. Moneys levied under and deposited in the county's
6 services fund under section 331.424A.

7 b. The medical assistance program under chapter 249A.

8 c. State supplementary assistance under chapter 249.

9 d. Federal social services block grant funds distributed
10 by the state to counties for local purchase of services.

11 e. Moneys distributed from the mental health and
12 developmental disabilities community services fund created in
13 section 225C.7.

14 f. Federal vocational rehabilitation funds projected to be
15 used for adult disability services in the participating county
16 or counties.

17 g. The portion of federal alcohol, drug abuse, and mental
18 health block grant funds administered by the department of
19 human services.

20 h. The portion of state hospital-school and state mental
21 health institutes costs which is paid from the general fund of
22 the state.

23 4. AGREEMENT PROVISIONS. A decategorization agreement
24 shall require the decategorization program to be implemented
25 by a regional planning council. The agreement provisions
26 shall be incorporated into the county management plans of the
27 applicable counties which are submitted to the department
28 under section 331.439. The regional planning council shall
29 develop specific, quantifiable short-term and long-term plans
30 for enhancing the county's or group of counties' consumer-
31 centered and community-based services and reducing reliance
32 upon out-of-community and institutional-based care. The
33 affected service delivery systems shall include all such
34 systems which are associated with adult disability services.
35 A decategorization agreement may vary depending upon the

1 approaches selected by the county or group of counties which
2 shall be detailed in an annual adult disability services plan
3 developed by the mental health and developmental disabilities
4 regional planning council. A regional planning council shall
5 involve community representatives and county organizations in
6 the development of the plan.

7 5. USE OF FUNDING POOL. The adult disability services
8 funding pool shall be used by the county or group of counties
9 to provide more flexible, individualized, consumer-centered,
10 community-based, comprehensive, and coordinated service
11 delivery systems for adults with mental illness, mental
12 retardation, or a developmental disability served in that
13 area. The decategorization of the funding shall not limit the
14 legal rights of those adults to services, but shall provide
15 more flexibility to the partnership county or counties in
16 responding to individual needs.

17 6. INCENTIVES. The state shall provide incentives for a
18 county or counties to participate in a decategorization
19 agreement while maintaining an expectation that the service
20 outcomes for persons receiving adult disability services can
21 be improved by the funding flexibility, and the redeployment
22 of funding currently available for services within the system.
23 Moneys in the adult disability services funding pool
24 established for a county or group of counties participating in
25 a decategorization agreement which remain unobligated or
26 unexpended at the end of a fiscal year shall remain available
27 to the county or group of counties during the succeeding
28 fiscal year to finance other adult disability services
29 enhancements.

30 DIVISION V

31 COUNTY AUDITOR

32 Sec. 15. Section 222.2, Code 1997, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 1A. "Auditor" means the county auditor or
35 the auditor's designee.

1 Sec. 16. Section 229.1, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. "Auditor" means the county auditor or
4 the auditor's designee.

5 Sec. 17. NEW SECTION. 230.34A AUDITOR DEFINED.

6 As used in this chapter, "auditor" means the county auditor
7 or the auditor's designee.

8 Sec. 18. Section 252.22, Code 1997, is amended by adding
9 the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. For the purposes of this
11 section, "auditor" means the county auditor or the auditor's
12 designee.

13 DIVISION VI

14 HEALTH CARE FACILITIES

15 Sec. 19. Section 135C.6, subsection 8, paragraph b, Code
16 1997, is amended to read as follows:

17 b. A residential program which serves not more than four
18 five individuals and is operating under provisions of a
19 federally approved home and community-based waiver for persons
20 with mental retardation, if all individuals residing in the
21 program receive on-site staff supervision during the entire
22 time period the individuals are present in the program's
23 living unit. The need for the on-site supervision shall be
24 reflected in each individual's program plan developed pursuant
25 to the department of human services' rules relating to case
26 management for persons with mental retardation. In approving
27 a residential program under this paragraph, the department of
28 human services shall consider the geographic location of the
29 program so as to avoid an overconcentration of such programs
30 in an area.

31 Sec. 20. Section 135C.9, Code 1997, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 4. If a facility subject to licensure
34 under this chapter, a facility exempt from licensure under
35 this chapter pursuant to section 135C.6, or a family home

1 under section 335.25 or 414.22, has been issued a certificate
2 of compliance or a provisional certificate of compliance under
3 subsection 1 or 3, or has otherwise been approved as complying
4 with a rule or standard by the state or a deputy fire marshal
5 or a local building department as defined in section 103A.3,
6 the state or deputy fire marshal or local building department
7 which issued the certificate, provisional certificate, or
8 approval shall not apply additional requirements for
9 compliance with the rule or standard unless the rule or
10 standard is revised in accordance with chapter 17A or with
11 local regulatory procedure following issuance of the
12 certificate, provisional certificate, or approval.

13 DIVISION VII

14 STATE-COUNTY MANAGEMENT COMMITTEE AND SERVICE PLANS

15 Sec. 21. Section 331.439, subsection 3, paragraph b, Code
16 1997, as amended by 1997 Iowa Acts, House File 255, section 4,
17 is amended to read as follows:

18 b. Based upon information contained in county management
19 plans and budgets, the state-county management committee shall
20 recommend an allowed growth factor adjustment to the governor
21 by November 15 for the fiscal year which commences two years
22 from the beginning date of the fiscal year in progress at the
23 time the recommendation is made. The allowed growth factor
24 adjustment shall address costs associated with new consumers
25 of service, service cost inflation, and investments for
26 economy and efficiency. The service cost inflation
27 recommendation shall incorporate the cost trends indicated by
28 the expenditure reports submitted by counties pursuant to
29 section 331.439, subsection 1, paragraph "b". The governor
30 shall consider the committee's recommendation in developing
31 the governor's recommendation for an allowed growth factor
32 adjustment for such fiscal year. The governor's
33 recommendation shall be submitted at the time the governor's
34 proposed budget for the succeeding fiscal year is submitted in
35 accordance with chapter 8.

1 Sec. 22. Section 331.439, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. A county shall annually report data
4 concerning the services managed by the county. At a minimum,
5 the data reported shall indicate the number of different
6 individuals who utilized services in a fiscal year and the
7 various types and intensity levels of the services. Data
8 reported under this subsection shall be submitted with the
9 county's expenditure report required under subsection 1,
10 paragraph "b".

11 DIVISION VIII

12 ICFMR CONVERSION

13 Sec. 23. Section 135C.6, Code 1997, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 8A. A residential program which serves
16 not more than fifteen individuals and is licensed as an
17 intermediate care facility for persons with mental retardation
18 under this chapter may surrender the license and continue to
19 operate under a federally approved home and community-based
20 waiver for persons with mental retardation, if the department
21 of human services has approved a plan submitted by the
22 residential program which provides for compliance with
23 subsection 8, paragraph "a" or "b".

