

House Study Bill 213

Bill Text

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1 1 DIVISION I
1 2 MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMISSION
1 3 Section 1. Section [225C.4](#), subsection 1, paragraph p, Code
1 4 1999, is amended to read as follows:
1 5 p. Recommend

~~and enforce~~

~~to the commission~~ minimum

1 6 accreditation standards for the maintenance and operation of
1 7 community mental health centers, ~~services, and programs~~ under
1 8 section 230A.16. ~~The administrator's review and evaluation of~~
1 9 ~~the centers, services, and programs for compliance with the~~
1 10 ~~adopted standards shall be as provided in section 230A.17.~~

1 11 Sec. 2. Section [225C.4](#), subsection 1, Code 1999, is
1 12 amended by adding the following new paragraph:

1 13 NEW PARAGRAPH. pp. Recommend to the commission minimum
1 14 standards for supported community living services. The
1 15 administrator shall review and evaluate the services for
1 16 compliance with the adopted standards.

1 17 Sec. 3. Section [225C.6](#), subsection 1, paragraph c, Code
1 18 1999, is amended to read as follows:

1 19 c. Adopt standards for community mental health centers,
1 20 services, and programs as recommended under section 230A.16.
1 21 The commission shall determine whether to grant, deny, or
1 22 revoke the accreditation of the centers, services, and
1 23 programs.

1 24 Sec. 4. Section [225C.6](#), subsection 1, paragraph l, Code
1 25 1999, is amended to read as follows:

1 26 1. Establish standards for the provision under medical
1 27 assistance of individual case management services. The
1 28 commission shall determine whether to grant, deny, or revoke
1 29 the accreditation of the services.

1 30 Sec. 5. Section [225C.21](#), subsection 2, Code 1999, is
1 31 amended to read as follows:

1 32 2. The

~~department~~

~~commission~~ shall adopt rules pursuant to

1 33 chapter 17A establishing minimum standards for

~~the programming~~

1 34

~~of~~

~~supported community living services.~~ The department shall

1 35

~~approve all~~

~~determine whether to grant, deny, or revoke~~

2 1 approval for any supported community living

~~services which~~

2 2

~~meet the minimum standards~~

~~service.~~

2 3

DIVISION II

2 4

STATE-COUNTY MANAGEMENT COMMITTEE

2 5 Sec. 6. Section 331.438, subsection 4, paragraph b,

2 6 unnumbered paragraph 1, Code 1999, is amended to read as

2 7 follows:

2 8 The management committee shall consist of

~~not more than~~

~~-~~

2 9

~~twelve~~

~~fourteen~~ voting members as follows:

2 10 Sec. 7. Section 331.438, subsection 4, paragraph b,

2 11 subparagraph (1), Code 1999, is amended to read as follows:

2 12 (1)

~~An equal number of not more than nine~~

~~Three~~ members

2 13 shall be appointed by the director of human services

~~and~~

~~The~~

2 14 director or another employee of the department of human

2 15 services designated by the director also shall serve as a

2 16 member. Four members shall be appointed by the Iowa state

2 17 association of counties

~~and one~~

~~One~~ additional member shall

2 18 be jointly appointed by both entities.

~~Members~~

~~The four~~

2 19 members appointed by the Iowa state association of counties

2 20 shall be selected from a pool nominated by the county

2 21 supervisor affiliate of the association

~~with four members from~~

~~-~~

2 22

~~the affiliate~~

~~The affiliate shall select the nominees from~~

2 23 the affiliate through a secret ballot process.

2 24 Sec. 8. Section 331.438, subsection 4, paragraph b, Code

2 25 1999, is amended by adding the following new subparagraph

2 26 after subparagraph (1) and renumbering the subsequent

2 27 subparagraphs:

2 28 NEW SUBPARAGRAPH. (2) The committee shall include two

2 29 members appointed by the community services affiliate of the

2 30 Iowa state association of counties.

2 31 Sec. 9. Section 331.438, subsection 4, paragraph b,

2 32 subparagraph (4), Code 1999, is amended to read as follows:

2 33 (4) A member who is not a legislator shall have expenses

2 34 and other costs paid by the state or the county entity that

2 35 the member represents. The committee shall

~~establish terms~~

~~-~~

3 1

~~for its members,~~

~~elect officers, adopt operating procedures,~~

3 2 and meet as deemed necessary by the committee. Terms of

3 3 office for the appointed voting members of the committee are
3 4 three years and shall be staggered. A vacancy on the
3 5 committee shall be filled in the same manner as the original
3 6 appointment.

