

House Study Bill 789

SENATE/HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON HEALTH AND
HUMAN SERVICES)

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

A BILL FOR

1 An Act relating to and making appropriations for health and human
2 services and including other related provisions and
3 appropriations, making penalties applicable and providing
4 effective, retroactive, and applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5002JB 82
7 pf/jp/14

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1 1 DIVISION I
1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
1 3 ELDER AFFAIRS
1 4 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
1 5 appropriated from the general fund of the state to the
1 6 department of elder affairs for the fiscal year beginning July
1 7 1, 2008, and ending June 30, 2009, the following amount, or so
1 8 much thereof as is necessary, to be used for the purposes
1 9 designated:
1 10 For aging programs for the department of elder affairs and
1 11 area agencies on aging to provide citizens of Iowa who are 60
1 12 years of age and older with case management for the frail
1 13 elderly only if the monthly cost per client for case
1 14 management for the frail elderly services provided does not
1 15 exceed an average of \$70, resident advocate committee
1 16 coordination, employment, and other services which may include
1 17 but are not limited to adult day services, respite care, chore
1 18 services, telephone reassurance, information and assistance,
1 19 and home repair services, and for the construction of entrance
1 20 ramps which make residences accessible to the physically
1 21 handicapped, and for salaries, support, administration,
1 22 maintenance, and miscellaneous purposes, and for not more than
1 23 the following full-time equivalent positions:
1 24 \$ 4,851,698
1 25 FTEs 40.50
1 26 1. Funds appropriated in this section may be used to
1 27 supplement federal funds under federal regulations. To
1 28 receive funds appropriated in this section, a local area
1 29 agency on aging shall match the funds with moneys from other
1 30 sources according to rules adopted by the department. Funds
1 31 appropriated in this section may be used for elderly services
1 32 not specifically enumerated in this section only if approved
1 33 by an area agency on aging for provision of the service within
1 34 the area.
1 35 2. Of the funds appropriated in this section, \$2,788,223
2 1 shall be used for case management for the frail elderly. Of
2 2 the funds allocated in this subsection, \$1,385,015 shall be
2 3 transferred to the department of human services in equal
2 4 amounts on a quarterly basis for reimbursement of case
2 5 management services provided under the medical assistance
2 6 elderly waiver. The department of human services shall adopt
2 7 rules for case management services provided under the medical
2 8 assistance elderly waiver in consultation with the department
2 9 of elder affairs. The monthly cost per client for case
2 10 management for the frail elderly services provided shall not
2 11 exceed an average of \$70.
2 12 3. Of the funds appropriated in this section, \$200,198
2 13 shall be transferred to the department of economic development
2 14 for the Iowa commission on volunteer services to be used for

2 15 the retired and senior volunteer program.
2 16 4. Of the funds appropriated in this section, \$130,000
2 17 shall be used to continue to fund additional long-term care
2 18 resident's advocate positions.

2 19 5. Of the funds appropriated in this section, \$250,000
2 20 shall be used for continuation of the substitute decision
2 21 maker Act pursuant to chapter 231E.

2 22 HEALTH

2 23 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
2 24 appropriated from the general fund of the state to the
2 25 department of public health for the fiscal year beginning July
2 26 1, 2008, and ending June 30, 2009, the following amounts, or
2 27 so much thereof as is necessary, to be used for the purposes
2 28 designated:

2 29 1. ADDICTIVE DISORDERS

2 30 For reducing the prevalence of use of tobacco, alcohol, and
2 31 other drugs, and treating individuals affected by addictive
2 32 behaviors, including gambling, and for not more than the
2 33 following full-time equivalent positions:

2 34 \$ 1,532,149
2 35 FTEs 6.00

3 1 The requirement of section 123.53, subsection 3, is met by
3 2 the appropriations made in this Act for purposes of addictive
3 3 disorders for the fiscal year beginning July 1, 2008.

3 4 2. HEALTHY CHILDREN AND FAMILIES

3 5 For promoting the optimum health status for children,
3 6 adolescents from birth through 21 years of age, and families,
3 7 and for not more than the following full-time equivalent
3 8 positions:

3 9 \$ 2,536,913
3 10 FTEs 16.00

3 11 a. Of the funds appropriated in this subsection, not more
3 12 than \$645,917 shall be used for the healthy opportunities to
3 13 experience success (HOPES)=healthy families Iowa (HFI) program
3 14 established pursuant to section 135.106. The department shall
3 15 transfer the funding allocated for the HOPES=HFI program to
3 16 the Iowa empowerment board for distribution and shall assist
3 17 the board in managing the contracting for the funding. The
3 18 funding shall be distributed to renew the grants that were
3 19 provided to the grantees that operated the program during the
3 20 fiscal year ending June 30, 2008.

3 21 b. Of the funds appropriated in this subsection, \$325,000
3 22 shall be used to continue to address the healthy mental
3 23 development of children from birth through five years of age
3 24 through local evidence-based strategies that engage both the
3 25 public and private sectors in promoting healthy development,
3 26 prevention, and treatment for children.

3 27 c. Of the funds appropriated in this subsection, \$100,000
3 28 is allocated for distribution to the children's hospital of
3 29 Iowa mother's milk bank.

3 30 d. Of the funds appropriated in this subsection, \$40,000
3 31 shall be distributed to a statewide dental carrier to provide
3 32 funds to continue the donated dental services program
3 33 patterned after the projects developed by the national
3 34 foundation of dentistry for the handicapped to provide dental
3 35 services to indigent elderly and disabled individuals.

4 1 3. CHRONIC CONDITIONS

4 2 For serving individuals identified as having chronic
4 3 conditions or special health care needs, and for not more than
4 4 the following full-time equivalent positions:

4 5 \$ 2,242,840
4 6 FTEs 5.00

4 7 a. Of the funds appropriated in this subsection, \$100,000
4 8 shall be used for grants to individual patients who have
4 9 phenylketonuria (PKU) to assist with the costs of necessary
4 10 special foods.

4 11 b. Of the funds appropriated in this subsection, \$500,000
4 12 is allocated for contracts for resource facilitator services
4 13 in accordance with section 135.22B, subsection 10, and for
4 14 brain injury training services and recruiting of service
4 15 providers to increase the capacity within this state to
4 16 address the needs of individuals with brain injuries and such
4 17 individuals' families.

4 18 4. COMMUNITY CAPACITY

4 19 For strengthening the health care delivery system at the
4 20 local level, and for not more than the following full-time
4 21 equivalent positions:

4 22 \$ 1,760,532
4 23 FTEs 12.00

4 24 a. Of the funds appropriated in this subsection, \$100,000
4 25 is allocated for a child vision screening program implemented

4 26 through the university of Iowa hospitals and clinics in
4 27 collaboration with community empowerment areas.

4 28 b. Of the funds appropriated in this subsection, \$159,700
4 29 is allocated for an initiative implemented at the university
4 30 of Iowa and \$140,300 is allocated for an initiative at the
4 31 state mental health institute at Cherokee to expand and
4 32 improve the workforce engaged in mental health treatment and
4 33 services. The initiatives shall receive input from the
4 34 university of Iowa, the department of human services, the
4 35 department of public health, and the mental health, mental
5 1 retardation, developmental disabilities, and brain injury
5 2 commission to address the focus of the initiatives. The
5 3 department of human services, the department of public health,
5 4 and the commission shall receive regular updates concerning
5 5 the status of the initiatives.

5 6 5. ELDERLY WELLNESS
5 7 For promotion of healthy aging and optimization of the
5 8 health of older adults:
5 9 \$ 9,233,985

5 10 6. ENVIRONMENTAL HAZARDS
5 11 For reducing the public's exposure to hazards in the
5 12 environment, primarily chemical hazards, and for not more than
5 13 the following full-time equivalent positions:
5 14 \$ 747,960
5 15 FTEs 2.00

5 16 a. Of the funds appropriated in this subsection, \$100,000
5 17 shall be used to fund the position of a bureau chief for the
5 18 center for acute disease epidemiology (CADE).

5 19 b. Of the funds appropriated in this subsection, \$121,000
5 20 shall be used for childhood lead poisoning provisions pursuant
5 21 to sections 135.102 and 135.103.

5 22 7. INFECTIOUS DISEASES
5 23 For reducing the incidence and prevalence of communicable
5 24 diseases, and for not more than the following full-time
5 25 equivalent positions:
5 26 \$ 1,701,974
5 27 FTEs 7.00

5 28 Of the funds appropriated in this subsection, an increase
5 29 of \$43,688 is provided for the purchasing of vaccines for
5 30 immunizations.

5 31 8. PUBLIC PROTECTION
5 32 For protecting the health and safety of the public through
5 33 establishing standards and enforcing regulations, and for not
5 34 more than the following full-time equivalent positions:
5 35 \$ 2,798,513
6 1 FTEs 128.00

6 2 a. Of the funds appropriated in this subsection, \$643,500
6 3 shall be credited to the emergency medical services fund
6 4 created in section 135.25. Moneys in the emergency medical
6 5 services fund are appropriated to the department to be used
6 6 for the purposes of the fund.

6 7 b. Of the funds appropriated in this subsection, \$23,810
6 8 shall be used for the office of the state medical examiner.

6 9 c. Of the funds appropriated in this subsection, \$150,000
6 10 shall be used for management of the antiviral stockpile.

6 11 d. Of the funds appropriated in this subsection, \$100,000
6 12 shall be used for sexual violence prevention programming
6 13 through a statewide organization representing programs serving
6 14 victims of sexual violence through the department's sexual
6 15 violence prevention program. The amount allocated in this
6 16 paragraph "d" shall not be used to supplant funding
6 17 administered for other sexual violence prevention or victims
6 18 assistance programs.

6 19 e. The department may incur expenses for start-up costs to
6 20 implement licensing of plumbers and mechanical professionals
6 21 in accordance with 2007 Iowa Acts, chapter 198, provided the
6 22 amounts expended are covered by the close of the fiscal year
6 23 through the repayment receipts from license fees.

6 24 9. RESOURCE MANAGEMENT
6 25 For establishing and sustaining the overall ability of the
6 26 department to deliver services to the public, and for not more
6 27 than the following full-time equivalent positions:
6 28 \$ 1,205,933
6 29 FTEs 10.00

6 30 Of the funds appropriated in this subsection, \$150,150
6 31 shall be used for administration of tobacco-related programs.
6 32 The university of Iowa hospitals and clinics under the
6 33 control of the state board of regents shall not receive
6 34 indirect costs from the funds appropriated in this section.
6 35 The university of Iowa hospitals and clinics billings to the
7 1 department shall be on at least a quarterly basis.

7 2 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION.

7 3 1. In lieu of the appropriation made in section 135.150,
7 4 subsection 1, there is appropriated from funds available in
7 5 the gambling treatment fund created in section 135.150 to the
7 6 department of public health for the fiscal year beginning July
7 7 1, 2008, and ending June 30, 2009, the following amount, or so
7 8 much thereof as is necessary, to be used for the purposes
7 9 designated:

7 10 To be utilized for the benefit of persons with addictive
7 11 disorders:

7 12 \$ 4,678,000

7 13 a. It is the intent of the general assembly that from the
7 14 moneys appropriated in this subsection persons with a dual
7 15 diagnosis of substance abuse and gambling addictions shall be
7 16 given priority in treatment services. The amount appropriated
7 17 in this subsection includes moneys credited to the fund in
7 18 previous fiscal years.

7 19 b. Of the funds appropriated in this subsection, \$613,000
7 20 shall be used for tobacco use prevention, cessation, and
7 21 treatment.

7 22 2. The amount remaining in the gambling treatment fund
7 23 after the appropriation made in subsection 1 is appropriated
7 24 to the department to be used for funding of administrative
7 25 costs and to provide programs which may include but are not
7 26 limited to outpatient and follow-up treatment for persons
7 27 affected by problem gambling, rehabilitation and residential
7 28 treatment programs, information and referral services,
7 29 education and preventive services, and financial management
7 30 services. Of the amount appropriated in this subsection, up
7 31 to \$100,000 may be used for the licensing of gambling
7 32 treatment programs as provided in section 135.150.

7 33 DEPARTMENT OF VETERANS AFFAIRS

7 34 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is
7 35 appropriated from the general fund of the state to the
8 1 department of veterans affairs for the fiscal year beginning
8 2 July 1, 2008, and ending June 30, 2009, the following amounts,
8 3 or so much thereof as is necessary, to be used for the
8 4 purposes designated:

8 5 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

8 6 For salaries, support, maintenance, and miscellaneous
8 7 purposes, including the war orphans educational assistance
8 8 fund created in section 35.8, and for not more than the
8 9 following full-time equivalent positions:

8 10 \$ 1,163,457
8 11 FTEs 17.20

8 12 Of the amount appropriated in this subsection, \$50,000 is
8 13 allocated for continuation of the veterans counseling program
8 14 established pursuant to section 35.12.

8 15 2. IOWA VETERANS HOME

8 16 For salaries, support, maintenance, and miscellaneous
8 17 purposes, and for not more than the following full-time
8 18 equivalent positions:

8 19 \$ 12,694,154
8 20 FTEs 951.95

8 21 The Iowa veterans home billings involving the department of
8 22 human services shall be submitted to the department on at
8 23 least a monthly basis.

8 24 If there is a change in the employer of employees providing
8 25 services at the Iowa veterans home under a collective
8 26 bargaining agreement, such employees and the agreement shall
8 27 be continued by the successor employer as though there had not
8 28 been a change in employer.