24 EXPLANATION

25 This bill relates to various human services and facility
26 requirements.

27 Division I of the bill relates to the county single entry
28 point process for mental health and developmental disabilities
29 services. The bill amends various Code sections to provide
30 that applications for services and legal settlement
31 determinations are to be made through the process instead of
32 through the clerk of court or auditor, or directly by the
33 county board of supervisors.

34 Division II relates to regional planning councils for
35 county planning for mental health and developmental

1 disabilities services. The bill provides that establishment
2 of a council is optional for a county rather than mandatory
3 and authorizes the board of supervisors to determine the size
4 and membership of the county's council.

5 Division III adds the performance of dependent adult abuse
6 registry checks to existing requirements for child abuse
7 registry checks of prospective employees of institutions
8 administered by the department of human services. These
9 institutions are the state hospital-schools, mental health
10 institutes, state training school, and state juvenile home.

11 Division IV authorizes a county or group of counties to
12 enter into an agreement with the department of human services
13 to administer the county's adult disability services funding
14 from a decategorized funding pool. The bill lists funding
15 sources which may be considered for a pool, required agreement
16 provisions, and potential uses of the funding pool. The state
17 is required to provide incentives for a county to participate
18 in a decategorization agreement.

19 Division V amends various Code provisions to provide that
20 the term "auditor" includes the county auditor's designee.

21 Division VI relates to certain health care facility
22 requirements under Code chapter 135C. The maximum number of
23 persons who may be served by a residential program operating
24 under a federally approved medical assistance home and
25 community-based services waiver is increased from four to five
26 persons. In addition, if a health care facility or family
27 home has been issued a certificate of compliance with fire and
28 building regulations, the facility or home is not subject to
29 additional compliance requirements unless rules or standards
30 are revised following the issuance of the certificate of
31 compliance.

32 Division VII relates to the state-county management
33 committee and county service management plans for mental
34 health and developmental disability services. The committee's
35 recommendation regarding allowed growth for such services is

1 to incorporate cost trends indicated by county expenditure
2 reports. The expenditure report submitted by a county as part
3 of the county planning requirements is to include data
4 indicating the number of different individuals served and the
5 various types and intensity levels of the services.

6 Division VIII provides that a licensed intermediate care
7 facility for persons with mental retardation may surrender its
8 license and continue to operate under a federally approved
9 home and community-based waiver if the facility submits a plan
10 to the department of human services to bring the facility into
11 compliance with the requirements for residential care
12 facilities which are currently exempt from licensure.

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HOUSE FILE 702

H-1521

1 Amend House File 702 as follows:

2 1. Page 4, line 1, by striking the words "the
3 clerk" and inserting the following: "~~the-clerk~~".

4 2. Page 4, line 22, by striking the figure
5 "225.7" and inserting the following: "225C.7".

6 3. By striking page 6, line 22 through page 8,
7 line 4 and inserting the following:

8 "Sec. ____ . DECATEGORIZATION PLANNING

9 1. Upon the request of at least one and not more
10 than three counties, the department of human services
11 and the division of vocational rehabilitation of the
12 department of education shall assign representatives
13 who are knowledgeable of their agency's funding
14 streams, to participate in a planning process
15 conducted by the county. The purpose of the planning
16 process shall be to determine the feasibility of
17 decategorizing the following county, state, and state-
18 federal funding categories:"

19 4. By striking page 8, line 23 through page 9,
20 line 29 and inserting the following:

21 "2. As part of the planning process, the
22 department of human services and the division of
23 vocational rehabilitation shall make available
24 historical expenditure information, budget
25 projections, and other available data relating to
26 persons with disabilities served in a county
27 participating in the planning process."

28 5. Page 10, by striking lines 15 through 30 and
29 inserting the following:

30 "Sec. ____ . Section 135C.6, subsection 8, Code
31 1997, is amended by adding the following new
32 paragraph:

33 NEW PARAGRAPH. c. A total of twenty residential
34 care facilities for persons with mental retardation
35 which are licensed to serve no more than five
36 individuals may be authorized by the department of
37 human services to convert to operation as a
38 residential program under the provisions of a medical
39 assistance home and community-based services waiver
40 for persons with mental retardation. A converted
41 residential program is subject to the conditions
42 stated in paragraph "b" except that the program shall
43 not serve more than five individuals. The department
44 of human services shall allocate conversion
45 authorizations to provide for four conversions in each
46 of the department's five service regions. If a
47 conversion authorization allocated to a region is not
48 used for conversion by January 1, 1998, the department
49 of human services may reallocate the unused conversion
50 authorization to another region. The department of

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1 human services shall study the cost effectiveness of
2 the conversions and provide an initial report to the
3 general assembly no later than January 2, 1998, and a
4 final report no later than December 15, 1998."

5 6. Page 11, by inserting after line 12 the
6 following:

7 "Sec. ____ . ENHANCED RESIDENTIAL CARE FACILITY FOR
8 PERSONS WITH MENTAL RETARDATION REIMBURSEMENT RATES.

9 The department of human services shall design a
10 program to provide an enhanced reimbursement rate for
11 individuals transferred from an intermediate care
12 facility for persons with mental retardation to a
13 residential care facility for persons with mental
14 retardation. The enhanced reimbursement rate shall
15 not exceed the nonfederal share of intermediate care
16 facility for persons with mental retardation
17 reimbursement plus state supplementary assistance.
18 The department shall report to the general assembly
19 concerning the program on or before January 1, 1998.
20 The report shall address both the cost impact and
21 decreased utilization of intermediate care facilities
22 for persons with mental retardation level of care
23 which may result from implementation of the program."

24 7. Page 11, by striking lines 26 through 29 and
25 inserting the following: "economy and efficiency. In
26 developing the service cost inflation recommendation,
27 the committee shall consider the cost trends indicated
28 by the expenditure reports submitted by counties
29 pursuant to subsection 1, paragraph "b". The
30 governor".

31 8. Page 12, by striking line 7 and inserting the
32 following: "various types of services. Data".

33 9. Page 12, by striking lines 15 through 23 and
34 inserting the following:

35 "NEW SUBSECTION. 8A. Contingent upon the
36 department of human services receiving federal
37 approval, a residential program which serves not more
38 than eight individuals and is licensed as an
39 intermediate care facility for persons with mental
40 retardation may surrender the facility license and
41 continue to operate under a federally approved medical
42 assistance home and community-based services waiver
43 for persons with mental retardation, if the department
44 of human services has approved a plan submitted by the
45 residential program."