3 7 Sec. 10. CORE SET OF SERVICES AND OTHER SUPPORT. The
3 8 state-county management committee shall explore the
3 9 feasibility of establishing a core set of mental health and
3 10 mental retardation and other developmental disabilities
3 11 services and other support that would be available statewide.
3 12 The committee shall include findings and a recommendation in
3 13 its annual report to the governor and general assembly on
3 14 January 1, 2000.

3 15 Sec. 11. STAGGERED TERMS. Effective July 1, 1999, the
3 16 appointing authorities for the state-county management
3 17 committee shall provide by mutual agreement for the staggering
3 18 of the terms of voting members of the committee so that the
3 19 terms of at least four members expire each year. Based on
3 20 this mutual agreement, the terms of individuals who are voting
3 21 members of the committee as of June 30, 1999, shall either
3 22 expire June 30, 1999, or be for one, two, or three years
3 23 beginning on July 1, 1999. The terms of the two
3 24 representatives of county single entry point process
3 25 administrators shall commence July 1, 1999. This section
3 26 takes effect June 30, 1999.

3 27 DIVISION III

3 28 ALLOWED GROWTH FACTOR ADJUSTMENT

3 29 Sec. 12. Section 331.439, subsection 3, paragraph b, Code
3 30 1999, is amended to read as follows:

3 31 b. Based upon information contained in county management
3 32 plans and budgets, the

~~state county management committee~~

3 33 department of human services shall recommend in the
3 34 department's estimate of expenditure requirements submitted in
3 35 accordance with section 8.23, an allowed growth factor
4 1 adjustment to the governor

~~by November 15~~

~~for the fiscal year~~

4 2 which commences two years from the beginning date of the
4 3 fiscal year in progress at the time the recommendation is
4 4 made. The allowed growth factor adjustment shall address
4 5 costs associated with new consumers of service, service cost
4 6 inflation, and investments for economy and efficiency. In
4 7 developing the service cost inflation recommendation, the
4 8

~~committee~~

~~department shall consider the cost trends indicated~~

4 9 by the gross expenditure amount reported in the expenditure
4 10 reports submitted by counties pursuant to subsection 1,
4 11 paragraph "a". The governor shall consider the

~~committee's~~

4 12 department's recommendation in developing the governor's
4 13 recommendation for an allowed growth factor adjustment for
4 14 such fiscal year. The governor's recommendation shall be
4 15 submitted at the time the governor's proposed budget for the
4 16 succeeding fiscal year is submitted in accordance with chapter
4 17 8.

4 18 DIVISION IV

4 19 COUNTY MANAGEMENT PLAN PROVISIONS

4 20 Sec. 13. Section 331.439, subsection 1, paragraph b, Code
4 21 1999, is amended to read as follows:

4 22 b. The county developed and implemented a county

4 23 management plan for the county's mental health, mental
4 24 retardation, and developmental disabilities services in
4 25 accordance with the provisions of this paragraph "b". The
4 26 plan shall comply with the administrative rules adopted for
4 27 this purpose by the council on human services and is subject
4 28 to the approval of the director of human services in
4 29 consultation with the state-county management committee
4 30 created in section 331.438. The plan shall include a
4 31 description of the county's service management provision for
4 32 mental health, mental retardation, and developmental
4 33 disabilities services. For mental retardation and
4 34 developmental disabilities service management, the plan shall
4 35 describe the county's development and implementation of a
5 1 managed system of cost-effective individualized services and
5 2 shall comply with the provisions of paragraph "d". The goal
5 3 of this part of the plan shall be to assist the individuals
5 4 served to be as independent, productive, and integrated into
5 5 the community as possible. The service management provisions
5 6 for mental health shall comply with the provisions of
5 7 paragraph "c". A county is subject to all of the following
5 8 provisions relating to county's management plan:

5 9 (1) The county shall have in effect an approved policies
5 10 and procedures manual for the county's services fund. The
5 11 manual submitted by the county as part of the county's
5 12 management plan for the fiscal year beginning July 1, 1999, as
5 13 approved by the director of human services, shall remain in
5 14 effect, subject to amendment. Prior to implementation of any
5 15 amendment to the manual, the amendment must be approved by the
5 16 director of human services in consultation with the state-
5 17 county management committee.

