

Withdrawn  
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HUMAN RESOURCES

HOUSE FILE 200  
BY CARROLL

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to mental health and developmental disabilities  
2 by expanding an exemption to health care licensing  
3 requirements for certain residential programs that receive  
4 funding under a medical assistance home and community-based  
5 services waiver and approval from the department of human  
6 services and revising membership requirements for the mental  
7 health and developmental disabilities commission and providing  
8 an effective date.

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

HF 200

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1 Section 1. Section 135C.6, subsection 8, Code 2003, is  
2 amended to read as follows:

3 8. The following residential programs to which the  
4 department of human services applies accreditation,  
5 certification, or standards of review shall not be required to  
6 be licensed as a health care facility under this chapter:

7 a. Residential programs providing care to not more than  
8 four individuals and receiving moneys appropriated to the  
9 department of human services under provisions of a federally  
10 approved home and community-based services waiver for persons  
11 with mental retardation or other medical assistance program  
12 under chapter 249A ~~shall not be required to be licensed as a~~  
13 ~~health care facility under this chapter.~~ In approving a  
14 residential program under this subsection paragraph, the  
15 department of human services shall consider the geographic  
16 location of the program so as to avoid an overconcentration of  
17 such programs in an area. In order to be approved under this  
18 subsection paragraph, a residential program shall not be  
19 required to involve the conversion of a licensed residential  
20 care facility for persons with mental retardation.

21 b. Not more than forty residential care facilities for  
22 persons with mental retardation that are licensed to serve not  
23 more than five individuals may be authorized by the department  
24 of human services to convert to operation as a residential  
25 program under the provisions of a medical assistance home and  
26 community-based services waiver for persons with mental  
27 retardation. A converted residential program operating under  
28 this paragraph is subject to the conditions stated in  
29 paragraph "a" except that the program shall not serve more  
30 than five individuals.

31 c. A residential program approved by the department of  
32 human services pursuant to this paragraph "c" to receive  
33 moneys appropriated to the department of human services under  
34 provisions of a federally approved home and community-based  
35 services waiver for persons with mental retardation may

1 provide care to not more than five individuals. The  
2 department shall approve a residential program under this  
3 paragraph that complies with all of the following conditions:

4 (1) Approval of the program will not result in an  
5 overconcentration of such programs in an area.

6 (2) The county in which the residential program is located  
7 submits to the department of human services a letter of  
8 support for approval of the program.

9 (3) The county in which the residential program is located  
10 provides to the department of human services verification in  
11 writing that the program is needed to address one or more of  
12 the following:

13 (a) The quantity of services currently available in the  
14 county is insufficient to meet the need.

15 (b) The quantity of affordable rental housing in the  
16 county is insufficient.

17 (c) Implementation of the program will cause a reduction  
18 in the size or quantity of larger congregate programs.

19 Sec. 2. Section 225C.5, subsection 1, paragraphs c and d,  
20 Code 2003, are amended to read as follows:

21 c. One member shall be an active board member or employee  
22 of a community mental health center selected from nominees  
23 submitted by the Iowa association of community providers.

24 d. One member shall be an active board member or employee  
25 of an agency serving persons with a developmental disability  
26 selected from nominees submitted by the Iowa association of  
27 community providers.

28 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
29 immediate importance, takes effect upon enactment.

30 EXPLANATION

31 This bill expands an exemption to health care licensing  
32 requirements for certain residential programs that receive  
33 funding under a medical assistance (Medicaid) home and  
34 community-based services (HCBS) waiver and that receive  
35 approval from the department of human services. Current law

1 in Code chapter 135C allows this exemption for such programs  
2 serving no more than four individuals.

3 The bill reenacts a provision repealed by 2002 Iowa Acts,  
4 chapter 1120. This provision allows the licensing exemptions  
5 for conversion of not more than 40 residential care facilities  
6 for persons with mental retardation licensed to serve not more  
7 than five individuals under Code chapter 135C to residential  
8 programs operating under the HCBS waiver for persons with  
9 mental retardation. The converted facilities are subject to  
10 the same requirements as other such residential programs  
11 except not more than five persons may receive services. The  
12 bill allows the exemption for residential programs approved by  
13 the department to serve up to five individuals under an HCBS  
14 waiver for persons with mental retardation, provided the  
15 program has the support of the county in which the program is  
16 located. The county must provide the support in writing and  
17 verify certain conditions exist that would indicate a need for  
18 the program.

19 The bill also amends Code section 225C.5, relating to the  
20 mental health and developmental disabilities commission, to  
21 provide that membership slots designated for active board  
22 members of a community mental health center and an agency  
23 serving persons with a developmental disability may also be  
24 filled with center and agency employees. The bill also  
25 provides that nominations for both of these slots are provided  
26 by the Iowa association of community providers.

27 The bill takes effect upon enactment.

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