46 10. Page 12, by inserting before line 24 the
47 following:

48 DIVISION ____
49 LEGAL SETTLEMENT

50 Sec. ____ . Section 252.16, subsection 8, Code 1997,

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Page 3

1 is amended to read as follows:

- 2 8. A person receiving treatment or support
3 services from any community-based provider of, whether
4 organized for pecuniary profit or not or whether
5 supported by charitable or public or private funds,
6 that provides treatment or services for mental
7 retardation, developmental disabilities, mental
8 health, brain injury, or substance abuse does not
9 acquire legal settlement in the host county in which
10 the site of the provider is located unless the person
11 continuously resides in the-host that county for one
12 year from the date of the last treatment or support
13 service received by the person."
14 11. Title page, line 5, by inserting after the
15 word "funding," the following: "legal settlement
16 involving community-based providers of treatment or
17 services,".
18 12. By renumbering as necessary.

By HOUSER of Pottawattamie

H-1521 FILED APRIL 1, 1997

Adopted 4-2-97
(p. 975)

1/2/97 Human 2
S-4/3/97 Do Pass
5-4/10/97 Unfinished Business Calendar
HOUSE FILE 702
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 329)

(As Amended and Passed by the House, April 2, 1997)

(P. 1650)
Passed House, Date 4/28/97 Passed Senate, Date 4/23/97
Vote: Ayes 98 Nays 0 Vote: Ayes 49 Nays 0
Approved May 19, 1997 Passed 4-29-97 (P. 1545)
Vote 48-0

A BILL FOR

1 An Act relating to human services and facility requirements
2 involving the single entry point process for mental health and
3 developmental disabilities services, regional planning
4 councils, human services institution employee record checks,
5 decategorization of adult disability services funding, legal
6 settlement involving community-based providers of treatment or
7 services, and the operating requirements of an intermediate
8 care facility for persons with mental retardation.

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

10
11

HOUSE FILE 702

S-3425

- 1 Amend House File 702, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 10, by striking lines 12 through 20.
- 4 2. By renumbering as necessary.

By NANCY BOETTGER

S-3425 FILED APRIL 8, 1997

Adopted 4/23/97
(P. 1389)

19
20

DIVISION I

SINGLE ENTRY POINT PROCESS

1
2
3 Section 1. Section 218.99, Code 1997, is amended to read
4 as follows:

5 218.99 ~~COUNTY-AUDITORS~~ COUNTIES TO BE NOTIFIED OF
6 PATIENTS' PERSONAL ACCOUNTS.

7 The administrator of a division of the department of human
8 services in control of a state institution shall direct the
9 business manager of each institution under the administrator's
10 jurisdiction which is mentioned in section 331.424, subsection
11 1, paragraphs "a" and "b" and for which services are paid
12 under section 331.424A to quarterly inform the ~~auditor-of-the~~
13 county of legal ~~settlement~~ settlement's entity designated to
14 perform the county's single entry point process of any patient
15 or resident who has an amount in excess of two hundred dollars
16 on account in the patients' personal deposit fund and the
17 amount on deposit. The administrators shall direct the
18 business manager to further notify the ~~auditor-of-the-county~~
19 county's single entry point process at least fifteen days
20 before the release of funds in excess of two hundred dollars
21 or upon the death of the patient or resident. If the patient
22 or resident has no county of legal settlement, notice shall be
23 made to the director ~~of-the-department~~ of human services and
24 the administrator of the division of the department in control
25 of the institution involved.

26 Sec. 2. Section 222.13, subsection 1, Code 1997, is
27 amended to read as follows:

28 1. If an adult person is believed to be a person with
29 mental retardation, the adult person or the adult person's
30 guardian may submit a request through the single entry point
31 process for the county board of supervisors ~~or-their~~
32 ~~designated-agent~~ to apply to the superintendent of any state
33 hospital-school for the voluntary admission of the adult
34 person either as an inpatient or an outpatient of the
35 hospital-school. ~~Submission-of-an-application-is-subject-to-a~~

1 ~~recommendation-supporting-the-placement-developed-through-the~~
2 ~~single-entry-point-process~~. After determining the legal
3 settlement of the adult person as provided by this chapter,
4 the board of supervisors shall, on forms prescribed by the
5 administrator, apply to the superintendent of the hospital-
6 school in the district for the admission of the adult person
7 to the hospital-school. An application for admission to a
8 special unit of any adult person believed to be in need of any
9 of the services provided by the special unit under section
10 222.88 may be made in the same manner, upon request of the
11 adult person or the adult person's guardian. The
12 superintendent shall accept the application providing a
13 preadmission diagnostic evaluation, performed through the
14 single entry point process, confirms or establishes the need
15 for admission, except that an application may not be accepted
16 if the institution does not have adequate facilities available
17 or if the acceptance will result in an overcrowded condition.

18 Sec. 3. Section 222.61, unnumbered paragraph 1 and
19 subsection 1, Code 1997, are amended to read as follows:

20 ~~When the board of supervisors of any~~ a county receives an
21 application on behalf of any person for admission to a
22 hospital-school or a special unit or when any court issues an
23 order committing any person to a hospital-school or a special
24 unit, the board of supervisors shall utilize the single entry
25 point process to determine or the court shall determine and
26 enter as a matter of record whether the legal settlement of
27 the person is in one of the following:

28 1. In the county in which the ~~board-of-supervisors~~
29 application is received or court is located.

30 Sec. 4. Section 222.62, Code 1997, is amended to read as
31 follows:

32 222.62 SETTLEMENT IN ANOTHER COUNTY.

33 Whenever the board of supervisors utilizes a single entry
34 point process to determine or the court determines that the
35 legal settlement of the person is other than in the county in

1 which the board application is received or the court is
2 located, the board or court shall, as soon as determination is
3 made, certify such finding to the superintendent of the
4 hospital-school or the special unit where the person is a
5 patient. The superintendent shall charge the expenses already
6 incurred and unadjusted, and all future expenses of the
7 patient, to the county so certified until said the patient's
8 legal settlement shall be otherwise determined as provided by
9 this chapter.

10 Sec. 5. Section 222.64, Code 1997, is amended to read as
11 follows:

12 222.64 FOREIGN STATE OR UNKNOWN LEGAL SETTLEMENT.

13 If the legal settlement of the person is found by the board
14 of supervisors through a single entry point process or the
15 court to be in a foreign state or country or is found to be
16 unknown, the board of supervisors or the court shall
17 immediately notify the administrator of such the finding and
18 shall furnish the administrator with a copy of the evidence
19 taken on the question of legal settlement. The care of said
20 the person shall be as arranged by the board of supervisors or
21 by such an order as the court may enter. Application for
22 admission or order of commitment may be made pending
23 investigation by the administrator.