5 18 (2) The county shall submit a management plan review to
5 19 the department of human services by April 1 of each year. The
5 20 annual review shall incorporate an analysis of the data
5 21 associated with the services managed during the preceding
5 22 fiscal year by the county or by a managed care entity on
5 23 behalf of the county. The review shall provide the basis for
5 24 the county's strategic planning process.

5 25 (3) The county shall submit a strategic plan to the
5 26 department of human services by April 1 of each year. The
5 27 strategic plan shall describe how the county will proceed to
5 28 attain the goals and objectives contained in the strategic
5 29 plan for the succeeding fiscal year.

5 30 Sec. 14. Section 331.439, subsection 1, paragraph c,
5 31 subparagraph (1), Code 1999, is amended to read as follows:

5 32 (1) For mental health service management, the county may
5 33 either directly implement a system of service management and
5 34 contract with service providers, or contract with a private
5 35 entity to manage the system, provided all requirements of this
6 1 lettered paragraph are met by the private entity. The mental
6 2 health service management shall incorporate a single entry
6 3 point and clinical assessment process developed in accordance
6 4 with the provisions of section 331.440.

~~The county shall~~

~~6 5~~

~~submit this part of the plan to the department of human~~

~~6 6~~

~~services for approval by April 1 for the succeeding year.~~

~~6 7~~

~~Initially, this part of the plan shall be submitted to the~~

6 8

~~department by April 1, 1996, and the county shall implement~~

6 9

~~the approved plan by July 1, 1996.~~

6 10 Sec. 15. Section [331.439](#), subsection 1, paragraphs d and
6 11 e, Code 1999, are amended to read as follows:

6 12 d. For mental retardation and developmental disabilities
6 13 services management, the county must either develop and
6 14 implement a managed system of care which addresses a full
6 15 array of appropriate services and cost-effective delivery of
6 16 services or contract with a state-approved managed care
6 17 contractor or contractors. Any system or contract implemented
6 18 under this paragraph shall incorporate a single entry point
6 19 and clinical assessment process developed in accordance with
6 20 the provisions of section 331.440. The elements of the
6 21 managed system of care and the state-approved managed care
6 22 contract or contracts shall be specified in rules developed by
6 23 the department of human services in consultation with the
6 24 state-county management committee and adopted by the council
6 25 on human services.

~~Initially, this part of the plan shall be~~

6 26

~~submitted to the department for approval on or before October~~

6 27

~~1, 1996, and shall be implemented on or before January 1,~~

6 28

~~1997. In fiscal years succeeding the fiscal year of initial~~

6 29

~~implementation, this part of the plan shall be submitted to~~

6 30

~~the department of human services for approval by April 1 for~~

6 31

~~the succeeding fiscal year.~~

6 32

~~e. Changes to the approved plan are submitted at least~~

6 33

~~sixty days prior to the proposed change and are not to be~~

6 34

~~implemented prior to the director of human services' approval.~~

6 35

DIVISION V

7 1

RESIDENTIAL CARE FACILITIES FOR PERSONS WITH MENTAL

7 2

RETARDATION

7 3

Sec. 16. Section [135C.6](#), subsection 8, paragraph b, Code

7 4 1999, is amended read as follows:

7 5 b. A total of

~~twenty~~

~~forty residential care facilities for~~

7 6 persons with mental retardation which are licensed to serve no
7 7 more than five individuals may be authorized by the department
7 8 of human services to convert to operation as a residential
7 9 program under the provisions of a medical assistance home and
7 10 community-based services waiver for persons with mental
7 11 retardation. A converted residential program is subject to
7 12 the conditions stated in paragraph "a" except that the program
7 13 shall not serve more than five individuals.

~~The department of~~

7 14

~~human services shall allocate conversion authorizations to~~

7 15

~~provide for four conversions in each of the department's five~~

7 16

~~service regions. If a conversion authorization allocated to a~~

7 17

~~region is not used for conversion by January 1, 1998, the~~

7 18

~~department of human services may reallocate the unused~~

7 19

~~conversion authorization to another region. The department of~~

7 20

~~human services shall study the cost effectiveness of the~~

7 21

~~conversions and provide an initial report to the general~~

7 22

~~assembly no later than January 2, 1998, and a final report no~~

7 23

~~later than December 15, 1998.~~

7 24

EXPLANATION

7 25 This bill relates to mental health, mental retardation, and
7 26 developmental disabilities (MH/MR/DD) services and other
7 27 support.