8 29 3. COUNTY GRANT PROGRAM FOR VETERANS

8 30 For providing grants to counties to provide services to
8 31 living veterans:

8 32 \$ 600,000

8 33 The department shall establish or continue a grant
8 34 application process and shall require each county applying for
8 35 a grant to submit a plan for utilizing the grant for providing
9 1 services for living veterans. The maximum grant to be awarded
9 2 to a county shall be \$10,000. Each county receiving a grant
9 3 shall submit a report to the department identifying the impact
9 4 of the grant on providing services to veterans as specified by
9 5 the department. The department shall submit a report to the
9 6 general assembly by October 1, 2008, concerning the impact of
9 7 the grant program on services to veterans.

9 8 Notwithstanding section 8.33, moneys appropriated in this
9 9 subsection that remain unencumbered or unobligated at the
9 10 close of the fiscal year shall not revert to the fund from
9 11 which appropriated but shall be credited to the veterans trust
9 12 fund.

9 13 4. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED
 9 14 VETERANS
 9 15 For provision of educational assistance pursuant to section
 9 16 35.9:
 9 17 \$ 27,000
 9 18 HUMAN SERVICES
 9 19 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
 9 20 GRANT. There is appropriated from the fund created in section
 9 21 8.41 to the department of human services for the fiscal year
 9 22 beginning July 1, 2008, and ending June 30, 2009, from moneys
 9 23 received under the federal temporary assistance for needy
 9 24 families (TANF) block grant pursuant to the federal Personal
 9 25 Responsibility and Work Opportunity Reconciliation Act of
 9 26 1996, Pub. L. No. 104=193, and successor legislation, which
 9 27 are federally appropriated for the federal fiscal years
 9 28 beginning October 1, 2007, and ending September 30, 2008, and
 9 29 beginning October 1, 2008, and ending September 30, 2009, the
 9 30 following amounts, or so much thereof as is necessary, to be
 9 31 used for the purposes designated:
 9 32 1. To be credited to the family investment program account
 9 33 and used for assistance under the family investment program
 9 34 under chapter 239B:
 9 35 \$ 26,101,513
 10 1 2. To be credited to the family investment program account
 10 2 and used for the job opportunities and basic skills (JOBS)
 10 3 program and implementing family investment agreements in
 10 4 accordance with chapter 239B:
 10 5 \$ 13,334,528
 10 6 Notwithstanding section 8.33, not more than 5 percent of
 10 7 the moneys designated in this subsection that are allocated by
 10 8 the department for contracted services, other than family
 10 9 self=sufficiency grant services allocated under this
 10 10 subsection, that remain unencumbered or unobligated at the
 10 11 close of the fiscal year shall not revert but shall remain
 10 12 available for expenditure for the purposes designated until
 10 13 the close of the succeeding fiscal year. However, unless such
 10 14 moneys are encumbered or obligated on or before September 30,
 10 15 2009, the moneys shall revert.
 10 16 3. To be used for the family development and
 10 17 self=sufficiency grant program as provided under section
 10 18 217.12 and this division of this Act:
 10 19 \$ 2,998,675
 10 20 4. For field operations:
 10 21 \$ 17,707,495
 10 22 It is the intent of the general assembly that the
 10 23 department work with Indian tribes providing services under
 10 24 the federal Temporary Assistance for Needy Families block
 10 25 grant to Indians who reside in Iowa but live outside the
 10 26 reservation to establish a formula for providing match funding
 10 27 for the expenditures made by the tribes for such services.
 10 28 The department shall provide recommendations regarding
 10 29 implementation of the formula beginning in FY 2009=2010 to the
 10 30 governor and the persons designated by this Act to receive
 10 31 reports. For the purposes of this paragraph, "Indian",
 10 32 "reservation", and "Indian tribe" mean the same as defined in
 10 33 section 232B.3.
 10 34 5. For general administration:
 10 35 \$ 3,744,000
 11 1 6. For local administrative costs:
 11 2 \$ 2,189,830
 11 3 7. For state child care assistance:
 11 4 \$ 27,886,177
 11 5 a. Of the funds appropriated in this subsection, \$200,000
 11 6 shall be used for provision of educational opportunities to
 11 7 registered child care home providers in order to improve
 11 8 services and programs offered by this category of providers
 11 9 and to increase the number of providers. The department may
 11 10 contract with institutions of higher education or child care
 11 11 resource and referral centers to provide the educational
 11 12 opportunities. Allowable administrative costs under the
 11 13 contracts shall not exceed 5 percent. The application for a
 11 14 grant shall not exceed two pages in length.
 11 15 b. The funds appropriated in this subsection shall be
 11 16 transferred to the child care and development block grant
 11 17 appropriation.
 11 18 c. Of the funds appropriated in this subsection,
 11 19 \$18,986,177 shall be transferred to the child care and
 11 20 development block grant appropriation made for the federal
 11 21 fiscal year beginning October 1, 2008, and ending September
 11 22 30, 2009.
 11 23 d. Any funds appropriated in this subsection remaining

11 24 unallocated shall be used for state child care assistance
11 25 payments for individuals enrolled in the family investment
11 26 program who are employed.

11 27 8. For mental health and developmental disabilities
11 28 community services:

11 29 \$ 4,894,052

11 30 9. For child and family services:

11 31 \$ 32,084,430

11 32 10. For child abuse prevention grants:

11 33 \$ 250,000

11 34 11. For pregnancy prevention grants on the condition that
11 35 family planning services are funded:

12 1 \$ 1,930,067

12 2 Pregnancy prevention grants shall be awarded to programs in
12 3 existence on or before July 1, 2008, if the programs are
12 4 comprehensive in scope and have demonstrated positive
12 5 outcomes. Grants shall be awarded to pregnancy prevention
12 6 programs which are developed after July 1, 2008, if the
12 7 programs are comprehensive in scope and are based on existing
12 8 models that have demonstrated positive outcomes. Grants shall
12 9 comply with the requirements provided in 1997 Iowa Acts,
12 10 chapter 208, section 14, subsections 1 and 2, including the
12 11 requirement that grant programs must emphasize sexual
12 12 abstinence. Priority in the awarding of grants shall be given
12 13 to programs that serve areas of the state which demonstrate
12 14 the highest percentage of unplanned pregnancies of females of
12 15 childbearing age within the geographic area to be served by
12 16 the grant.

12 17 12. For technology needs and other resources necessary to
12 18 meet federal welfare reform reporting, tracking, and case
12 19 management requirements:

12 20 \$ 1,037,186

12 21 13. For the healthy opportunities for parents to
12 22 experience success (HOPEs) program administered by the
12 23 department of public health to target child abuse prevention:

12 24 \$ 200,000

12 25 14. To be credited to the state child care assistance
12 26 appropriation made in this section to be used for funding of
12 27 community-based early childhood programs targeted to children
12 28 from birth through five years of age developed by community
12 29 empowerment areas as provided in section 28.9:

12 30 \$ 7,350,000

12 31 The department shall transfer TANF block grant funding
12 32 appropriated and allocated in this subsection to the child
12 33 care and development block grant appropriation in accordance
12 34 with federal law as necessary to comply with the provisions of
12 35 this subsection.

13 1 15. For a pilot program established in one or more
13 2 judicial districts, selected by the department and the
13 3 judicial council, to provide employment and support services
13 4 to delinquent child support obligors as an alternative to
13 5 commitment to jail as punishment for contempt of court:

13 6 \$ 200,000

13 7 Of the amounts appropriated in this section, \$12,962,008
13 8 for the fiscal year beginning July 1, 2008, shall be
13 9 transferred to the appropriation of the federal social
13 10 services block grant for that fiscal year.

13 11 The department may transfer funds allocated in this section
13 12 to the appropriations in this Act for general administration
13 13 and field operations for resources necessary to implement and
13 14 operate the services referred to in this section and those
13 15 funded in the appropriation made in this division of this Act
13 16 for the family investment program from the general fund of the
13 17 state.

13 18 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

13 19 1. Moneys credited to the family investment program (FIP)
13 20 account for the fiscal year beginning July 1, 2008, and ending
13 21 June 30, 2009, shall be used to provide assistance in
13 22 accordance with chapter 239B.

13 23 2. The department may use a portion of the moneys credited
13 24 to the FIP account under this section as necessary for
13 25 salaries, support, maintenance, and miscellaneous purposes.

13 26 3. The department may transfer funds allocated in this
13 27 section to the appropriations in this Act for general
13 28 administration and field operations for resources necessary to
13 29 implement and operate the services referred to in this section
13 30 and those funded in the appropriation made in this division of
13 31 this Act for the family investment program from the general
13 32 fund of the state.

13 33 4. Moneys appropriated in this division of this Act and
13 34 credited to the FIP account for the fiscal year beginning July

13 35 1, 2008, and ending June 30, 2009, are allocated as follows:

14 1 a. To be retained by the department of human services to
14 2 be used for coordinating with the department of human rights
14 3 to more effectively serve participants in the FIP program and
14 4 other shared clients and to meet federal reporting
14 5 requirements under the federal temporary assistance for needy
14 6 families block grant:
14 7 \$ 20,000

14 8 b. To the department of human rights for staffing,
14 9 administration, and implementation of the family development
14 10 and self-sufficiency grant program as provided under section
14 11 217.12:
14 12 \$ 5,563,042

14 13 (1) Of the funds allocated for the family development and
14 14 self-sufficiency grant program in this lettered paragraph, not
14 15 more than 5 percent of the funds shall be used for the
14 16 administration of the grant program.

14 17 (2) The department of human rights may continue to
14 18 implement the family development and self-sufficiency grant
14 19 program statewide during fiscal year 2008=2009.

14 20 (3) The department of human rights is responsible for
14 21 complying with all federal temporary assistance for needy
14 22 families block grant requirements with respect to the funds
14 23 allocated in this lettered paragraph and for any federal
14 24 penalty that may result from a failure to meet the
14 25 requirements. These responsibilities include but are not
14 26 limited to ensuring that all expenditures of federal block
14 27 grant and state maintenance of effort funds are appropriate
14 28 and allowable in accordance with federal requirements and meet
14 29 federal work participation requirements with respect to the
14 30 population receiving benefits or services under the family
14 31 development and self-sufficiency grant program that are
14 32 subject to work requirements.

14 33 (4) With the allocation of funding for the family
14 34 development and self-sufficiency grant program directly to the
14 35 department of human rights in lieu of allocation through the
15 1 department of human services, the department of human rights
15 2 shall assume all responsibility for the grant program. The
15 3 responsibility includes identifying and addressing
15 4 implementation of any revisions in state law or administrative
15 5 rule needed to effect this change, including but not limited
15 6 to identifying any amendments needed to section 217.12.

15 7 (5) The department of human rights shall provide the
15 8 department of human services with information necessary for
15 9 compliance with federal temporary assistance for needy
15 10 families block grant state plan and reporting requirements,
15 11 including but not limited to financial and data reports.

15 12 c. For the diversion subaccount of the FIP account:
15 13 \$ 2,814,000

15 14 (1) A portion of the moneys allocated for the subaccount
15 15 may be used for field operations salaries, data management
15 16 system development, and implementation costs and support
15 17 deemed necessary by the director of human services in order to
15 18 administer the FIP diversion program.

15 19 (2) Of the funds allocated in this lettered paragraph, not
15 20 more than \$250,000 shall be used to develop or continue
15 21 community-level parental obligation pilot projects. The
15 22 requirements established under 2001 Iowa Acts, chapter 191,
15 23 section 3, subsection 5, paragraph "c", subparagraph (3),
15 24 shall remain applicable to the parental obligation pilot
15 25 projects for fiscal year 2008=2009. Notwithstanding 441 IAC
15 26 100.8, providing for termination of rules relating to the
15 27 pilot projects the earlier of October 1, 2006, or when
15 28 legislative authority is discontinued, the rules relating to
15 29 the pilot projects shall remain in effect until June 30, 2009.

15 30 d. For continuation of the program to provide transitional
15 31 benefits to families with members who are employed at the time
15 32 the family leaves the family investment program in accordance
15 33 with section 239B.11A:
15 34 \$ 2,000,000

15 35 e. For the food stamp employment and training program:
16 1 \$ 68,059

16 2 f. For the JOBS program:
16 3 \$ 22,310,116

16 4 5. Of the child support collections assigned under FIP, an
16 5 amount equal to the federal share of support collections shall
16 6 be credited to the child support recovery appropriation. Of
16 7 the remainder of the assigned child support collections
16 8 received by the child support recovery unit, a portion shall
16 9 be credited to the FIP account, a portion may be used to
16 10 increase recoveries, and a portion may be used to sustain cash

16 11 flow in the child support payments account. If as a result
16 12 the appropriations allocated in this section are insufficient
16 13 to sustain cash assistance payments and meet federal
16 14 maintenance of effort requirements, the department shall seek
16 15 supplemental funding. If child support collections assigned
16 16 under FIP are greater than estimated or are otherwise
16 17 determined not to be required for maintenance of effort, the
16 18 state share of either amount may be transferred to or retained
16 19 in the child support payment account.

16 20 6. The department may adopt emergency rules for the family
16 21 investment, JOBS, family development and self-sufficiency
16 22 grant, food stamp, and medical assistance programs if
16 23 necessary to comply with federal requirements.

16 24 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
16 25 appropriated from the general fund of the state to the
16 26 department of human services for the fiscal year beginning
16 27 July 1, 2008, and ending June 30, 2009, the following amount,
16 28 or so much thereof as is necessary, to be used for the purpose
16 29 designated:

16 30 To be credited to the family investment program (FIP)
16 31 account and used for family investment program assistance
16 32 under chapter 239B:

16 33 \$ 42,675,127

16 34 1. Of the funds appropriated in this section, \$8,975,588
16 35 is allocated for the JOBS program.