24 Sec. 6. Section 229.42, unnumbered paragraph 1, Code 1997,
25 is amended to read as follows:

26 If a person wishing to make application for voluntary
27 admission to a mental hospital established by chapter 226 is
28 unable to pay the costs of hospitalization or those
29 responsible for the person are unable to pay the costs,
30 application for authorization of voluntary admission must be
31 made ~~to any clerk of the district court~~ through a single entry
32 point process before application for admission is made to the
33 hospital. ~~The clerk shall determine the~~ person's county of
34 legal settlement shall be determined through the single entry
35 point process and if the admission is approved through the

1 single entry point process, ~~the clerk shall authorize~~ the
2 person's admission to a mental health hospital shall be
3 authorized as a voluntary case. The authorization shall be
4 issued on forms provided by the administrator. ~~The clerk~~
5 ~~shall at once provide a duplicate copy of the form to the~~
6 ~~single entry point process.~~ The costs of the hospitalization
7 shall be paid by the county of legal settlement to the
8 director of revenue and finance and credited to the general
9 fund of the state, providing the mental health hospital
10 rendering the services has certified to the county auditor of
11 the county of legal settlement the amount chargeable to the
12 county and has sent a duplicate statement of the charges to
13 the director of revenue and finance. A county shall not be
14 billed for the cost of a patient unless the patient's
15 admission is authorized through the single entry point
16 process. The mental health institute and the county shall
17 work together to locate appropriate alternative placements and
18 services, and to educate patients and family members of
19 patients regarding such alternatives.

20 DIVISION II

21 REGIONAL PLANNING COUNCILS

22 Sec. 7. Section 225C.7, subsection 3, Code 1997, is
23 amended by striking the subsection.

24 Sec. 8. Section 225C.18, subsections 1 and 2, Code 1997,
25 are amended by striking the subsections and inserting in lieu
26 thereof the following:

27 1. A county may participate in a mental health and
28 developmental disabilities regional planning council. The
29 region encompassed by a planning council shall be determined
30 by the counties participating in the planning council.

31 2. The boards of supervisors of the counties comprising
32 the planning council shall determine the size and membership
33 of the planning council.

34 Sec. 9. Section 225C.18, subsection 3, Code 1997, is
35 amended by striking the subsection.

1 Sec. 10. Section 225C.18, subsection 4, unnumbered
2 paragraph 1, Code 1997, is amended to read as follows:

3 A planning council ~~shall~~ may perform the following tasks:

4 Sec. 11. Section 225C.18, subsection 5, Code 1997, is
5 amended to read as follows:

6 5. The ~~requirements~~ provisions of this section relating to
7 services to persons with disabilities are not intended as and
8 shall not be construed as a requirement to provide services.

9 DIVISION III

10 DEPARTMENT OF HUMAN SERVICES EMPLOYEE RECORD CHECKS

11 Sec. 12. Section 218.13, subsections 2, 3, 4, and 5, Code
12 1997, are amended to read as follows:

13 2. If a person is being considered for employment
14 involving direct responsibility for a resident or with access
15 to a resident when the resident is alone, or if a person will
16 reside in a facility utilized by an institution, and if the
17 person has been convicted of a crime or has a record of
18 founded child or dependent adult abuse, the department shall
19 perform an evaluation to determine whether the crime or
20 founded ~~child~~ abuse warrants prohibition of employment or
21 residence in the facility. The department shall conduct
22 criminal and child and dependent adult abuse record checks of
23 the person in this state and may conduct these checks in other
24 states. The investigation and evaluation shall be performed
25 in accordance with procedures adopted for this purpose by the
26 department.

27 3. If the department determines that a person, who is
28 employed by an institution or resides in a facility utilized
29 by an institution, has been convicted of a crime or has a
30 record of founded child or dependent adult abuse, the
31 department shall perform an evaluation to determine whether
32 prohibition of the person's employment or residence is
33 warranted. The evaluation shall be performed in accordance
34 with procedures adopted for this purpose by the department.

35 4. In an evaluation, the department shall consider the

1 nature and seriousness of the crime or founded child or
2 dependent adult abuse in relation to the position sought or
3 held, the time elapsed since the commission of the crime or
4 founded ~~child~~ abuse, the circumstances under which the crime
5 or founded ~~child~~ abuse was committed, the degree of
6 rehabilitation, the likelihood that the person will commit the
7 crime or founded ~~child~~ abuse again, and the number of crimes
8 or founded ~~child~~ abuses committed by the person involved. The
9 department may permit a person who is evaluated to be employed
10 or reside or to continue employment or residence if the person
11 complies with the department's conditions relating to
12 employment or residence which may include completion of
13 additional training.

14 5. If the department determines that the person has
15 committed a crime or has a record of founded child or
16 dependent adult abuse which warrants prohibition of employment
17 or residence, the person shall not be employed by an
18 institution or reside in a facility utilized by an
19 institution.

20 DIVISION IV

21 DECATEGORIZATION OF ADULT DISABILITY SERVICES

22 Sec. 13. DECATEGORIZATION PLANNING

23 1. Upon the request of at least one and not more than
24 three counties, the department of human services and the
25 division of vocational rehabilitation of the department of
26 education shall assign representatives who are knowledgeable
27 of their agency's funding streams, to participate in a
28 planning process conducted by the county. The purpose of the
29 planning process shall be to determine the feasibility of
30 decategorizing the following county, state, and state-federal
31 funding categories:

- 32 a. Moneys levied under and deposited in the county's
- 33 services fund under section 331.424A.
- 34 b. The medical assistance program under chapter 249A.
- 35 c. State supplementary assistance under chapter 249.

- 1 d. Federal social services block grant funds distributed
2 by the state to counties for local purchase of services.
- 3 e. Moneys distributed from the mental health and
4 developmental disabilities community services fund created in
5 section 225C.7.
- 6 f. Federal vocational rehabilitation funds projected to be
7 used for adult disability services in the participating county
8 or counties.
- 9 g. The portion of federal alcohol, drug abuse, and mental
10 health block grant funds administered by the department of
11 human services.
- 12 h. The portion of state hospital-school and state mental
13 health institutes costs which is paid from the general fund of
14 the state.
- 15 2. As part of the planning process, the department of
16 human services and the division of vocational rehabilitation
17 shall make available historical expenditure information,
18 budget projections, and other available data relating to
19 persons with disabilities served in a county participating in
20 the planning process.

21 DIVISION V

22 COUNTY AUDITOR

23 Sec. 14. Section 222.2, Code 1997, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 1A. "Auditor" means the county auditor or
26 the auditor's designee.

