

3/10/99 Referred To: Local Gov.

FEB 24 1999

HUMAN RESOURCES

HOUSE FILE 360
BY DOLECHECK

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

A BILL FOR

1 An Act relating to the authorization requirements for psychiatric
2 medical institutions for children and providing an effective
3 date.

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

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HF 360

1 Section 1. Section 135H.6, subsections 4, 5, 6, 7, and 8,
2 Code 1999, are amended to read as follows:

3 4. The applicant has been awarded a certificate of need
4 pursuant to chapter 135, unless exempt as provided in this
5 section.

6 5. The department of human services has submitted written
7 approval of the application based on the department of human
8 services' determination of need. The department of human
9 services shall identify the location and number of children in
10 the state who require the services of a psychiatric medical
11 institution for children. Approval of an application shall be
12 based upon the location of the proposed psychiatric
13 institution relative to the need for services identified by
14 the department of human services and an analysis of the
15 applicant's ability to provide services and support consistent
16 with requirements under chapter 232, particularly regarding
17 community-based treatment. If the proposed psychiatric
18 institution is not freestanding from a facility licensed under
19 chapter 135B or 135C, approval under this subsection shall not
20 be given unless the department of human services certifies
21 that the proposed psychiatric institution is capable of
22 providing a resident with a living environment similar to the
23 living environment provided by a licensee which is
24 freestanding from a facility licensed under chapter 135B or
25 135C. Unless a psychiatric institution was accredited to
26 provide psychiatric services by the joint commission on the
27 accreditation of health care organizations under the
28 commission's consolidated standards for residential settings
29 prior to June 1, 1989, the department of human services shall
30 not approve an application for a license under this chapter
31 until the federal health care financing administration has
32 approved a state Title XIX plan amendment to include coverage
33 of services in a psychiatric medical institution for children.
34 ~~In addition, either of the following conditions must be met:~~

35 a. 6. The department of human services shall not give

1 approval to an application which would cause the total number
2 of beds licensed under this chapter for services reimbursed by
3 the medical assistance program under chapter 249A to exceed
4 three ~~four~~ hundred sixty ~~thirty~~ beds, except as provided in
5 paragraph "b" and paragraph "c", with not more than three
6 hundred of the beds licensed under chapter 237 before January
7 1, 1989, and not more than sixty of the beds licensed under
8 chapter 237 on or after January 1, 1989.

9 | b. ~~The department of human services shall not give~~
10 ~~approval to an application which would cause the total number~~
11 ~~of beds licensed under this chapter after June 30, 1990, which~~
12 ~~specialize in providing substance abuse treatment to children~~
13 ~~to exceed seventy beds.~~

14 | c. 7. The In addition to the beds authorized under
15 subsection 6, the department of human services may establish
16 not more than thirty beds licensed under this chapter at the
17 state mental health institute at Independence. The beds shall
18 be exempt from the certificate of need requirement under
19 subsection 4.

20 | 6. 8. The department of human services may give approval
21 to conversion of beds specializing in substance abuse
22 treatment previously approved under subsection 56, paragraph
23 "b" to beds which are not specialized as referenced in
24 subsection 5, paragraph "a" to provide substance abuse
25 treatment. Beds converted under this subsection shall be in
26 addition to the number of beds authorized under subsection 5,
27 paragraph "a". However, the total number of beds approved
28 under subsection 5 6 and this subsection shall not exceed four
29 hundred thirty. Conversion of beds under this subsection
30 shall not require a revision of the certificate of need issued
31 for the psychiatric institution making the conversion.

32 | 7. 9. The proposed psychiatric institution is under the
33 direction of an agency which has operated a facility licensed
34 under section 237.3, subsection 2, paragraph "a", as a
35 comprehensive residential facility for children for three

1 years or of an agency which has operated a facility for three
2 years providing psychiatric services exclusively to children
3 or adolescents and the facility meets or exceeds requirements
4 for licensure under section 237.3, subsection 2, paragraph
5 "a", as a comprehensive residential facility for children.

6 ~~8: 10. A-psychiatric-institution-licensed-prior-to-January~~
7 ~~17-19967-may-exceed-the-number-of-beds-authorized-under~~
8 ~~subsections-5-and-6-if-the-excess-beds-are-used~~ If an
9 applicant for a license under this chapter is applying for
10 licensure for beds to provide services funded from a source
11 other than the medical assistance program under chapter 249A.
12 Notwithstanding, notwithstanding subsections 4, 5, and 6, the
13 provision of services using such-excess those beds does not
14 require a certificate of need or a review by the department of
15 human services, and the limitation on beds under subsection 6
16 is not applicable.

17 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
18 immediate importance, takes effect upon enactment.

19 EXPLANATION

20 This bill relates to the authorization requirements for
21 psychiatric medical institutions for children (PMICs) which
22 are licensed by the department of inspections and appeals.
23 The bill amends various subsections of Code section 135H.6,
24 relating to inspection and conditions for issuance of PMIC
25 licenses. Current law requires approval of a license
26 application be given by the department of human services based
27 upon the department's determination of need. The number of
28 beds which may be approved is limited to 360 general beds and
29 70 beds specialized in substance abuse treatment. The bill
30 combines these two categories into a general limitation of 430
31 beds which are reimbursed by medical assistance (Medicaid).
32 The department of human services is authorized to approve
33 conversion of general PMIC beds to substance abuse specialized
34 beds within the general limitation.

35 The bill clarifies that the 30 beds the department of human

1 services is authorized to establish at the state mental health
2 institute at Independence are in addition to the other 430
3 beds.

4 | Current law permits PMICs licensed prior to January 1,
5 1996, to add additional licensed beds without compliance with
6 certain requirements, provided the additional beds are not
7 reimbursed under medical assistance. The bill removes the
8 January 1, 1996, date requirement to allow additional beds to
9 be licensed.

10 | The bill takes effect upon enactment.

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