17 1 2. Of the funds appropriated in this section, \$2,584,367
17 2 is allocated for the family development and self-sufficiency
17 3 grant program as provided under section 217.12 and this
17 4 division of this Act. The department of human rights shall
17 5 ensure that the expenditures of moneys allocated from the
17 6 general fund of the state pursuant to this subsection are
17 7 eligible to be considered as state maintenance of effort
17 8 expenditures under federal temporary assistance for needy
17 9 families block grant requirements.

17 10 3. a. Of the funds appropriated in this section, \$250,000
17 11 shall be used for a grant to an Iowa-based nonprofit
17 12 organization with a history of providing tax preparation
17 13 assistance to low-income Iowans in order to expand the usage
17 14 of the earned income tax credit. The purpose of the grant is
17 15 to supply this assistance to underserved areas of the state.
17 16 The grant shall be provided to an organization that has
17 17 existing national foundation support for supplying such
17 18 assistance that can also secure local charitable match
17 19 funding.

17 20 b. The general assembly supports efforts by the
17 21 organization receiving funding under this subsection to create
17 22 a statewide earned income tax credit and asset-building
17 23 coalition to achieve both of the following purposes:

17 24 (1) Expanding the usage of the tax credit through new and
17 25 enhanced outreach and marketing strategies, as well as
17 26 identifying new local sites and human and financial resources.

17 27 (2) Assessing and recommending various strategies for
17 28 Iowans to develop assets through savings, individual
17 29 development accounts, financial literacy, antipredatory
17 30 lending initiatives, informed home ownership, use of various
17 31 forms of support for work, and microenterprise business
17 32 development targeted to persons who are self-employed or have
17 33 fewer than five employees.

17 34 4. Notwithstanding section 8.39, for the fiscal year
17 35 beginning July 1, 2008, if necessary to meet federal
18 1 maintenance of effort requirements or to transfer federal
18 2 temporary assistance for needy families block grant funding to
18 3 be used for purposes of the federal social services block
18 4 grant or to meet cash flow needs resulting from delays in
18 5 receiving federal funding or to implement, in accordance with
18 6 this division of this Act, activities currently funded with
18 7 juvenile court services, county, or community moneys and state
18 8 moneys used in combination with such moneys, the department of
18 9 human services may transfer funds within or between any of the
18 10 appropriations made in this division of this Act and
18 11 appropriations in law for the federal social services block
18 12 grant to the department for the following purposes, provided
18 13 that the combined amount of state and federal temporary
18 14 assistance for needy families block grant funding for each
18 15 appropriation remains the same before and after the transfer:

18 16 a. For the family investment program.

18 17 b. For child care assistance.

18 18 c. For child and family services.

18 19 d. For field operations.

18 20 e. For general administration.

18 21 f. MH/MR/DD/BI community services (local purchase).

18 22 This subsection shall not be construed to prohibit the use
18 23 of existing state transfer authority for other purposes. The
18 24 department shall report any transfers made pursuant to this
18 25 subsection to the legislative services agency.

18 26 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
18 27 from the general fund of the state to the department of human
18 28 services for the fiscal year beginning July 1, 2008, and
18 29 ending June 30, 2009, the following amount, or so much thereof
18 30 as is necessary, to be used for the purposes designated:

18 31 For child support recovery, including salaries, support,
18 32 maintenance, and miscellaneous purposes, and for not more than
18 33 the following full-time equivalent positions:

18 34 \$ 14,951,757
18 35 FTEs 515.00

19 1 1. The department shall expend up to \$31,000, including
19 2 federal financial participation, for the fiscal year beginning
19 3 July 1, 2008, for a child support public awareness campaign.
19 4 The department and the office of the attorney general shall
19 5 cooperate in continuation of the campaign. The public
19 6 awareness campaign shall emphasize, through a variety of media
19 7 activities, the importance of maximum involvement of both
19 8 parents in the lives of their children as well as the
19 9 importance of payment of child support obligations.

19 10 2. Federal access and visitation grant moneys shall be
19 11 issued directly to private not-for-profit agencies that
19 12 provide services designed to increase compliance with the
19 13 child access provisions of court orders, including but not
19 14 limited to neutral visitation sites and mediation services.

19 15 3. The appropriation made to the department for child
19 16 support recovery may be used throughout the fiscal year in the
19 17 manner necessary for purposes of cash flow management, and for
19 18 cash flow management purposes the department may temporarily
19 19 draw more than the amount appropriated, provided the amount
19 20 appropriated is not exceeded at the close of the fiscal year.

19 21 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from
19 22 the general fund of the state to the department of human
19 23 services for the fiscal year beginning July 1, 2008, and
19 24 ending June 30, 2009, the following amount, or so much thereof
19 25 as is necessary, to be used for the purpose designated:

19 26 For medical assistance reimbursement and associated costs
19 27 as specifically provided in the reimbursement methodologies in
19 28 effect on June 30, 2008, except as otherwise expressly
19 29 authorized by law, including reimbursement for abortion
19 30 services which shall be available under the medical assistance
19 31 program only for those abortions which are medically
19 32 necessary:

19 33 \$646,745,853

19 34 1. Medically necessary abortions are those performed under
19 35 any of the following conditions:

20 1 a. The attending physician certifies that continuing the
20 2 pregnancy would endanger the life of the pregnant woman.

20 3 b. The attending physician certifies that the fetus is
20 4 physically deformed, mentally deficient, or afflicted with a
20 5 congenital illness.

20 6 c. The pregnancy is the result of a rape which is reported
20 7 within 45 days of the incident to a law enforcement agency or
20 8 public or private health agency which may include a family
20 9 physician.

20 10 d. The pregnancy is the result of incest which is reported
20 11 within 150 days of the incident to a law enforcement agency or
20 12 public or private health agency which may include a family
20 13 physician.

20 14 e. Any spontaneous abortion, commonly known as a
20 15 miscarriage, if not all of the products of conception are
20 16 expelled.

20 17 2. The department shall utilize not more than \$60,000 of
20 18 the funds appropriated in this section to continue the
20 19 AIDS/HIV health insurance premium payment program as
20 20 established in 1992 Iowa Acts, Second Extraordinary Session,
20 21 chapter 1001, section 409, subsection 6. Of the funds
20 22 allocated in this subsection, not more than \$5,000 may be
20 23 expended for administrative purposes.

20 24 3. Of the funds appropriated in this Act to the department
20 25 of public health for addictive disorders, \$950,000 for the
20 26 fiscal year beginning July 1, 2008, shall be transferred to
20 27 the department of human services for an integrated substance
20 28 abuse managed care system. The department shall not assume
20 29 management of the substance abuse system in place of the
20 30 managed care contractor unless such a change in approach is
20 31 specifically authorized in law. The departments of human
20 32 services and public health shall work together to maintain the

20 33 level of mental health and substance abuse services provided
20 34 by the managed care contractor through the Iowa plan for
20 35 behavioral health. Each department shall take the steps
21 1 necessary to continue the federal waivers as necessary to
21 2 maintain the level of services.

21 3 4. a. The department shall aggressively pursue options
21 4 for providing medical assistance or other assistance to
21 5 individuals with special needs who become ineligible to
21 6 continue receiving services under the early and periodic
21 7 screening, diagnosis, and treatment program under the medical
21 8 assistance program due to becoming 21 years of age who have
21 9 been approved for additional assistance through the
21 10 department's exception to policy provisions, but who have
21 11 health care needs in excess of the funding available through
21 12 the exception to policy provisions.

21 13 b. Of the funds appropriated in this section, \$100,000
21 14 shall be used for participation in one or more pilot projects
21 15 operated by a private provider to allow the individual or
21 16 individuals to receive service in the community in accordance
21 17 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
21 18 (1999), for the purpose of providing medical assistance or
21 19 other assistance to individuals with special needs who become
21 20 ineligible to continue receiving services under the early and
21 21 periodic screening, diagnosis, and treatment program under the
21 22 medical assistance program due to becoming 21 years of age who
21 23 have been approved for additional assistance through the
21 24 department's exception to policy provisions, but who have
21 25 health care needs in excess of the funding available through
21 26 the exception to the policy provisions.

21 27 5. Of the funds appropriated in this section, up to
21 28 \$3,050,082 may be transferred to the field operations or
21 29 general administration appropriations in this Act for
21 30 operational costs associated with Part D of the federal
21 31 Medicare Prescription Drug, Improvement, and Modernization Act
21 32 of 2003, Pub. L. No. 108-173.

21 33 6. In addition to any other funds appropriated in this
21 34 Act, of the funds appropriated in this section, \$250,000 shall
21 35 be used for the grant to the Iowa healthcare collaborative as
22 1 defined in section 135.40.

22 2 7. Of the funds appropriated in this section, a portion
22 3 shall be used to enhance outreach efforts. The department may
22 4 transfer funds allocated in this subsection to the
22 5 appropriations in this division of this Act for general
22 6 administration, the state children's health insurance program,
22 7 or medical contracts, as necessary, to implement the outreach
22 8 efforts.

22 9 8. Of the funds appropriated in this section, up to
22 10 \$442,100 may be transferred to the appropriation in this Act
22 11 for medical contracts to be used for clinical assessment
22 12 services related to remedial services in accordance with
22 13 federal law.

22 14 9. Of the funds appropriated in this section, \$1,143,522
22 15 may be used for the demonstration to maintain independence and
22 16 employment (DMIE) if the waiver for DMIE is approved by the
22 17 centers for Medicare and Medicaid services of the United
22 18 States department of health and human services. Additionally,
22 19 if the waiver is approved, \$440,000 of the funds shall be
22 20 transferred to the department of corrections for DMIE
22 21 activities.

22 22 10. The drug utilization review commission shall monitor
22 23 the smoking cessation benefit provided under the medical
22 24 assistance program and shall provide a report of utilization,
22 25 client success, cost-effectiveness, and recommendations for
22 26 any changes in the benefit to the persons designated in this
22 27 Act to receive reports by January 15, 2009. If a prescriber
22 28 determines that all smoking cessation aids on the preferred
22 29 drug list are not effective or medically appropriate for a
22 30 patient, the prescriber may apply for an exception to policy
22 31 for another product approved by the United States food and
22 32 drug administration for smoking cessation pursuant to 441 IAC
22 33 1.8(1).

22 34 11. A portion of the funds appropriated in this section
22 35 may be transferred to the appropriations in this division of
23 1 this Act for general administration, medical contracts, the
23 2 state children's health insurance program, or field operations
23 3 to be used for the state match cost to comply with the payment
23 4 error rate measurement (PERM) program for both the medical
23 5 assistance and state children's health insurance programs as
23 6 developed by the centers for Medicare and Medicaid services of
23 7 the United States department of health and human services to
23 8 comply with the federal Improper Payments Information Act of

23 9 2002, Pub. L. No. 107=300.

23 10 12. It is the intent of the general assembly that the
23 11 department implement the recommendations of the assuring
23 12 better child health and development initiative II (ABCDII)
23 13 clinical panel to the Iowa early and periodic screening,
23 14 diagnostic, and treatment services healthy mental development
23 15 collaborative board regarding changes to billing procedures,
23 16 codes, and eligible service providers.

23 17 13. Of the funds appropriated in this section, a
23 18 sufficient amount is allocated to supplement the incomes of
23 19 residents of nursing facilities, intermediate care facilities
23 20 for persons with mental illness, and intermediate care
23 21 facilities for persons with mental retardation, with incomes
23 22 of less than \$50 in the amount necessary for the residents to
23 23 receive a personal needs allowance of \$50 per month pursuant
23 24 to section 249A.30A.

23 25 14. Of the funds appropriated in this section, the
23 26 following amounts shall be transferred to appropriations made
23 27 in this division of this Act to the state mental health
23 28 institutes:

- 23 29 a. Cherokee mental health institute \$ 5,933,659
- 23 30 b. Clarinda mental health institute \$ 1,289,526
- 23 31 c. Independence mental health institute \$ 5,899,400
- 23 32 d. Mount Pleasant mental health institute \$ 3,751,626

23 33 15. a. Of the funds appropriated in this section,
23 34 \$2,797,719 is allocated for state match for disproportionate
23 35 share hospital payment of \$7,321,954 to hospitals that meet
24 1 both of the following conditions:

- 24 2 (1) The hospital qualifies for disproportionate share and
- 24 3 graduate medical education payments.
- 24 4 (2) The hospital is an Iowa state-owned hospital with more
- 24 5 than 500 beds and eight or more distinct residency specialty
- 24 6 or subspecialty programs recognized by the American college of
- 24 7 graduate medical education.

24 8 b. Distribution of the disproportionate share payment
24 9 shall be made on a monthly basis. The total amount of
24 10 disproportionate share payments including graduate medical
24 11 education, enhanced disproportionate share, and Iowa
24 12 state-owned teaching hospital payments shall not exceed the
24 13 amount of the state's allotment under Pub. L. No. 102=234. In
24 14 addition, the total amount of all disproportionate share
24 15 payments shall not exceed the hospital-specific
24 16 disproportionate share limits under Pub. L. No. 103=66.

24 17 16. Of the funds appropriated in this section, \$250,000
24 18 shall be used for the Iowa chronic care consortium pursuant to
24 19 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
24 20 Iowa Acts, chapter 179, sections 166 and 167.

24 21 17. The department shall implement cost-saving initiatives
24 22 including implementing a surcharge for claims filed on paper
24 23 when electronic filing is available and collecting a
24 24 supplemental rebate for diabetic supplies.

24 25 18. One hundred percent of the nonfederal share of payments
24 26 to area education agencies that are medical assistance
24 27 providers for medical assistance-covered services provided to
24 28 medical assistance-covered children, shall be made from the
24 29 appropriation made in this section.