27 Sec. 15. Section 229.1, Code 1997, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 1A. "Auditor" means the county auditor or
30 the auditor's designee.

31 Sec. 16. NEW SECTION. 230.34A AUDITOR DEFINED.

32 As used in this chapter, "auditor" means the county auditor
33 or the auditor's designee.

34 Sec. 17. Section 252.22, Code 1997, is amended by adding
35 the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. For the purposes of this
2 section, "auditor" means the county auditor or the auditor's
3 designee.

4 DIVISION VI

5 HEALTH CARE FACILITIES

6 Sec. 18. Section 135C.6, subsection 8, Code 1997, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. c. A total of twenty residential care
9 facilities for persons with mental retardation which are
10 licensed to serve no more than five individuals may be
11 authorized by the department of human services to convert to
12 operation as a residential program under the provisions of a
13 medical assistance home and community-based services waiver
14 for persons with mental retardation. A converted residential
15 program is subject to the conditions stated in paragraph "b"
16 except that the program shall not serve more than five
17 individuals. The department of human services shall allocate
18 conversion authorizations to provide for four conversions in
19 each of the department's five service regions. If a
20 conversion authorization allocated to a region is not used for
21 conversion by January 1, 1998, the department of human
22 services may reallocate the unused conversion authorization to
23 another region. The department of human services shall study
24 the cost effectiveness of the conversions and provide an
25 initial report to the general assembly no later than January
26 2, 1998, and a final report no later than December 15, 1998.

27 Sec. 19. Section 135C.9, Code 1997, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 4. If a facility subject to licensure
30 under this chapter, a facility exempt from licensure under
31 this chapter pursuant to section 135C.6, or a family home
32 under section 335.25 or 414.22, has been issued a certificate
33 of compliance or a provisional certificate of compliance under
34 subsection 1 or 3, or has otherwise been approved as complying
35 with a rule or standard by the state or a deputy fire marshal

1 or a local building department as defined in section 103A.3,
2 the state or deputy fire marshal or local building department
3 which issued the certificate, provisional certificate, or
4 approval shall not apply additional requirements for
5 compliance with the rule or standard unless the rule or
6 standard is revised in accordance with chapter 17A or with
7 local regulatory procedure following issuance of the
8 certificate, provisional certificate, or approval.

9 Sec. 20. ENHANCED RESIDENTIAL CARE FACILITY FOR PERSONS
10 WITH MENTAL RETARDATION REIMBURSEMENT RATES. The department
11 of human services shall design a program to provide an
12 enhanced reimbursement rate for individuals transferred from
13 an intermediate care facility for persons with mental
14 retardation to a residential care facility for persons with
15 mental retardation. The enhanced reimbursement rate shall not
16 exceed the nonfederal share of intermediate care facility for
17 persons with mental retardation reimbursement plus state
18 supplementary assistance. The department shall report to the
19 general assembly concerning the program on or before January
20 1, 1998. The report shall address both the cost impact and
21 decreased utilization of intermediate care facilities for
22 persons with mental retardation level of care which may result
23 from implementation of the program.

24

DIVISION VII

25

STATE-COUNTY MANAGEMENT COMMITTEE AND SERVICE PLANS

26 Sec. 21. Section 331.439, subsection 3, paragraph b, Code
27 1997, as amended by 1997 Iowa Acts, House File 255, section 4,
28 is amended to read as follows:

29 b. Based upon information contained in county management
30 plans and budgets, the state-county management committee shall
31 recommend an allowed growth factor adjustment to the governor
32 by November 15 for the fiscal year which commences two years
33 from the beginning date of the fiscal year in progress at the
34 time the recommendation is made. The allowed growth factor
35 adjustment shall address costs associated with new consumers

1 of service, service cost inflation, and investments for
2 economy and efficiency. In developing the service cost
3 inflation recommendation, the committee shall consider the
4 cost trends indicated by the expenditure reports submitted by
5 counties pursuant to subsection 1, paragraph "b". The
6 governor shall consider the committee's recommendation in
7 developing the governor's recommendation for an allowed growth
8 factor adjustment for such fiscal year. The governor's
9 recommendation shall be submitted at the time the governor's
10 proposed budget for the succeeding fiscal year is submitted in
11 accordance with chapter 8.

12 Sec. 22. Section 331.439, Code 1997, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 7. A county shall annually report data
15 concerning the services managed by the county. At a minimum,
16 the data reported shall indicate the number of different
17 individuals who utilized services in a fiscal year and the
18 various types of services. Data reported under this
19 subsection shall be submitted with the county's expenditure
20 report required under subsection 1, paragraph "b".

21 DIVISION VIII
22 ICFMR CONVERSION

23 Sec. 23. Section 135C.6, Code 1997, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 8A. Contingent upon the department of
26 human services receiving federal approval, a residential
27 program which serves not more than eight individuals and is
28 licensed as an intermediate care facility for persons with
29 mental retardation may surrender the facility license and
30 continue to operate under a federally approved medical
31 assistance home and community-based services waiver for
32 persons with mental retardation, if the department of human
33 services has approved a plan submitted by the residential
34 program.

35 DIVISION IX

LEGAL SETTLEMENT

2 Sec. 24. Section 252.16, subsection 8, Code 1997, is
3 amended to read as follows:

4 8. A person receiving treatment or support services from
5 any community-based provider of, whether organized for
6 pecuniary profit or not or whether supported by charitable or
7 public or private funds, that provides treatment or services
8 for mental retardation, developmental disabilities, mental
9 health, brain injury, or substance abuse does not acquire
10 legal settlement in the host county in which the site of the
11 provider is located unless the person continuously resides in
12 the-host that county for one year from the date of the last
13 treatment or support service received by the person.

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HOUSE FILE 702

S-3670

1 Amend House File 702, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, by inserting after line 20 the
4 following:

5 "Sec. 100. Section 331.439, Code 1997, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8. A county's management plans
8 submitted under this section shall allow for the
9 service needs of all ages of persons for whom
10 expenditures may be made from the county's services
11 fund.

12 Sec. ____ . EFFECTIVE DATE AND APPLICABILITY
13 PROVISION. Section 100 of this division of this Act,
14 being deemed of immediate importance, takes effect
15 upon enactment. The requirements of section 100 shall
16 first apply to county mental health, mental
17 retardation, and developmental disabilities services
18 plans submitted under section 331.439 applicable to
19 the fiscal year beginning July 1, 1997. If a county's
20 management plan for that fiscal year was submitted
21 prior to the effective date of section 100 and is not
22 in compliance with the provisions of section 100 of
23 this Act, the county shall submit an amendment to the
24 management plan as necessary for compliance. The
25 amendment shall be submitted within 60 days of the
26 effective date of section 100 and is subject to the
27 approval provisions of section 331.439."