7 28 Division I of the bill amends Code chapter 225C to provide
7 29 that the administrator of the division of mental health and
7 30 developmental disabilities recommends minimum standards for
7 31 community mental health centers and related services and
7 32 programs and evaluates compliance with the minimum standards.
7 33 However, the bill clarifies that the responsibility for
7 34 approving, denying, or revoking an accreditation is a duty of

7 35 the mental health and developmental disabilities commission.
8 1 The bill includes similar provisions for supported community
8 2 living services.

8 3 Division II relates to the state-county management
8 4 committee. Code section 331.438, relating to the MH/MR/DD
8 5 service delivery system and the state-county management
8 6 committee, is amended to change the committee's membership
8 7 provisions. Current law sets a limit on the number of members
8 8 appointed by the department of human services and the
8 9 counties. The bill changes these limits to reflect the number
8 10 of members to be appointed. The bill specifies that the
8 11 director of human services or a designee is to serve on the
8 12 committee. The membership of the committee is expanded by two
8 13 members to be appointed by the community services affiliate of
8 14 the Iowa state association of counties.

8 15 The state-county management committee is directed to
8 16 explore the feasibility of establishing a core set of mental
8 17 health, and mental retardation and other developmental
8 18 disabilities services and other support that would be
8 19 available statewide. The committee is to include findings and
8 20 a recommendation in its annual report to the governor and
8 21 general assembly on January 1, 2000.

8 22 The bill also provides for three-year terms of office for
8 23 the voting members of the committee. Under current law, the
8 24 committee itself determines the length of the terms of office.
8 25 The bill includes transition authority for the members'
8 26 appointing authorities to stagger the terms so that at least
8 27 four members' terms expire each year. The terms of the two
8 28 members appointed by the single entry point process
8 29 administrators are to commence July 1, 1999. This section of
8 30 the bill is effective on June 30, 1999.

8 31 Division III relates to the growth recommendation for
8 32 MH/MR/DD services. Code section 331.439, relating to county
8 33 management plans for MH/MR/DD services, is amended with
8 34 respect to allowed growth recommendations for the services
8 35 expenditures and state funding. The bill provides that the
9 1 department of human services is to make the initial
9 2 recommendation to the governor as to the amount of allowed
9 3 growth in the service system in place of the state-county
9 4 management committee. The recommendation is to be submitted
9 5 as part of the regular state budget process.

9 6 Division IV amends Code section 331.439, relating to the
9 7 county management plans for MH/MR/DD services. The bill
9 8 provides that the policy and procedures manual submitted by a
9 9 county with the county management plan for the fiscal year
9 10 beginning July 1, 1999, and approved by the director of human
9 11 services shall remain in effect subject to amendment.
9 12 Amendments to the policies and procedures manual are subject
9 13 to the director's approval in consultation with the state-
9 14 county management committee.

9 15 A county is also to submit an annual management plan review
9 16 of data concerning the services provided under the management
9 17 plan in the previous fiscal year. In addition, a county is to
9 18 submit a strategic plan which is based upon the annual review.
9 19 These two items are to be submitted annually by April 1.

9 20 This division also strikes provisions requiring management
9 21 plan submissions for mental health and for mental retardation
9 22 and developmental disabilities services to the department of
9 23 human services annually by April 1, and for changes to be
9 24 submitted to the director of human services for approval 60
9 25 days prior to implementation.

9 26 Division V of the bill amends Code section 135C.6, relating
9 27 to exemptions from required licensing of health care
9 28 facilities. Current law exempts up to 20 residential care
9 29 facilities for persons with mental retardation (RCFMRs) each
9 30 serving five persons or fewer that are authorized by the
9 31 department of human services to convert to operation in

9 32 accordance with a federal home and community-based waiver for
9 33 persons with mental retardation under medical assistance
9 34 (Medicaid). The bill expands the conversion authorization to
9 35 40 facilities and strikes language requiring distribution
10 1 among the department's regions and for reports due by certain
10 2 dates.
10 3 LSB 2343HC 78
10 4 jp/sc/14.2