24 30 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
24 31 is appropriated from the general fund of the state to the
24 32 department of human services for the fiscal year beginning
24 33 July 1, 2008, and ending June 30, 2009, the following amount,
24 34 or so much thereof as is necessary, to be used for the purpose
24 35 designated:

- 25 1 For administration of the health insurance premium payment
- 25 2 program, including salaries, support, maintenance, and
- 25 3 miscellaneous purposes, and for not more than the following
- 25 4 full-time equivalent positions:
- 25 5 \$ 566,338
- 25 6 FTEs 21.00

25 7 Sec. 11. MEDICAL CONTRACTS. There is appropriated from
25 8 the general fund of the state to the department of human
25 9 services for the fiscal year beginning July 1, 2008, and
25 10 ending June 30, 2009, the following amount, or so much thereof
25 11 as is necessary, to be used for the purpose designated:

- 25 12 For medical contracts, including salaries, support,
- 25 13 maintenance, and miscellaneous purposes, and for not more than
- 25 14 the following full-time equivalent positions:
- 25 15 \$ 14,546,616
- 25 16 FTEs 6.00

25 17 1. Of the funds appropriated in this section, \$50,000
25 18 shall be used for electronic cross-matching with state vital
25 19 records databases through the department of public health.

25 20 2. Of the funds appropriated in this section, \$250,000
25 21 shall be used for monitoring of home and community-based
25 22 services waivers.

25 23 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

25 24 1. There is appropriated from the general fund of the
25 25 state to the department of human services for the fiscal year
25 26 beginning July 1, 2008, and ending June 30, 2009, the
25 27 following amount, or so much thereof as is necessary, to be
25 28 used for the purpose designated:

25 29 For the state supplementary assistance program:

25 30 \$ 18,310,335

25 31 2. The department shall increase the personal needs
25 32 allowance for residents of residential care facilities by the
25 33 same percentage and at the same time as federal supplemental
25 34 security income and federal social security benefits are
25 35 increased due to a recognized increase in the cost of living.
26 1 The department may adopt emergency rules to implement this
26 2 subsection.

26 3 3. If during the fiscal year beginning July 1, 2008, the
26 4 department projects that state supplementary assistance
26 5 expenditures for a calendar year will not meet the federal
26 6 pass-through requirement specified in Title XVI of the federal
26 7 Social Security Act, section 1618, as codified in 42 U.S.C. }
26 8 1382g, the department may take actions including but not
26 9 limited to increasing the personal needs allowance for
26 10 residential care facility residents and making programmatic
26 11 adjustments or upward adjustments of the residential care
26 12 facility or in-home health-related care reimbursement rates
26 13 prescribed in this division of this Act to ensure that federal
26 14 requirements are met. In addition, the department may make
26 15 other programmatic and rate adjustments necessary to remain
26 16 within the amount appropriated in this section while ensuring
26 17 compliance with federal requirements. The department may
26 18 adopt emergency rules to implement the provisions of this
26 19 subsection.

26 20 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

26 21 1. There is appropriated from the general fund of the
26 22 state to the department of human services for the fiscal year
26 23 beginning July 1, 2008, and ending June 30, 2009, the
26 24 following amount, or so much thereof as is necessary, to be
26 25 used for the purpose designated:

26 26 For maintenance of the healthy and well kids in Iowa (hawk=
26 27 i) program pursuant to chapter 514I for receipt of federal
26 28 financial participation under Title XXI of the federal Social
26 29 Security Act, which creates the state children's health
26 30 insurance program:

26 31 \$ 15,158,637

26 32 2. If sufficient funding is available under this Act, and
26 33 if federal reauthorization of the state children's health
26 34 insurance program provides sufficient federal allocations to
26 35 the state and authorization to cover the following populations
27 1 as an option under the state children's health insurance
27 2 program, the department may expand coverage under the state
27 3 children's health insurance program as follows:

27 4 a. By eliminating the categorical exclusion of state
27 5 employees from receiving state children's health insurance
27 6 program benefits.

27 7 b. By providing coverage for legal immigrant children and
27 8 pregnant women not eligible under current federal guidelines.

27 9 c. By covering children up to age twenty-one, or up to age
27 10 twenty-three if the child is attending school.

27 11 3. If the United States Congress does not authorize
27 12 additional federal funds necessary to address the shortfall
27 13 for the state children's health insurance program for the
27 14 federal fiscal year beginning October 1, 2007, and ending
27 15 September 30, 2008, the department may use 100 percent of
27 16 state funds from the appropriation made in this section for
27 17 the period beginning July 1, 2008, and ending September 30,
27 18 2009, and may, after consultation with the governor and the
27 19 general assembly, utilize funding from the appropriations made
27 20 in this Act for medical assistance to maintain the state
27 21 children's health insurance program. If deemed necessary, the
27 22 department shall request a supplemental appropriation from the
27 23 Eighty-third General Assembly, 2009 Session, to address any
27 24 remaining shortfall for the fiscal year beginning July 1,
27 25 2008.

27 26 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
27 27 from the general fund of the state to the department of human
27 28 services for the fiscal year beginning July 1, 2008, and
27 29 ending June 30, 2009, the following amount, or so much thereof
27 30 as is necessary, to be used for the purpose designated:

27 31 For child care programs:
27 32 \$ 39,298,895
27 33 1. Of the funds appropriated in this section, \$36,043,083
27 34 shall be used for state child care assistance in accordance
27 35 with section 237A.13.
28 1 2. Nothing in this section shall be construed or is
28 2 intended as or shall imply a grant of entitlement for services
28 3 to persons who are eligible for assistance due to an income
28 4 level consistent with the waiting list requirements of section
28 5 237A.13. Any state obligation to provide services pursuant to
28 6 this section is limited to the extent of the funds
28 7 appropriated in this section.
28 8 3. Of the funds appropriated in this section, \$525,524 is
28 9 allocated for the statewide program for child care resource
28 10 and referral services under section 237A.26. A list of the
28 11 registered and licensed child care facilities operating in the
28 12 area served by a child care resource and referral service
28 13 shall be made available to the families receiving state child
28 14 care assistance in that area.
28 15 4. Of the funds appropriated in this section, \$1,180,288
28 16 is allocated for child care quality improvement initiatives
28 17 including but not limited to the voluntary quality rating
28 18 system in accordance with section 237A.30.
28 19 5. The department may use any of the funds appropriated in
28 20 this section as a match to obtain federal funds for use in
28 21 expanding child care assistance and related programs. For the
28 22 purpose of expenditures of state and federal child care
28 23 funding, funds shall be considered obligated at the time
28 24 expenditures are projected or are allocated to the
28 25 department's service areas. Projections shall be based on
28 26 current and projected caseload growth, current and projected
28 27 provider rates, staffing requirements for eligibility
28 28 determination and management of program requirements including
28 29 data systems management, staffing requirements for
28 30 administration of the program, contractual and grant
28 31 obligations and any transfers to other state agencies, and
28 32 obligations for decategorization or innovation projects.
28 33 6. A portion of the state match for the federal child care
28 34 and development block grant shall be provided as necessary to
28 35 meet federal matching funds requirements through the state
29 1 general fund appropriation made for child development grants
29 2 and other programs for at-risk children in section 279.51.
29 3 7. Of the funds appropriated in this section, \$1,200,000
29 4 is transferred to the Iowa empowerment fund from which it is
29 5 appropriated to be used for professional development for the
29 6 system of early care, health, and education.
29 7 8. Of the funds appropriated in this section, \$350,000
29 8 shall be allocated to a county with a population of more than
29 9 300,000 to be used for a grant to support child care center
29 10 services provided to children with mental, physical, or
29 11 emotional challenges in order for the children to remain in a
29 12 home or family setting.
29 13 9. Notwithstanding section 8.33, moneys appropriated in
29 14 this section or received from the federal appropriations made
29 15 for the purposes of this section that remain unencumbered or
29 16 unobligated at the close of the fiscal year shall not revert
29 17 to any fund but shall remain available for expenditure for the
29 18 purposes designated until the close of the succeeding fiscal
29 19 year.
29 20 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
29 21 from the general fund of the state to the department of human
29 22 services for the fiscal year beginning July 1, 2008, and
29 23 ending June 30, 2009, the following amounts, or so much
29 24 thereof as is necessary, to be used for the purposes
29 25 designated:
29 26 1. For operation of the Iowa juvenile home at Toledo and
29 27 for salaries, support, and maintenance, and for not more than
29 28 the following full-time equivalent positions:
29 29 \$ 7,579,484
29 30 FTEs 126.00
29 31 2. For operation of the state training school at Eldora
29 32 and for salaries, support, and maintenance, and for not more
29 33 than the following full-time equivalent positions:
29 34 \$ 11,948,327
29 35 FTEs 202.70
30 1 3. A portion of the moneys appropriated in this section
30 2 shall be used by the state training school and by the Iowa
30 3 juvenile home for grants for adolescent pregnancy prevention
30 4 activities at the institutions in the fiscal year beginning
30 5 July 1, 2008.
30 6 Sec. 16. CHILD AND FAMILY SERVICES.

30 7 1. There is appropriated from the general fund of the
30 8 state to the department of human services for the fiscal year
30 9 beginning July 1, 2008, and ending June 30, 2009, the
30 10 following amount, or so much thereof as is necessary, to be
30 11 used for the purpose designated:
30 12 For child and family services:

30 13 \$ 88,546,565

30 14 2. In order to address a reduction of \$5,200,000 from the
30 15 amount allocated under the appropriation made for the purposes
30 16 of this section in prior years for purposes of juvenile
30 17 delinquent graduated sanction services, up to \$5,200,000 of
30 18 the amount of federal temporary assistance for needy families
30 19 block grant funding appropriated in this division of this Act
30 20 for child and family services shall be made available for
30 21 purposes of juvenile delinquent graduated sanction services.

30 22 3. The department may transfer funds appropriated in this
30 23 section as necessary to pay the nonfederal costs of services
30 24 reimbursed under the medical assistance program or the family
30 25 investment program which are provided to children who would
30 26 otherwise receive services paid under the appropriation in
30 27 this section. The department may transfer funds appropriated
30 28 in this section to the appropriations in this division of this
30 29 Act for general administration and for field operations for
30 30 resources necessary to implement and operate the services
30 31 funded in this section.

30 32 4. a. Of the funds appropriated in this section, up to
30 33 \$36,441,744 is allocated as the statewide expenditure target
30 34 under section 232.143 for group foster care maintenance and
30 35 services.

31 1 b. If at any time after September 30, 2008, annualization
31 2 of a service area's current expenditures indicates a service
31 3 area is at risk of exceeding its group foster care expenditure
31 4 target under section 232.143 by more than 5 percent, the
31 5 department and juvenile court services shall examine all group
31 6 foster care placements in that service area in order to
31 7 identify those which might be appropriate for termination. In
31 8 addition, any aftercare services believed to be needed for the
31 9 children whose placements may be terminated shall be
31 10 identified. The department and juvenile court services shall
31 11 initiate action to set dispositional review hearings for the
31 12 placements identified. In such a dispositional review
31 13 hearing, the juvenile court shall determine whether needed
31 14 aftercare services are available and whether termination of
31 15 the placement is in the best interest of the child and the
31 16 community.

31 17 5. In accordance with the provisions of section 232.188,
31 18 the department shall continue the child welfare and juvenile
31 19 justice funding initiative. Of the funds appropriated in this
31 20 section, \$2,605,000 is allocated specifically for expenditure
31 21 through the decategorization service funding pools and
31 22 governance boards established pursuant to section 232.188. In
31 23 addition, up to \$1,000,000 of the amount of federal temporary
31 24 assistance for needy families block grant funding appropriated
31 25 in this division of this Act for child and family services
31 26 shall be made available for purposes of the decategorization
31 27 initiative as provided in this subsection.

31 28 6. A portion of the funds appropriated in this section may
31 29 be used for emergency family assistance to provide other
31 30 resources required for a family participating in a family
31 31 preservation or reunification project or successor project to
31 32 stay together or to be reunified.

31 33 7. Notwithstanding section 234.35 or any other provision
31 34 of law to the contrary, state funding for shelter care shall
31 35 be limited to \$7,072,215. The department shall work with the
32 1 coalition for children and family services in Iowa and other
32 2 representatives of shelter care providers to reduce the number
32 3 of guaranteed shelter beds and shift a portion of available
32 4 funding to develop new or expand existing emergency services
32 5 for children who might otherwise be served in shelter care.
32 6 The emergency services shall use shelter care agencies and may
32 7 include mobile crisis response units for child and family
32 8 crises, in-home supervision services, emergency family foster
32 9 care homes, expanding capacity to provide emergency services
32 10 in other family foster care homes, or provide flexible funding
32 11 for emergency services based on evidence-based practices.

32 12 8. Federal funds received by the state during the fiscal
32 13 year beginning July 1, 2008, as the result of the expenditure
32 14 of state funds appropriated during a previous state fiscal
32 15 year for a service or activity funded under this section are
32 16 appropriated to the department to be used as additional
32 17 funding for services and purposes provided for under this

32 18 section. Notwithstanding section 8.33, moneys received in
32 19 accordance with this subsection that remain unencumbered or
32 20 unobligated at the close of the fiscal year shall not revert
32 21 to any fund but shall remain available for the purposes
32 22 designated until the close of the succeeding fiscal year.

32 23 9. Of the funds appropriated in this section, \$3,696,285
32 24 shall be used for protective child care assistance.

32 25 10. a. Of the funds appropriated in this section, up to
32 26 \$2,268,963 is allocated for the payment of the expenses of
32 27 court-ordered services provided to juveniles who are under the
32 28 supervision of juvenile court services, which expenses are a
32 29 charge upon the state pursuant to section 232.141, subsection

32 30 4. Of the amount allocated in this lettered paragraph, up to
32 31 \$1,556,287 shall be made available to provide school-based
32 32 supervision of children adjudicated under chapter 232, of
32 33 which not more than \$15,000 may be used for the purpose of
32 34 training. A portion of the cost of each school-based liaison
32 35 officer shall be paid by the school district or other funding

33 1 source as approved by the chief juvenile court officer.