28 2. Title page, line 8, by inserting after the
29 word "retardation" the following: "and including an
30 effective date and an applicability provision".

By MAGGIE TINSMAN
MARY A. LUNDBY
PATRICIA HARPER
MERLIN E. BARTZ

RICHARD F. DRAKE
ELAINE SZYMONIAK
NANCY BOETTGER
WALLY E. HORN

S-3670 FILED APRIL 21, 1997

Adopted 4-23-97 (P. 1389)

HOUSE FILE 702

S-3630

1 Amend House File 702, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by striking lines 23 and 24 and
4 inserting the following:

5 "1. Up to three counties or combinations of
6 counties may participate in a funding decategorization
7 planning process as provided in this section. Upon
8 the request of a participating county, the department
9 of human services and the".

10 2. Page 6, line 28, by inserting before the word
11 "county" the following: "participating".

12 3. Page 10, line 4, by inserting before the word
13 "expenditure" the following: "gross expenditure
14 amount reported in the".

By JOHNIE HAMMOND

S-3630 FILED APRIL 21, 1997

Adopted 4-23-97 (P. 1389)

H-1959

- 1 Amend the Senate amendment, H-1902, to House File
2 702, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 11 the
5 following:
6 "____. Page 9, by inserting after line 25 the
7 following:
8 "Sec. _____. 1997 Iowa Acts, House File 715, section
9 22, relating to the mental health and developmental
10 disabilities community services fund, if enacted, is
11 amended by adding the following new subsection:
12 NEW SUBSECTION. 9. The department, following
13 consultation with the Iowa state association of
14 counties, may adopt emergency rules as necessary for
15 the department to negotiate contractual agreements
16 between providers of mental health, mental
17 retardation, and developmental disabilities local
18 purchase services and the department for the benefit
19 of counties for local purchase services.""
20 2. Page 1, by striking line 15.
21 3. By renumbering as necessary.

By HOUSER of Pottawattamie

H-1959 FILED APRIL 28, 1997

ADOPTED

(P.1650)

SENATE AMENDMENT TO HOUSE FILE 702

H-1902

1 Amend House File 702, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, by striking lines 23 and 24 and
4 inserting the following:

5 "1. Up to three counties or combinations of
6 counties may participate in a funding decategorization
7 planning process as provided in this section. Upon
8 the request of a participating county, the department
9 of human services and the".

10 2. Page 6, line 28, by inserting before the word
11 "county" the following: "participating".

12 3. Page 10, line 4, by inserting before the word
13 "expenditure" the following: "gross expenditure
14 amount reported in the".

15 4. Page 10, by striking lines 12 through 20.

16 5. Page 10, by inserting after line 20 the
17 following:

18 "Sec. 100. Section 331.439, Code 1997, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 8. A county's management plans
21 submitted under this section shall allow for the
22 service needs of all ages of persons for whom
23 expenditures may be made from the county's services
24 fund.

25 Sec. _____. EFFECTIVE DATE AND APPLICABILITY
26 PROVISION. Section 100 of this division of this Act,
27 being deemed of immediate importance, takes effect
28 upon enactment. The requirements of section 100 shall
29 first apply to county mental health, mental
30 retardation, and developmental disabilities services
31 plans submitted under section 331.439 applicable to
32 the fiscal year beginning July 1, 1997. If a county's
33 management plan for that fiscal year was submitted
34 prior to the effective date of section 100 and is not
35 in compliance with the provisions of section 100 of
36 this Act, the county shall submit an amendment to the
37 management plan as necessary for compliance. The
38 amendment shall be submitted within 60 days of the
39 effective date of section 100 and is subject to the
40 approval provisions of section 331.439."

41 6. Title page, line 8, by inserting after the
42 word "retardation" the following: "and including an
43 effective date and an applicability provision".

44 7. By renumbering, relettering, or redesignating
45 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1902 FILED APRIL 23, 1997

House Consumed
4.28.97

(p. 1650)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 702

S-3838

1 Amend the Senate amendment, H-1902, to House File
2 702, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 11 the
5 following:

6 " . Page 9, by inserting after line 25 the
7 following:

8 "Sec. . 1997 Iowa Acts, House File 715, section
9 22, relating to the mental health and developmental
10 disabilities community services fund, if enacted, is
11 amended by adding the following new subsection:

12 NEW SUBSECTION. 9. The department, following
13 consultation with the Iowa state association of
14 counties, may adopt emergency rules as necessary for
15 the department to negotiate contractual agreements
16 between providers of mental health, mental
17 retardation, and developmental disabilities local
18 purchase services and the department for the benefit
19 of counties for local purchase services."

20 2. Page 1, by striking line 15.

21 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3838 FILED APRIL 28, 1997

Senate Concurred
4-29-97
(P. 1545)

HOUSE FILE 702

AN ACT

RELATING TO HUMAN SERVICES AND FACILITY REQUIREMENTS INVOLVING THE SINGLE ENTRY POINT PROCESS FOR MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES SERVICES, REGIONAL PLANNING COUNCILS, HUMAN SERVICES INSTITUTION EMPLOYEE RECORD CHECKS, DECATORIZATION OF ADULT DISABILITY SERVICES FUNDING, LEGAL SETTLEMENT INVOLVING COMMUNITY-BASED PROVIDERS OF TREATMENT OR SERVICES, AND THE OPERATING REQUIREMENTS OF AN INTERMEDIATE CARE FACILITY FOR PERSONS WITH MENTAL RETARDATION AND INCLUDING AN EFFECTIVE DATE AND AN APPLICABILITY PROVISION.

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

DIVISION I

SINGLE ENTRY POINT PROCESS

Section 1. Section 218.99, Code 1997, is amended to read as follows:

218.99 ~~COUNTY-AUDITORS~~ COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL ACCOUNTS.

The administrator of a division of the department of human services in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction which is mentioned in section 331.424, subsection 1, paragraphs "a" and "b" and for which services are paid under section 331.424A to quarterly inform the ~~auditor-of-the~~ county of legal ~~settlement~~ settlement's entity designated to perform the county's single entry point process of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the ~~auditor-of-the-county~~ county's single entry point process at least fifteen days before the release of funds in excess of two hundred dollars

or upon the death of the patient or resident. If the patient or resident has no county of legal settlement, notice shall be made to the director ~~of-the-department~~ of human services and the administrator of the division of the department in control of the institution involved.