33 2 b. Of the funds appropriated in this section, up to
33 3 \$823,965 is allocated for the payment of the expenses of
33 4 court-ordered services provided to children who are under the
33 5 supervision of the department, which expenses are a charge

33 6 upon the state pursuant to section 232.141, subsection 4.
33 7 c. Notwithstanding section 232.141 or any other provision
33 8 of law to the contrary, the amounts allocated in this
33 9 subsection shall be distributed to the judicial districts as
33 10 determined by the state court administrator and to the
33 11 department's service areas as determined by the administrator
33 12 of the department's division of child and family services.

33 13 The state court administrator and the division administrator
33 14 shall make the determination of the distribution amounts on or
33 15 before June 15, 2008.

33 16 d. Notwithstanding chapter 232 or any other provision of
33 17 law to the contrary, a district or juvenile court shall not
33 18 order any service which is a charge upon the state pursuant to
33 19 section 232.141 if there are insufficient court-ordered
33 20 services funds available in the district court or departmental
33 21 service area distribution amounts to pay for the service. The
33 22 chief juvenile court officer and the departmental service area
33 23 manager shall encourage use of the funds allocated in this
33 24 subsection such that there are sufficient funds to pay for all
33 25 court-related services during the entire year. The chief
33 26 juvenile court officers and departmental service area managers
33 27 shall attempt to anticipate potential surpluses and shortfalls
33 28 in the distribution amounts and shall cooperatively request
33 29 the state court administrator or division administrator to
33 30 transfer funds between the judicial districts' or departmental
33 31 service areas' distribution amounts as prudent.

33 32 e. Notwithstanding any provision of law to the contrary, a
33 33 district or juvenile court shall not order a county to pay for
33 34 any service provided to a juvenile pursuant to an order
33 35 entered under chapter 232 which is a charge upon the state
34 1 under section 232.141, subsection 4.

34 2 f. Of the funds allocated in this subsection, not more
34 3 than \$100,000 may be used by the judicial branch for
34 4 administration of the requirements under this subsection.

34 5 11. Of the funds appropriated in this section, \$1,030,000
34 6 shall be transferred to the department of public health to be
34 7 used for the child protection center grant program in
34 8 accordance with section 135.118.

34 9 12. If the department receives federal approval to
34 10 implement a waiver under Title IV-E of the federal Social
34 11 Security Act to enable providers to serve children who remain
34 12 in the children's families and communities, for purposes of
34 13 eligibility under the medical assistance program children who
34 14 participate in the waiver shall be considered to be placed in
34 15 foster care.

34 16 13. Of the funds appropriated in this section, \$3,072,164
34 17 is allocated for the preparation for adult living program
34 18 pursuant to section 234.46.

34 19 14. Of the funds appropriated in this section, \$1,030,000
34 20 shall be used for juvenile drug courts. The amount allocated
34 21 in this subsection shall be distributed as follows:

34 22 a. To the judicial branch for salaries to assist with the
34 23 operation of juvenile drug court programs operated in the
34 24 following jurisdictions:

34 25 (1) Marshall county:

34 26 \$ 61,800

34 27 (2) Woodbury county:

34 28 \$ 123,862

34 29 (3) Polk county:
 34 30 \$ 193,057
 34 31 (4) The third judicial district:
 34 32 \$ 66,950
 34 33 (5) The eighth judicial district:
 34 34 \$ 66,950

34 35 b. For court-ordered services to support substance abuse
 35 1 services provided to the juveniles participating in the
 35 2 juvenile drug court programs listed in paragraph "a" and the
 35 3 juveniles' families:
 35 4 \$ 517,381

35 5 The state court administrator shall allocate the funding
 35 6 designated in this paragraph among the programs.

35 7 15. Of the funds appropriated in this section, \$203,000 is
 35 8 allocated for the multidimensional treatment level foster care
 35 9 program established pursuant to 2006 Iowa Acts, chapter 1123.

35 10 16. Of the funds appropriated in this section, \$236,900
 35 11 shall be used for a grant to a nonprofit human services
 35 12 organization providing services to individuals and families in
 35 13 multiple locations in southwest Iowa and Nebraska for support
 35 14 of a project providing immediate, sensitive support and
 35 15 forensic interviews, medical exams, needs assessments, and
 35 16 referrals for victims of child abuse and their nonoffending
 35 17 family members.

35 18 17. Of the funds appropriated in this section, \$120,000 is
 35 19 allocated for the elevate approach of providing a support
 35 20 network to children placed in foster care.

35 21 18. Of the funds appropriated in this section, \$300,000 is
 35 22 allocated for sibling visitation provisions for children
 35 23 subject to a court order for out-of-home placement in
 35 24 accordance with section 232.108.

35 25 19. Of the funds appropriated in this section, \$200,000 is
 35 26 allocated for use pursuant to section 235A.1 for the
 35 27 initiative to address child sexual abuse implemented pursuant
 35 28 to 2007 Iowa Acts, ch. 218, section 18, subsection 21.

35 29 20. Of the funds appropriated in this section, \$80,000 is
 35 30 allocated for renewal of a grant to a county with a population
 35 31 between 189,000 and 196,000 in the latest preceding certified
 35 32 federal census for implementation of the county's runaway
 35 33 treatment plan under section 232.195.

35 34 21. Of the funds appropriated in this section, \$418,000 is
 35 35 allocated for the community partnership for child protection
 36 1 sites.

36 2 22. Of the funds appropriated in this section, \$375,000 is
 36 3 allocated for the department's minority youth and family
 36 4 projects under the redesign of the child welfare system.

36 5 23. Of the funds appropriated in this section, \$300,000 is
 36 6 allocated for funding of the state match for the federal
 36 7 substance abuse and mental health services administration
 36 8 (SAMHSA) system of care grant.

36 9 24. The department shall develop options for providing a
 36 10 growth mechanism for reimbursement of the child and family
 36 11 services traditionally funded under this appropriation. The
 36 12 growth mechanism options may provide for a tie to allowable
 36 13 growth for school aid, an inflationary adjustment reflective
 36 14 of the cost increases for the services, or other reasonable
 36 15 proxy for the cost increases affecting such service providers.

36 16 Sec. 17. ADOPTION SUBSIDY.

36 17 1. There is appropriated from the general fund of the
 36 18 state to the department of human services for the fiscal year
 36 19 beginning July 1, 2008, and ending June 30, 2009, the
 36 20 following amount, or so much thereof as is necessary, to be
 36 21 used for the purpose designated:

36 22 For adoption subsidy payments and services:
 36 23 \$ 32,568,872

36 24 2. The department may transfer funds appropriated in this
 36 25 section to the appropriations in this Act for child and family
 36 26 services to be used for adoptive family recruitment and other
 36 27 services to achieve adoption.

36 28 3. Federal funds received by the state during the fiscal
 36 29 year beginning July 1, 2008, as the result of the expenditure
 36 30 of state funds during a previous state fiscal year for a
 36 31 service or activity funded under this section are appropriated
 36 32 to the department to be used as additional funding for the
 36 33 services and activities funded under this section.

36 34 Notwithstanding section 8.33, moneys received in accordance
 36 35 with this subsection that remain unencumbered or unobligated
 37 1 at the close of the fiscal year shall not revert to any fund
 37 2 but shall remain available for expenditure for the purposes
 37 3 designated until the close of the succeeding fiscal year.

37 4 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited

37 5 in the juvenile detention home fund created in section 232.142
37 6 during the fiscal year beginning July 1, 2008, and ending June
37 7 30, 2009, are appropriated to the department of human services
37 8 for the fiscal year beginning July 1, 2008, and ending June
37 9 30, 2009, for distribution of an amount equal to a percentage
37 10 of the costs of the establishment, improvement, operation, and
37 11 maintenance of county or multicounty juvenile detention homes
37 12 in the fiscal year beginning July 1, 2007. Moneys
37 13 appropriated for distribution in accordance with this section
37 14 shall be allocated among eligible detention homes, prorated on
37 15 the basis of an eligible detention home's proportion of the
37 16 costs of all eligible detention homes in the fiscal year
37 17 beginning July 1, 2007. The percentage figure shall be
37 18 determined by the department based on the amount available for
37 19 distribution for the fund. Notwithstanding section 232.142,
37 20 subsection 3, the financial aid payable by the state under
37 21 that provision for the fiscal year beginning July 1, 2008,
37 22 shall be limited to the amount appropriated for the purposes
37 23 of this section.

37 24 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

37 25 1. There is appropriated from the general fund of the
37 26 state to the department of human services for the fiscal year
37 27 beginning July 1, 2008, and ending June 30, 2009, the
37 28 following amount, or so much thereof as is necessary, to be
37 29 used for the purpose designated:

37 30 For the family support subsidy program:

37 31 \$ 1,936,434

37 32 2. The department shall use at least \$433,212 of the
37 33 moneys appropriated in this section for the family support
37 34 center component of the comprehensive family support program
37 35 under section 225C.47. Not more than \$20,000 of the amount
38 1 allocated in this subsection shall be used for administrative
38 2 costs.

38 3 Sec. 20. CONNER DECREE. There is appropriated from the
38 4 general fund of the state to the department of human services
38 5 for the fiscal year beginning July 1, 2008, and ending June
38 6 30, 2009, the following amount, or so much thereof as is
38 7 necessary, to be used for the purpose designated:

38 8 For building community capacity through the coordination
38 9 and provision of training opportunities in accordance with the
38 10 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
38 11 Iowa, July 14, 1994):

38 12 \$ 42,623

38 13 Sec. 21. MENTAL HEALTH INSTITUTES. There is appropriated
38 14 from the general fund of the state to the department of human
38 15 services for the fiscal year beginning July 1, 2008, and
38 16 ending June 30, 2009, the following amounts, or so much
38 17 thereof as is necessary, to be used for the purposes
38 18 designated:

38 19 1. For the state mental health institute at Cherokee for
38 20 salaries, support, maintenance, and miscellaneous purposes,
38 21 and for not more than the following full-time equivalent
38 22 positions:

38 23 \$ 5,727,743
38 24 FTEs 210.00

38 25 2. For the state mental health institute at Clarinda for
38 26 salaries, support, maintenance, and miscellaneous purposes,
38 27 and for not more than the following full-time equivalent
38 28 positions:

38 29 \$ 7,023,073
38 30 FTEs 109.95

38 31 3. For the state mental health institute at Independence
38 32 for salaries, support, maintenance, and miscellaneous
38 33 purposes, and for not more than the following full-time
38 34 equivalent positions:

38 35 \$ 10,495,879
39 1 FTEs 287.66

39 2 4. For the state mental health institute at Mount Pleasant
39 3 for salaries, support, maintenance, and miscellaneous
39 4 purposes, and for not more than the following full-time
39 5 equivalent positions:

39 6 \$ 1,874,721
39 7 FTEs 116.44

39 8 Sec. 22. STATE RESOURCE CENTERS.

39 9 1. There is appropriated from the general fund of the
39 10 state to the department of human services for the fiscal year
39 11 beginning July 1, 2008, and ending June 30, 2009, the
39 12 following amounts, or so much thereof as is necessary, to be
39 13 used for the purposes designated:

39 14 a. For the state resource center at Glenwood for salaries,
39 15 support, maintenance, and miscellaneous purposes:

39 16 \$ 17,102,330
39 17 b. For the state resource center at Woodward for salaries,
39 18 support, maintenance, and miscellaneous purposes:
39 19 \$ 11,266,164
39 20 2. The department may continue to bill for state resource
39 21 center services utilizing a scope of services approach used
39 22 for private providers of ICFMR services, in a manner which
39 23 does not shift costs between the medical assistance program,
39 24 counties, or other sources of funding for the state resource
39 25 centers.
39 26 3. The state resource centers may expand the time-limited
39 27 assessment and respite services during the fiscal year.
39 28 4. If the department's administration and the department
39 29 of management concur with a finding by a state resource
39 30 center's superintendent that projected revenues can reasonably
39 31 be expected to pay the salary and support costs for a new
39 32 employee position, or that such costs for adding a particular
39 33 number of new positions for the fiscal year would be less than
39 34 the overtime costs if new positions would not be added, the
39 35 superintendent may add the new position or positions. If the
40 1 vacant positions available to a resource center do not include
40 2 the position classification desired to be filled, the state
40 3 resource center's superintendent may reclassify any vacant
40 4 position as necessary to fill the desired position. The
40 5 superintendents of the state resource centers may, by mutual
40 6 agreement, pool vacant positions and position classifications
40 7 during the course of the fiscal year in order to assist one
40 8 another in filling necessary positions.
40 9 5. If existing capacity limitations are reached in
40 10 operating units, a waiting list is in effect for a service or
40 11 a special need for which a payment source or other funding is
40 12 available for the service or to address the special need, and
40 13 facilities for the service or to address the special need can
40 14 be provided within the available payment source or other
40 15 funding, the superintendent of a state resource center may
40 16 authorize opening not more than two units or other facilities
40 17 and begin implementing the service or addressing the special
40 18 need during fiscal year 2008=2009.
40 19 Sec. 23. MI/MR/DD STATE CASES.
40 20 1. There is appropriated from the general fund of the
40 21 state to the department of human services for the fiscal year
40 22 beginning July 1, 2008, and ending June 30, 2009, the
40 23 following amount, or so much thereof as is necessary, to be
40 24 used for the purpose designated:
40 25 For distribution to counties for state case services for
40 26 persons with mental illness, mental retardation, and
40 27 developmental disabilities in accordance with section 331.440:
40 28 \$ 13,067,178
40 29 2. For the fiscal year beginning July 1, 2008, and ending
40 30 June 30, 2009, \$200,000 is allocated for state case services
40 31 from the amounts appropriated from the fund created in section
40 32 8.41 to the department of human services from the funds
40 33 received from the federal government under 42 U.S.C., ch. 6A,
40 34 subch. XVII, relating to the community mental health center
40 35 block grant, for the federal fiscal years beginning October 1,
41 1 2006, and ending September 30, 2007, beginning October 1,
41 2 2007, and ending September 30, 2008, and beginning October 1,
41 3 2008, and ending September 30, 2009. The allocation made in
41 4 this subsection shall be made prior to any other distribution
41 5 allocation of the appropriated federal funds.
41 6 3. Notwithstanding section 8.33, moneys appropriated in
41 7 this section that remain unencumbered or unobligated at the
41 8 close of the fiscal year shall not revert but shall remain
41 9 available for expenditure for the purposes designated until
41 10 the close of the succeeding fiscal year.
41 11 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
41 12 COMMUNITY SERVICES FUND. There is appropriated from the
41 13 general fund of the state to the mental health and
41 14 developmental disabilities community services fund created in
41 15 section 225C.7 for the fiscal year beginning July 1, 2008, and
41 16 ending June 30, 2009, the following amount, or so much thereof
41 17 as is necessary, to be used for the purpose designated:
41 18 For mental health and developmental disabilities community
41 19 services in accordance with this division of this Act:
41 20 \$ 18,017,890
41 21 1. Of the funds appropriated in this section, \$17,727,890
41 22 shall be allocated to counties for funding of community-based
41 23 mental health and developmental disabilities services. The
41 24 moneys shall be allocated to a county as follows:
41 25 a. Fifty percent based upon the county's proportion of the
41 26 state's population of persons with an annual income which is

41 27 equal to or less than the poverty guideline established by the
41 28 federal office of management and budget.

41 29 b. Fifty percent based upon the county's proportion of the
41 30 state's general population.

41 31 2. a. A county shall utilize the funding the county
41 32 receives pursuant to subsection 1 for services provided to
41 33 persons with a disability, as defined in section 225C.2.
41 34 However, no more than 50 percent of the funding shall be used
41 35 for services provided to any one of the service populations.

42 1 b. A county shall use at least 50 percent of the funding
42 2 the county receives under subsection 1 for contemporary
42 3 services provided to persons with a disability, as described
42 4 in rules adopted by the department.

42 5 3. Of the funds appropriated in this section, \$30,000
42 6 shall be used to support the Iowa compass program providing
42 7 computerized information and referral services for Iowans with
42 8 disabilities and their families.

42 9 4. a. Funding appropriated for purposes of the federal
42 10 social services block grant is allocated for distribution to
42 11 counties for local purchase of services for persons with
42 12 mental illness or mental retardation or other developmental
42 13 disability.

42 14 b. The funds allocated in this subsection shall be
42 15 expended by counties in accordance with the county's approved
42 16 county management plan. A county without an approved county
42 17 management plan shall not receive allocated funds until the
42 18 county's management plan is approved.

42 19 c. The funds provided by this subsection shall be
42 20 allocated to each county as follows:

42 21 (1) Fifty percent based upon the county's proportion of
42 22 the state's population of persons with an annual income which
42 23 is equal to or less than the poverty guideline established by
42 24 the federal office of management and budget.

42 25 (2) Fifty percent based upon the amount provided to the
42 26 county for local purchase of services in the preceding fiscal
42 27 year.

42 28 5. A county is eligible for funds under this section if
42 29 the county qualifies for a state payment as described in
42 30 section 331.439.

42 31 6. Of the funds appropriated in this section, \$260,000 is
42 32 allocated to the department for continuing the development of
42 33 an assessment process for use beginning in a subsequent fiscal
42 34 year as authorized specifically by a statute to be enacted in
42 35 a subsequent fiscal year, determining on a consistent basis
43 1 the needs and capacities of persons seeking or receiving
43 2 mental health, mental retardation, developmental disabilities,
43 3 or brain injury services that are paid for in whole or in part
43 4 by the state or a county. The assessment process shall be
43 5 developed with the involvement of counties and the mental
43 6 health, mental retardation, developmental disabilities, and
43 7 brain injury commission.

43 8 7. The most recent population estimates issued by the
43 9 United States bureau of the census shall be applied for the
43 10 population factors utilized in this section.

43 11 Sec. 25. SEXUALLY VIOLENT PREDATORS.

43 12 1. There is appropriated from the general fund of the
43 13 state to the department of human services for the fiscal year
43 14 beginning July 1, 2008, and ending June 30, 2009, the
43 15 following amount, or so much thereof as is necessary, to be
43 16 used for the purpose designated:

43 17 For costs associated with the commitment and treatment of
43 18 sexually violent predators in the unit located at the state
43 19 mental health institute at Cherokee, including costs of legal
43 20 services and other associated costs, including salaries,
43 21 support, maintenance, and miscellaneous purposes, and for not
43 22 more than the following full-time equivalent positions:
43 23 \$ 6,492,008
43 24 FTEs 94.50

43 25 2. Unless specifically prohibited by law, if the amount
43 26 charged provides for recoupment of at least the entire amount
43 27 of direct and indirect costs, the department of human services
43 28 may contract with other states to provide care and treatment
43 29 of persons placed by the other states at the unit for sexually
43 30 violent predators at Cherokee. The moneys received under such
43 31 a contract shall be considered to be repayment receipts and
43 32 used for the purposes of the appropriation made in this
43 33 section.

43 34 Sec. 26. FIELD OPERATIONS. There is appropriated from the
43 35 general fund of the state to the department of human services
44 1 for the fiscal year beginning July 1, 2008, and ending June
44 2 30, 2009, the following amount, or so much thereof as is

44 3 necessary, to be used for the purposes designated:
 44 4 For field operations, including salaries, support,
 44 5 maintenance, and miscellaneous purposes, and for not more than
 44 6 the following full-time equivalent positions:
 44 7 \$ 66,852,732
 44 8 FTEs 2,130.68
 44 9 Priority in filling full-time equivalent positions shall be
 44 10 given to those positions related to child protection services.
 44 11 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
 44 12 from the general fund of the state to the department of human
 44 13 services for the fiscal year beginning July 1, 2008, and
 44 14 ending June 30, 2009, the following amount, or so much thereof
 44 15 as is necessary, to be used for the purpose designated:
 44 16 For general administration, including salaries, support,
 44 17 maintenance, and miscellaneous purposes, and for not more than
 44 18 the following full-time equivalent positions:
 44 19 \$ 16,782,067
 44 20 FTEs 407.50
 44 21 1. Of the funds appropriated in this section, \$57,000 is
 44 22 allocated for the prevention of disabilities policy council
 44 23 established in section 225B.3.
 44 24 2. If legislation is enacted providing for the department
 44 25 to implement an emergency mental health crisis services system
 44 26 or a mental health services system for children and youth
 44 27 through competitive bidding processes, the department shall
 44 28 begin the request for proposals and rules adoption processes
 44 29 so that implementation of the system or systems may
 44 30 expeditiously begin on or after July 1, 2009. Of the amount
 44 31 appropriated in this section, the department may use up to
 44 32 \$50,000 each for the planning and development costs to begin
 44 33 the two systems in the fiscal year beginning July 1, 2009.
 44 34 Sec. 28. VOLUNTEERS. There is appropriated from the
 44 35 general fund of the state to the department of human services
 45 1 for the fiscal year beginning July 1, 2008, and ending June
 45 2 30, 2009, the following amount, or so much thereof as is
 45 3 necessary, to be used for the purpose designated:
 45 4 For development and coordination of volunteer services:
 45 5 \$ 109,568
 45 6 Sec. 29. FAMILY PLANNING SERVICES. There is appropriated
 45 7 from the general fund of the state to the department of human
 45 8 services for the fiscal year beginning July 1, 2008, and
 45 9 ending June 30, 2009, the following amount or so much thereof
 45 10 as is necessary, to be used for the purpose designated:
 45 11 For family planning services to individuals who are not
 45 12 currently receiving the specific benefit under the medical
 45 13 assistance program:
 45 14 \$ 750,000
 45 15 Moneys appropriated under this section shall not be used to
 45 16 provide abortions. The department shall work with appropriate
 45 17 stakeholders to implement and administer the program.
 45 18 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
 45 19 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
 45 20 DEPARTMENT OF HUMAN SERVICES.
 45 21 1. a. (1) For the fiscal year beginning July 1, 2008,
 45 22 the total state funding amount for the nursing facility budget
 45 23 shall not exceed \$183,367,323.
 45 24 (2) The department, in cooperation with nursing facility
 45 25 representatives, shall review projections for state funding
 45 26 expenditures for reimbursement of nursing facilities on a
 45 27 quarterly basis and the department shall determine if an
 45 28 adjustment to the medical assistance reimbursement rate is
 45 29 necessary in order to provide reimbursement within the state
 45 30 funding amount. Any temporary enhanced federal financial
 45 31 participation that may become available to the Iowa medical
 45 32 assistance program during the fiscal year shall not be used in
 45 33 projecting the nursing facility budget. Notwithstanding 2001
 45 34 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
 45 35 "c", and subsection 3, paragraph "a", subparagraph (2), if the
 46 1 state funding expenditures for the nursing facility budget for
 46 2 the fiscal year beginning July 1, 2008, are projected to
 46 3 exceed the amount specified in subparagraph (1), the
 46 4 department shall adjust the reimbursement for nursing
 46 5 facilities reimbursed under the case-mix reimbursement system
 46 6 to maintain expenditures of the nursing facility budget within
 46 7 the specified amount. The department shall revise such
 46 8 reimbursement as necessary to adjust the annual accountability
 46 9 measures payment in accordance with the amendment in this
 46 10 division of this Act to 2001 Iowa Acts, chapter 192, section
 46 11 4, subsection 4.
 46 12 b. For the fiscal year beginning July 1, 2008, the
 46 13 department shall reimburse pharmacy dispensing fees using a

46 14 single rate of \$4.52 per prescription or the pharmacy's usual
46 15 and customary fee, whichever is lower.

46 16 c. (1) For the fiscal year beginning July 1, 2008,
46 17 reimbursement rates for inpatient and outpatient hospital
46 18 services shall remain at the rates in effect on June 30, 2008.
46 19 The department shall continue the outpatient hospital
46 20 reimbursement system based upon ambulatory patient groups
46 21 implemented pursuant to 1994 Iowa Acts, chapter 1186, section
46 22 25, subsection 1, paragraph "f", unless the department adopts
46 23 the Medicare ambulatory payment classification methodology
46 24 authorized in subparagraph (2).

46 25 (2) The department may implement the Medicare ambulatory
46 26 payment classification methodology for reimbursement of
46 27 outpatient hospital services. Any change in hospital
46 28 reimbursement shall be budget neutral.

46 29 (3) In order to ensure the efficient use of limited state
46 30 funds in procuring health care services for low-income Iowans,
46 31 funds appropriated in this Act for hospital services shall not
46 32 be used for activities which would be excluded from a
46 33 determination of reasonable costs under the federal Medicare
46 34 program pursuant to 42 U.S.C. } 1395X(v)(1)(N).

46 35 d. For the fiscal year beginning July 1, 2008,
47 1 reimbursement rates for rural health clinics, hospices,
47 2 independent laboratories, and acute mental hospitals shall be
47 3 increased in accordance with increases under the federal
47 4 Medicare program or as supported by their Medicare audited
47 5 costs.

47 6 e. (1) For the fiscal year beginning July 1, 2008,
47 7 reimbursement rates for home health agencies shall remain at
47 8 the rates in effect on June 30, 2008, not to exceed a home
47 9 health agency's actual allowable cost.

47 10 (2) The department shall establish a fixed fee
47 11 reimbursement schedule for home health agencies under the
47 12 medical assistance program beginning July 1, 2008.

47 13 f. For the fiscal year beginning July 1, 2008, federally
47 14 qualified health centers shall receive cost-based
47 15 reimbursement for 100 percent of the reasonable costs for the
47 16 provision of services to recipients of medical assistance.

47 17 g. For the fiscal year beginning July 1, 2008, the
47 18 reimbursement rates for dental services shall remain at the
47 19 rates in effect on June 30, 2008.

47 20 h. For the fiscal year beginning July 1, 2008, the maximum
47 21 reimbursement rate for psychiatric medical institutions for
47 22 children shall be \$160.71 per day.

47 23 i. For the fiscal year beginning July 1, 2008, unless
47 24 otherwise specified in this Act, all noninstitutional medical
47 25 assistance provider reimbursement rates shall remain at the
47 26 rates in effect on June 30, 2008, except for area education
47 27 agencies, local education agencies, infant and toddler
47 28 services providers, and those providers whose rates are
47 29 required to be determined pursuant to section 249A.20.

47 30 j. Notwithstanding section 249A.20, for the fiscal year
47 31 beginning July 1, 2008, the average reimbursement rate for
47 32 health care providers eligible for use of the federal Medicare
47 33 resource-based relative value scale reimbursement methodology
47 34 under that section shall remain at the rate in effect on June
47 35 30, 2008; however, this rate shall not exceed the maximum
48 1 level authorized by the federal government.

48 2 k. For the fiscal year beginning July 1, 2008, the
48 3 reimbursement rate for residential care facilities shall not
48 4 be less than the minimum payment level as established by the
48 5 federal government to meet the federally mandated maintenance
48 6 of effort requirement. The flat reimbursement rate for
48 7 facilities electing not to file semiannual cost reports shall
48 8 not be less than the minimum payment level as established by
48 9 the federal government to meet the federally mandated
48 10 maintenance of effort requirement.