Sec. 2. Section 222.13, subsection 1, Code 1997, is amended to read as follows:

1. If an adult person is believed to be a person with mental retardation, the adult person or the adult person's guardian may submit a request through the single entry point process for the county board of supervisors ~~or-their~~ designated-agent to apply to the superintendent of any state hospital-school for the voluntary admission of the adult person either as an inpatient or an outpatient of the hospital-school. ~~Submission-of-an-application-is-subject-to-a recommendation-supporting-the-placement-developed-through-the single-entry-point-process.~~ After determining the legal settlement of the adult person as provided by this chapter, the board of supervisors shall, on forms prescribed by the administrator, apply to the superintendent of the hospital-school in the district for the admission of the adult person to the hospital-school. An application for admission to a special unit of any adult person believed to be in need of any of the services provided by the special unit under section 222.88 may be made in the same manner, upon request of the adult person or the adult person's guardian. The superintendent shall accept the application providing a preadmission diagnostic evaluation, performed through the single entry point process, confirms or establishes the need for admission, except that an application may not be accepted if the institution does not have adequate facilities available or if the acceptance will result in an overcrowded condition.

Sec. 3. Section 222.61, unnumbered paragraph 1 and subsection 1, Code 1997, are amended to read as follows:

When ~~the-board-of-supervisors-of-any~~ a county receives an application on behalf of any person for admission to a hospital-school or a special unit or when any court issues an

order committing any person to a hospital-school or a special unit, the board of supervisors shall utilize the single entry point process to determine or the court shall determine and enter as a matter of record whether the legal settlement of the person is in one of the following:

1. In the county in which the ~~board-of-supervisors~~ application is received or court is located.

Sec. 4. Section 222.62, Code 1997, is amended to read as follows:

222.62 SETTLEMENT IN ANOTHER COUNTY.

Whenever the board of supervisors utilizes a single entry point process to determine or the court determines that the legal settlement of the person is other than in the county in which the ~~board~~ application is received or the court is located, the board or court shall, as soon as determination is made, certify such finding to the superintendent of the hospital-school or the special unit where the person is a patient. The superintendent shall charge the expenses already incurred and unadjusted, and all future expenses of the patient, to the county so certified until ~~said~~ the patient's legal settlement shall be otherwise determined as provided by this chapter.

Sec. 5. Section 222.64, Code 1997, is amended to read as follows:

222.64 FOREIGN STATE OR UNKNOWN LEGAL SETTLEMENT.

If the legal settlement of the person is found by the board of supervisors through a single entry point process or the court to be in a foreign state or country or is found to be unknown, the board of supervisors or the court shall immediately notify the administrator of such the finding and shall furnish the administrator with a copy of the evidence taken on the question of legal settlement. The care of ~~said~~ the person shall be as arranged by the board of supervisors or by such an order as the court may enter. Application for admission or order of commitment may be made pending investigation by the administrator.

Sec. 6. Section 229.42, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If a person wishing to make application for voluntary admission to a mental hospital established by chapter 226 is unable to pay the costs of hospitalization or those responsible for the person are unable to pay the costs, application for authorization of voluntary admission must be made ~~to-any-clerk-of-the-district-court~~ through a single entry point process before application for admission is made to the hospital. ~~The clerk-shall-determine-the~~ person's county of legal settlement shall be determined through the single entry point process and if the admission is approved through the single entry point process, ~~the-clerk-shall-authorize~~ the person's admission to a mental health hospital shall be authorized as a voluntary case. The authorization shall be issued on forms provided by the administrator. ~~The-clerk shall-at-once-provide-a-duplicate-copy-of-the-form-to-the single-entry-point-process.~~ The costs of the hospitalization shall be paid by the county of legal settlement to the director of revenue and finance and credited to the general fund of the state, providing the mental health hospital rendering the services has certified to the county auditor of the county of legal settlement the amount chargeable to the county and has sent a duplicate statement of the charges to the director of revenue and finance. A county shall not be billed for the cost of a patient unless the patient's admission is authorized through the single entry point process. The mental health institute and the county shall work together to locate appropriate alternative placements and services, and to educate patients and family members of patients regarding such alternatives.

DIVISION II

REGIONAL PLANNING COUNCILS

Sec. 7. Section 225C.7, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 8. Section 225C.18, subsections 1 and 2, Code 1997, are amended by striking the subsections and inserting in lieu thereof the following:

1. A county may participate in a mental health and developmental disabilities regional planning council. The region encompassed by a planning council shall be determined by the counties participating in the planning council.

2. The boards of supervisors of the counties comprising the planning council shall determine the size and membership of the planning council.

Sec. 9. Section 225C.18, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 10. Section 225C.18, subsection 4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

A planning council shall may perform the following tasks:

Sec. 11. Section 225C.18, subsection 5, Code 1997, is amended to read as follows:

5. The requirements provisions of this section relating to services to persons with disabilities are not intended as and shall not be construed as a requirement to provide services.

DIVISION III

DEPARTMENT OF HUMAN SERVICES EMPLOYEE RECORD CHECKS

Sec. 12. Section 218.13, subsections 2, 3, 4, and 5, Code 1997, are amended to read as follows:

2. If a person is being considered for employment involving direct responsibility for a resident or with access to a resident when the resident is alone, or if a person will reside in a facility utilized by an institution, and if the person has been convicted of a crime or has a record of founded child or dependent adult abuse, the department shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of employment or residence in the facility. The department shall conduct criminal and child and dependent adult abuse record checks of the person in this state and may conduct these checks in other states. The investigation and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

3. If the department determines that a person, who is employed by an institution or resides in a facility utilized

by an institution, has been convicted of a crime or has a record of founded child or dependent adult abuse, the department shall perform an evaluation to determine whether prohibition of the person's employment or residence is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

4. In an evaluation, the department shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The department may permit a person who is evaluated to be employed or reside or to continue employment or residence if the person complies with the department's conditions relating to employment or residence which may include completion of additional training.

5. If the department determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or residence, the person shall not be employed by an institution or reside in a facility utilized by an institution.

DIVISION IV

DECATEGORIZATION OF ADULT DISABILITY SERVICES

Sec. 13. DECATEGORIZATION PLANNING.

1. Up to three counties or combinations of counties may participate in a funding decategorization planning process as provided in this section. Upon the request of a participating county, the department of human services and the division of vocational rehabilitation of the department of education shall assign representatives who are knowledgeable of their agency's funding streams, to participate in a planning process conducted by the participating county. The purpose of the

planning process shall be to determine the feasibility of decategorizing the following county, state, and state-federal funding categories:

- a. Moneys levied under and deposited in the county's services fund under section 331.424A.
 - b. The medical assistance program under chapter 249A.
 - c. State supplementary assistance under chapter 249.
 - d. Federal social services block grant funds distributed by the state to counties for local purchase of services.
 - e. Moneys distributed from the mental health and developmental disabilities community services fund created in section 225C.7.
 - f. Federal vocational rehabilitation funds projected to be used for adult disability services in the participating county or counties.
 - g. The portion of federal alcohol, drug abuse, and mental health block grant funds administered by the department of human services.
 - h. The portion of state hospital-school and state mental health institutes costs which is paid from the general fund of the state.
2. As part of the planning process, the department of human services and the division of vocational rehabilitation shall make available historical expenditure information, budget projections, and other available data relating to persons with disabilities served in a county participating in the planning process.