48 11 1. For the fiscal year beginning July 1, 2008, inpatient
48 12 mental health services provided at hospitals shall be
48 13 reimbursed at the cost of the services, subject to Medicaid
48 14 program upper payment limit rules; community mental health
48 15 centers and providers of mental health services to county
48 16 residents pursuant to a waiver approved under section 225C.7,
48 17 subsection 3, shall be reimbursed at 100 percent of the
48 18 reasonable costs for the provision of services to recipients
48 19 of medical assistance; and psychiatrists shall be reimbursed
48 20 at the medical assistance program fee for service rate.

48 21 2. For the fiscal year beginning July 1, 2008, the
48 22 reimbursement rate for providers reimbursed under the in=
48 23 home-related care program shall not be less than the minimum
48 24 payment level as established by the federal government to meet

48 25 the federally mandated maintenance of effort requirement.

48 26 3. Unless otherwise directed in this section, when the
48 27 department's reimbursement methodology for any provider
48 28 reimbursed in accordance with this section includes an
48 29 inflation factor, this factor shall not exceed the amount by
48 30 which the consumer price index for all urban consumers
48 31 increased during the calendar year ending December 31, 2002.

48 32 4. For the fiscal year beginning July 1, 2008, the foster
48 33 family basic daily maintenance rate paid in accordance with
48 34 section 234.38, the maximum adoption subsidy rate, and the
48 35 maximum supervised apartment living foster care rate for
49 1 children ages 0 through 5 years shall be \$16.36, the rate for
49 2 children ages 6 through 11 years shall be \$17.01, the rate for
49 3 children ages 12 through 15 years shall be \$18.62, and the
49 4 rate for children ages 16 and older shall be \$18.87.

49 5 5. For the fiscal year beginning July 1, 2008, the maximum
49 6 reimbursement rates for social services providers reimbursed
49 7 under a purchase of social services contract shall remain at
49 8 the rates in effect on June 30, 2008, or the provider's actual
49 9 and allowable cost plus inflation for each service, whichever
49 10 is less. However, the rates may be adjusted under any of the
49 11 following circumstances:

49 12 a. If a new service was added after June 30, 2008, the
49 13 initial reimbursement rate for the service shall be based upon
49 14 actual and allowable costs.

49 15 b. If a social service provider loses a source of income
49 16 used to determine the reimbursement rate for the provider, the
49 17 provider's reimbursement rate may be adjusted to reflect the
49 18 loss of income, provided that the lost income was used to
49 19 support actual and allowable costs of a service purchased
49 20 under a purchase of service contract.

49 21 6. For the fiscal year beginning July 1, 2008, the
49 22 reimbursement rates for family-centered service providers,
49 23 family foster care service providers, group foster care
49 24 service providers, and the resource family recruitment and
49 25 retention contractor shall remain at rates in effect on June
49 26 30, 2008.

49 27 7. The group foster care reimbursement rates paid for
49 28 placement of children out of state shall be calculated
49 29 according to the same rate-setting principles as those used
49 30 for in-state providers, unless the director of human services
49 31 or the director's designee determines that appropriate care
49 32 cannot be provided within the state. The payment of the daily
49 33 rate shall be based on the number of days in the calendar
49 34 month in which service is provided.

49 35 8. For the fiscal year beginning July 1, 2008, the
50 1 reimbursement rates for remedial service providers shall
50 2 remain at the rates in effect for June 30, 2008.

50 3 9. a. For the fiscal year beginning July 1, 2008, the
50 4 combined service and maintenance components of the
50 5 reimbursement rate paid for shelter care services purchased
50 6 under a contract shall be based on the financial and
50 7 statistical report submitted to the department. The maximum
50 8 reimbursement rate shall be \$91.45 per day. The department
50 9 shall reimburse a shelter care provider at the provider's
50 10 actual and allowable unit cost, plus inflation, not to exceed
50 11 the maximum reimbursement rate.

50 12 b. Notwithstanding section 232.141, subsection 8, for the
50 13 fiscal year beginning July 1, 2008, the amount of the
50 14 statewide average of the actual and allowable rates for
50 15 reimbursement of juvenile shelter care homes that is utilized
50 16 for the limitation on recovery of unpaid costs shall remain at
50 17 the amount in effect for this purpose in the preceding fiscal
50 18 year.

50 19 10. For the fiscal year beginning July 1, 2008, the
50 20 department shall calculate reimbursement rates for
50 21 intermediate care facilities for persons with mental
50 22 retardation at the 80th percentile.

50 23 11. For the fiscal year beginning July 1, 2008, for child
50 24 care providers reimbursed under the state child care
50 25 assistance program, the department shall set provider
50 26 reimbursement rates based on the rate reimbursement survey
50 27 completed in December 2004. The department shall set rates in
50 28 a manner so as to provide incentives for a nonregistered
50 29 provider to become registered.

50 30 12. For the fiscal year beginning July 1, 2008,
50 31 reimbursements for providers reimbursed by the department of
50 32 human services may be modified if appropriated funding is
50 33 allocated for that purpose from the senior living trust fund
50 34 created in section 249H.4, or as specified in appropriations
50 35 from the healthy Iowans tobacco trust created in section

51 1 12.65.
51 2 13. The department may adopt emergency rules to implement
51 3 this section.

51 4 Sec. 31. 2001 Iowa Acts, chapter 192, section 4,
51 5 subsection 4, is amended to read as follows:

51 6 4. ACCOUNTABILITY MEASUREMENTS == ANNUAL
51 7 ACCOUNTABILITY PAYMENTS == DIRECT CARE WORKER COMPENSATION
51 8 REPORTING REQUIREMENTS.

51 9 a. (1) It is the intent of the general assembly that the
51 10 department of human services initiate a system to measure a
51 11 variety of elements to determine a nursing facility's capacity
51 12 to provide quality of life and appropriate access to medical
51 13 assistance program beneficiaries in a cost-effective manner.
51 14 Beginning July 1, 2001, the department shall implement a
51 15 process to collect data for these measurements and shall
51 16 develop procedures to increase nursing facility reimbursements
51 17 based upon a nursing facility's achievement of multiple
51 18 favorable outcomes as determined by these measurements. Any
51 19 increased reimbursement shall not exceed 3 percent of the
51 20 calculation of the modified price-based case-mix reimbursement
51 21 median. The increased reimbursement shall be included in the
51 22 calculation of nursing facility modified price-based payment
51 23 rates beginning July 1, 2002, with the exception of
51 24 Medicare-certified hospital-based nursing facilities,
51 25 state-operated nursing facilities, and special population
51 26 nursing facilities.

51 27 (2) Beginning July 1, 2008, notwithstanding any law or
51 28 rule to the contrary, the increased nursing facility
51 29 reimbursement available pursuant to subparagraph (1) shall be
51 30 based upon the accountability measures and calculations
51 31 existing on July 1, 2008, pursuant to 441 IAC 81.6(16)(g), as
51 32 adjusted in accordance with the following provisions, and the
51 33 increased reimbursement shall be disbursed to each qualifying
51 34 nursing facility as an accountability payment at the end of
51 35 each fiscal year:

52 1 (a) If a nursing facility receives a deficiency for
52 2 substandard quality of care as defined in 42 C.F.R. } 488.301,
52 3 the increased reimbursement calculated for payment under this
52 4 paragraph shall be reduced by 25 percent for each such
52 5 deficiency received during the year. Additionally, if the
52 6 nursing facility fails to correct any substandard quality of
52 7 care deficiency within the time required by the department of
52 8 inspections and appeals, the entire increased reimbursement
52 9 calculated for payment under this subparagraph (2) shall be
52 10 forfeited and the nursing facility shall not receive any
52 11 accountability payment for the year.

52 12 (b) If a nursing facility receives a deficiency that is
52 13 classified pursuant to the Centers for Medicare and Medicaid
52 14 Services of the United States department of health and human
52 15 services federal certification guidelines at an H level scope
52 16 and severity or higher, the increased reimbursement calculated
52 17 for payment under this subparagraph (2) shall be forfeited and
52 18 the nursing facility shall not receive an accountability
52 19 payment for the year.

52 20 (3) It is the intent of the general assembly that the
52 21 department of human services in consultation with long-term
52 22 care services stakeholders and advocates including but not
52 23 limited to representatives of the AARP Iowa chapter, direct
52 24 care workers, and long-term care provider entities, review and
52 25 make recommendations to the general assembly by December 15,
52 26 2008, about the continuation, modification, or implementation
52 27 of performance-based incentives to enhance quality outcomes in
52 28 nursing facilities.

52 29 b. It is the intent of the general assembly that increases
52 30 in payments to nursing facilities under the case-mix adjusted
52 31 component shall be used for the provision of direct care with
52 32 an emphasis on compensation to direct care workers. The
52 33 department shall compile and provide a detailed analysis to
52 34 demonstrate growth of direct care costs, increased acuity, and
52 35 care needs of residents. The department shall also provide
53 1 analysis of cost reports submitted by providers and the
53 2 resulting desk review and field audit adjustment to reclassify
53 3 and amend provider cost and statistical data. The results of
53 4 these analyses shall be submitted to the general assembly for
53 5 evaluation to determine payment levels following the
53 6 transition funding period.

53 7 Sec. 32. EMERGENCY RULES. If specifically authorized by a
53 8 provision of this division of this Act, the department of
53 9 human services or the mental health, mental retardation,
53 10 developmental disabilities, and brain injury commission may
53 11 adopt administrative rules under section 17A.4, subsection 2,

53 12 and section 17A.5, subsection 2, paragraph "b", to implement
53 13 the provisions and the rules shall become effective
53 14 immediately upon filing or on a later effective date specified
53 15 in the rules, unless the effective date is delayed by the
53 16 administrative rules review committee. Any rules adopted in
53 17 accordance with this section shall not take effect before the
53 18 rules are reviewed by the administrative rules review
53 19 committee. The delay authority provided to the administrative
53 20 rules review committee under section 17A.4, subsection 5, and
53 21 section 17A.8, subsection 9, shall be applicable to a delay
53 22 imposed under this section, notwithstanding a provision in
53 23 those sections making them inapplicable to section 17A.5,
53 24 subsection 2, paragraph "b". Any rules adopted in accordance
53 25 with the provisions of this section shall also be published as
53 26 notice of intended action as provided in section 17A.4.

53 27 Sec. 33. REPORTS. Any reports or information required to
53 28 be compiled and submitted under this Act shall be submitted to
53 29 the chairpersons and ranking members of the joint
53 30 appropriations subcommittee on health and human services, the
53 31 legislative services agency, and the legislative caucus staffs
53 32 on or before the dates specified for submission of the reports
53 33 or information.

53 34 Sec. 34. EFFECTIVE DATE. The following provision of this
53 35 division of this Act, being deemed of immediate importance,
54 1 takes effect upon enactment:

54 2 The provision under the appropriation for child and family
54 3 services, relating to requirements of section 232.143 for
54 4 representatives of the department of human services and
54 5 juvenile court services to establish a plan for continuing
54 6 group foster care expenditures for the 2008=2009 fiscal year.

54 7 DIVISION II

54 8 SENIOR LIVING TRUST FUND,
54 9 PHARMACEUTICAL SETTLEMENT ACCOUNT,
54 10 IOWACARE ACCOUNT, HEALTH CARE
54 11 TRANSFORMATION ACCOUNT, AND
54 12 PROPERTY TAX RELIEF FUND

54 13 Sec. 35. DEPARTMENT OF ELDER AFFAIRS. There is
54 14 appropriated from the senior living trust fund created in
54 15 section 249H.4 to the department of elder affairs for the
54 16 fiscal year beginning July 1, 2008, and ending June 30, 2009,
54 17 the following amount, or so much thereof as is necessary, to
54 18 be used for the purpose designated:

54 19 For the development and implementation of a comprehensive
54 20 senior living program, including case management only if the
54 21 monthly cost per client for case management for the frail
54 22 elderly services provided does not exceed an average of \$70,
54 23 and including program administration and costs associated with
54 24 implementation:

54 25 \$ 8,442,707

54 26 1. Of the funds appropriated in this section, \$2,196,967
54 27 shall be used for case management for the frail elderly. Of
54 28 the funds allocated in this subsection, \$1,010,000 shall be
54 29 transferred to the department of human services in equal
54 30 amounts on a quarterly basis for reimbursement of case
54 31 management services provided under the medical assistance
54 32 elderly waiver. The monthly cost per client for case
54 33 management for the frail elderly services provided shall not
54 34 exceed an average of \$70.

54 35 2. Notwithstanding section 249H.7, the department of elder
55 1 affairs shall distribute up to \$400,000 of the funds
55 2 appropriated in this section in a manner that will supplement
55 3 and maximize federal funds under the federal Older Americans
55 4 Act and shall not use the amount distributed for any
55 5 administrative purposes of either the department of elder
55 6 affairs or the area agencies on aging.

55 7 3. Of the funds appropriated in this section, \$60,000
55 8 shall be used to provide dementia-specific education to direct
55 9 care workers and other providers of long-term care to enhance
55 10 existing or scheduled efforts through the Iowa caregivers
55 11 association, the Alzheimer's association, and other
55 12 organizations identified as appropriate by the department.