DIVISION V
COUNTY AUDITOR

Sec. 14. Section 222.2, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Auditor" means the county auditor or the auditor's designee.

Sec. 15. Section 229.1, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "Auditor" means the county auditor or the auditor's designee.

Sec. 16. NEW SECTION. 230.34A AUDITOR DEFINED.

As used in this chapter, "auditor" means the county auditor or the auditor's designee.

Sec. 17. Section 252.22, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purposes of this section, "auditor" means the county auditor or the auditor's designee.

DIVISION VI
HEALTH CARE FACILITIES

Sec. 18. Section 135C.6, subsection 8, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A total of twenty residential care facilities for persons with mental retardation which are licensed to serve no more than five individuals may be authorized by the department of human services to convert to operation as a residential program under the provisions of a medical assistance home and community-based services waiver for persons with mental retardation. A converted residential program is subject to the conditions stated in paragraph "b" except that the program shall not serve more than five individuals. The department of human services shall allocate conversion authorizations to provide for four conversions in each of the department's five service regions. If a conversion authorization allocated to a region is not used for conversion by January 1, 1998, the department of human services may reallocate the unused conversion authorization to another region. The department of human services shall study the cost effectiveness of the conversions and provide an initial report to the general assembly no later than January 2, 1998, and a final report no later than December 15, 1998.

Sec. 19. Section 135C.9, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. If a facility subject to licensure under this chapter, a facility exempt from licensure under this chapter pursuant to section 135C.6, or a family home under section 335.25 or 414.22, has been issued a certificate of compliance or a provisional certificate of compliance under

subsection 1 or 3, or has otherwise been approved as complying with a rule or standard by the state or a deputy fire marshal or a local building department as defined in section 103A.3, the state or deputy fire marshal or local building department which issued the certificate, provisional certificate, or approval shall not apply additional requirements for compliance with the rule or standard unless the rule or standard is revised in accordance with chapter 17A or with local regulatory procedure following issuance of the certificate, provisional certificate, or approval.

Sec. 20. ENHANCED RESIDENTIAL CARE FACILITY FOR PERSONS WITH MENTAL RETARDATION REIMBURSEMENT RATES. The department of human services shall design a program to provide an enhanced reimbursement rate for individuals transferred from an intermediate care facility for persons with mental retardation to a residential care facility for persons with mental retardation. The enhanced reimbursement rate shall not exceed the nonfederal share of intermediate care facility for persons with mental retardation reimbursement plus state supplementary assistance. The department shall report to the general assembly concerning the program on or before January 1, 1998. The report shall address both the cost impact and decreased utilization of intermediate care facilities for persons with mental retardation level of care which may result from implementation of the program.

DIVISION VII

STATE-COUNTY MANAGEMENT COMMITTEE AND SERVICE PLANS

Sec. 21. 1997 Iowa Acts, House File 715, section 22, relating to the mental health and developmental disabilities community services fund, if enacted, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The department, following consultation with the Iowa state association of counties, may adopt emergency rules as necessary for the department to negotiate contractual agreements between providers of mental health, mental retardation, and developmental disabilities local purchase services and the department for the benefit of counties for local purchase services.

Sec. 22. Section 331.439, subsection 3, paragraph b, Code 1997, as amended by 1997 Iowa Acts, House File 255, section 4, is amended to read as follows:

b. Based upon information contained in county management plans and budgets, the state-county management committee shall recommend an allowed growth factor adjustment to the governor by November 15 for the fiscal year which commences two years from the beginning date of the fiscal year in progress at the time the recommendation is made. The allowed growth factor adjustment shall address costs associated with new consumers of service, service cost inflation, and investments for economy and efficiency. In developing the service cost inflation recommendation, the committee shall consider the cost trends indicated by the gross expenditure amount reported in the expenditure reports submitted by counties pursuant to subsection 1, paragraph "b". The governor shall consider the committee's recommendation in developing the governor's recommendation for an allowed growth factor adjustment for such fiscal year. The governor's recommendation shall be submitted at the time the governor's proposed budget for the succeeding fiscal year is submitted in accordance with chapter 8.

Sec. 23. Section 331.439, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A county shall annually report data concerning the services managed by the county. At a minimum, the data reported shall indicate the number of different individuals who utilized services in a fiscal year and the various types of services. Data reported under this subsection shall be submitted with the county's expenditure report required under subsection 1, paragraph "b".

Sec. 24. Section 331.439, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A county's management plans submitted under this section shall allow for the service needs of all ages of persons for whom expenditures may be made from the county's services fund.

Sec. 25. EFFECTIVE DATE AND APPLICABILITY PROVISION.

Section 24 of this division of this Act, being deemed of immediate importance, takes effect upon enactment. The requirements of section 24 shall first apply to county mental health, mental retardation, and developmental disabilities services plans submitted under section 331.439 applicable to the fiscal year beginning July 1, 1997. If a county's management plan for that fiscal year was submitted prior to the effective date of section 24 and is not in compliance with the provisions of section 24 of this Act, the county shall submit an amendment to the management plan as necessary for compliance. The amendment shall be submitted within 60 days of the effective date of section 24 and is subject to the approval provisions of section 331.439.

DIVISION VIII

ICFMR CONVERSION

Sec. 26. Section 135C.6, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. Contingent upon the department of human services receiving federal approval, a residential program which serves not more than eight individuals and is licensed as an intermediate care facility for persons with mental retardation may surrender the facility license and continue to operate under a federally approved medical assistance home and community-based services waiver for persons with mental retardation, if the department of human services has approved a plan submitted by the residential program.

DIVISION IX

LEGAL SETTLEMENT

Sec. 27. Section 252.16, subsection 8, Code 1997, is amended to read as follows:

8. A person receiving treatment or support services from any community-based provider of, whether organized for pecuniary profit or not or whether supported by charitable or public or private funds, that provides treatment or services for mental retardation, developmental disabilities, mental

health, brain injury, or substance abuse does not acquire legal settlement in the host county in which the site of the provider is located unless the person continuously resides in the-host that county for one year from the date of the last treatment or support service received by the person.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 702, Seventy-seventh General Assembly.

Approved May 19, 1997

ELIZABETH ISAACSON
Chief Clerk of the House

TERRY E. BRANSTAD
Governor