55 13 Sec. 36. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
55 14 appropriated from the senior living trust fund created in
55 15 section 249H.4 to the department of inspections and appeals
55 16 for the fiscal year beginning July 1, 2008, and ending June
55 17 30, 2009, the following amount, or so much thereof as is
55 18 necessary, to be used for the purpose designated:

55 19 For the inspection and certification of assisted living
55 20 facilities and adult day care services, including program
55 21 administration and costs associated with implementation:

55 22 \$ 1,183,303

55 23 Sec. 37. DEPARTMENT OF HUMAN SERVICES. There is
55 24 appropriated from the senior living trust fund created in
55 25 section 249H.4 to the department of human services for the
55 26 fiscal year beginning July 1, 2008, and ending June 30, 2009,
55 27 the following amount, or so much thereof as is necessary, to
55 28 be used for the purpose designated:
55 29 To supplement the medical assistance appropriations made in
55 30 this Act, including program administration and costs
55 31 associated with implementation:

55 32 \$ 67,500,000

55 33 In order to carry out the purposes of this section, the
55 34 department may transfer funds appropriated in this section to
55 35 supplement other appropriations made to the department of
56 1 human services.

56 2 Sec. 38. IOWA FINANCE AUTHORITY. There is appropriated
56 3 from the senior living trust fund created in section 249H.4 to
56 4 the Iowa finance authority for the fiscal year beginning July
56 5 1, 2008, and ending June 30, 2009, the following amount, or so
56 6 much thereof as is necessary, to be used for the purposes
56 7 designated:

56 8 To provide reimbursement for rent expenses to eligible
56 9 persons:

56 10 \$ 700,000

56 11 Participation in the rent subsidy program shall be limited
56 12 to only those persons who meet the requirements for the
56 13 nursing facility level of care for home and community-based
56 14 services waiver services as in effect on July 1, 2008, and to
56 15 those individuals who are eligible for the federal money
56 16 follows the person grant program under the medical assistance
56 17 program.

56 18 Sec. 39. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
56 19 appropriated from the pharmaceutical settlement account
56 20 created in section 249A.33 to the department of human services
56 21 for the fiscal year beginning July 1, 2008, and ending June
56 22 30, 2009, the following amount, or so much thereof as is
56 23 necessary, to be used for the purpose designated:

56 24 To supplement the appropriations made for medical contracts
56 25 under the medical assistance program:

56 26 \$ 942,767

56 27 Sec. 40. APPROPRIATIONS FROM IOWACARE ACCOUNT.

56 28 1. There is appropriated from the IowaCare account created
56 29 in section 249J.24 to the state board of regents for
56 30 distribution to the university of Iowa hospitals and clinics
56 31 for the fiscal year beginning July 1, 2008, and ending June
56 32 30, 2009, the following amount, or so much thereof as is
56 33 necessary, to be used for the purposes designated:

56 34 For salaries, support, maintenance, equipment, and
56 35 miscellaneous purposes, for the provision of medical and
57 1 surgical treatment of indigent patients, for provision of
57 2 services to members of the expansion population pursuant to
57 3 chapter 249J, and for medical education:

57 4 \$ 27,284,584

57 5 a. Funds appropriated in this subsection shall not be used
57 6 to perform abortions except medically necessary abortions, and
57 7 shall not be used to operate the early termination of
57 8 pregnancy clinic except for the performance of medically
57 9 necessary abortions. For the purpose of this subsection, an
57 10 abortion is the purposeful interruption of pregnancy with the
57 11 intention other than to produce a live-born infant or to
57 12 remove a dead fetus, and a medically necessary abortion is one
57 13 performed under one of the following conditions:

57 14 (1) The attending physician certifies that continuing the
57 15 pregnancy would endanger the life of the pregnant woman.

57 16 (2) The attending physician certifies that the fetus is
57 17 physically deformed, mentally deficient, or afflicted with a
57 18 congenital illness.

57 19 (3) The pregnancy is the result of a rape which is
57 20 reported within 45 days of the incident to a law enforcement
57 21 agency or public or private health agency which may include a
57 22 family physician.

57 23 (4) The pregnancy is the result of incest which is
57 24 reported within 150 days of the incident to a law enforcement
57 25 agency or public or private health agency which may include a
57 26 family physician.

57 27 (5) The abortion is a spontaneous abortion, commonly known
57 28 as a miscarriage, wherein not all of the products of
57 29 conception are expelled.

57 30 b. Notwithstanding any provision of law to the contrary,
57 31 the amount appropriated in this subsection shall be allocated
57 32 in twelve equal monthly payments as provided in section
57 33 249J.24.

57 34 2. There is appropriated from the IowaCare account created
57 35 in section 249J.24 to the state board of regents for
58 1 distribution to the university of Iowa hospitals and clinics
58 2 for the fiscal year beginning July 1, 2008, and ending June
58 3 30, 2009, the following amount, or so much thereof as is
58 4 necessary, to be used for the purposes designated:

58 5 For salaries, support, maintenance, equipment, and
58 6 miscellaneous purposes, for the provision of medical and
58 7 surgical treatment of indigent patients, for provision of
58 8 services to members of the expansion population pursuant to
58 9 chapter 249J, and for medical education:
58 10 \$ 35,969,365

58 11 The amount appropriated in this subsection shall be
58 12 distributed only if expansion population claims adjudicated
58 13 and paid by the Iowa Medicaid enterprise exceed the
58 14 appropriation to the state board of regents for distribution
58 15 to the university of Iowa hospitals and clinics provided in
58 16 subsection 1. The amount appropriated in this subsection
58 17 shall be distributed monthly for expansion population claims
58 18 adjudicated and approved for payment by the Iowa Medicaid
58 19 enterprise using medical assistance program reimbursement
58 20 rates.

58 21 3. There is appropriated from the IowaCare account created
58 22 in section 249J.24 to the department of human services for the
58 23 fiscal year beginning July 1, 2008, and ending June 30, 2009,
58 24 the following amount, or so much thereof as is necessary, to
58 25 be used for the purposes designated:

58 26 For distribution to a publicly owned acute care teaching
58 27 hospital located in a county with a population over three
58 28 hundred fifty thousand for the provision of medical and
58 29 surgical treatment of indigent patients, for provision of
58 30 services to members of the expansion population pursuant to
58 31 chapter 249J, and for medical education:
58 32 \$ 40,000,000

58 33 Notwithstanding any provision of law to the contrary, the
58 34 amount appropriated in this subsection shall be allocated in
58 35 twelve equal monthly payments as provided in section 249J.24.
59 1 Any amount appropriated in this subsection in excess of
59 2 \$37,000,000 shall be allocated only if federal funds are
59 3 available to match the amount allocated.

59 4 4. There is appropriated from the IowaCare account created
59 5 in section 249J.24 to the department of human services for the
59 6 fiscal year beginning July 1, 2008, and ending June 30, 2009,
59 7 the following amounts, or so much thereof as is necessary, to
59 8 be used for the purposes designated:

59 9 a. For the state mental health institute at Cherokee, for
59 10 salaries, support, maintenance, and miscellaneous purposes,
59 11 including services to members of the expansion population
59 12 pursuant to chapter 249J:
59 13 \$ 3,164,766

59 14 b. For the state mental health institute at Clarinda, for
59 15 salaries, support, maintenance, and miscellaneous purposes,
59 16 including services to members of the expansion population
59 17 pursuant to chapter 249J:
59 18 \$ 687,779

59 19 c. For the state mental health institute at Independence,
59 20 for salaries, support, maintenance, and miscellaneous
59 21 purposes, including services to members of the expansion
59 22 population pursuant to chapter 249J:
59 23 \$ 3,146,494

59 24 d. For the state mental health institute at Mount
59 25 Pleasant, for salaries, support, maintenance, and
59 26 miscellaneous purposes, including services to members of the
59 27 expansion population pursuant to chapter 249J:
59 28 \$ 2,000,961

59 29 Sec. 41. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
59 30 TRANSFORMATION. There is appropriated from the account for
59 31 health care transformation created in section 249J.23 to the
59 32 department of human services for the fiscal year beginning
59 33 July 1, 2008, and ending June 30, 2009, the following amounts,
59 34 or so much thereof as is necessary, to be used for the
59 35 purposes designated:

60 1 1. For the costs of medical examinations and development
60 2 of personal health improvement plans for the expansion
60 3 population pursuant to section 249J.6:
60 4 \$ 556,800

60 5 2. For the provision of a medical information hotline for
60 6 the expansion population as provided in section 249J.6:
60 7 \$ 150,000

60 8 3. For other health promotion partnership activities
60 9 pursuant to section 249J.14:

60 10 \$ 900,000
60 11 4. For the costs related to audits, performance
60 12 evaluations, and studies required pursuant to chapter 249J:
60 13 \$ 400,000
60 14 5. For administrative costs associated with chapter 249J:
60 15 \$ 1,132,412
60 16 6. For planning and development, in cooperation with the
60 17 department of public health, of a phased-in program to provide
60 18 a dental home for children:
60 19 \$ 500,000
60 20 7. For a mental health transformation pilot program:
60 21 \$ 250,000
60 22 8. For mental health and developmental disability
60 23 workforce development:
60 24 \$ 1,050,000
60 25 9. For reimbursable administrative costs incurred by the
60 26 publicly owned acute care teaching hospital located in a
60 27 county with a population of over 350,000 that is a
60 28 participating provider pursuant to chapter 249J:
60 29 \$ 230,000

60 30 Disbursements under this subsection shall be made monthly
60 31 based upon receipts submitted to the department for
60 32 reimbursable costs as specified in section 249J.23.
60 33 Notwithstanding section 8.39, subsection 1, without the
60 34 prior written consent and approval of the governor and the
60 35 director of the department of management, the director of
61 1 human services may transfer funds among the appropriations
61 2 made in this section as necessary to carry out the purposes of
61 3 the account for health care transformation. The department
61 4 shall report any transfers made pursuant to this section to
61 5 the legislative services agency.

61 6 Sec. 42. TRANSFER FROM ACCOUNT FOR HEALTH CARE
61 7 TRANSFORMATION. There is transferred from the account for
61 8 health care transformation created pursuant to section 249J.23
61 9 to the IowaCare account created in section 249J.24 a total of
61 10 \$3,000,000 for the fiscal year beginning July 1, 2008, and
61 11 ending June 30, 2009.

61 12 Sec. 43. PROPERTY TAX RELIEF FUND. There is appropriated
61 13 from the property tax relief fund created in section 426B.1 to
61 14 the department of human services for the fiscal year beginning
61 15 July 1, 2008, and ending June 30, 2009, the following amount,
61 16 or so much thereof as is necessary, to be used for the
61 17 purposes designated:

61 18 For the medical assistance program in addition to the
61 19 appropriation made in section 426B.1, subsection 3, and other
61 20 appropriations made for purposes of the program:
61 21 \$ 624,000

61 22 The appropriation made in this section consists of the
61 23 revenues credited to the property tax relief fund pursuant to
61 24 sections 437A.8 and 437A.15 as of November 1, 2007, and the
61 25 appropriation is made in lieu of distributions of those
61 26 revenues in accordance with section 426B.2, subsection 3.

61 27 Sec. 44. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR
61 28 LIVING TRUST FUND FOR FY 2008=2009. Notwithstanding section
61 29 8.33, if moneys appropriated for purposes of the medical
61 30 assistance program for the fiscal year beginning July 1, 2008,
61 31 and ending June 30, 2009, from the general fund of the state,
61 32 the senior living trust fund, the healthy Iowans tobacco trust
61 33 fund, the health care trust fund, and the property tax relief
61 34 fund are in excess of actual expenditures for the medical
61 35 assistance program and remain unencumbered or unobligated at
62 1 the close of the fiscal year, the excess moneys shall not
62 2 revert but shall be transferred to the senior living trust
62 3 fund created in section 249H.4.

62 4 DIVISION III
62 5 MH/MR/DD/BI SERVICES
62 6 ALLOWED GROWTH FUNDING ==
62 7 FY 2008=2009

62 8 Sec. 45. 2007 Iowa Acts, chapter 215, section 1, is
62 9 amended to read as follows:

62 10 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION,
62 11 DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH
62 12 APPROPRIATION AND ALLOCATIONS == FISCAL YEAR 2008=2009.

62 13 1. There is appropriated from the general fund of the
62 14 state to the department of human services for the fiscal year
62 15 beginning July 1, 2008, and ending June 30, 2009, the
62 16 following amount, or so much thereof as is necessary, to be
62 17 used for the purpose designated:

62 18 For distribution to counties of the county mental health,
62 19 mental retardation, and developmental disabilities allowed
62 20 growth factor adjustment for fiscal year 2008=2009, and for

62 21 the brain injury services program in the department of public
62 22 health:
62 23 \$ 64,600,002
62 24 54,081,310

~~62 25 2. The amount appropriated in this section shall be
62 26 allocated as provided in a later enactment of the general
62 27 assembly.~~

62 28 2. There is appropriated from the property tax relief fund
62 29 to the department of human services for the fiscal year
62 30 beginning July 1, 2008, and ending June 30, 2009, the
62 31 following amount, or so much thereof as is necessary, to be
62 32 used for the purposes designated:

62 33 For distribution to counties of the county mental health,
62 34 mental retardation, and developmental disabilities allowed
62 35 growth factor adjustment, as provided in this section in lieu
63 1 of the provisions of section 331.438, subsection 2, and
63 2 section 331.439, subsection 3, and chapter 426B:

63 3 \$ 7,592,099

63 4 Sec. 46. 2007 Iowa Acts, chapter 215, section 1, as
63 5 amended by this division of this Act, is amended by adding the
63 6 following new subsections:

63 7 NEW SUBSECTION. 3. Of the amount appropriated in
63 8 subsection 1, \$12,000,000 shall be distributed as provided in
63 9 this subsection.

63 10 a. To be eligible to receive a distribution under this
63 11 subsection, a county must meet the following requirements:

63 12 (1) The county is levying for the maximum amount allowed
63 13 for the county's mental health, mental retardation, and
63 14 developmental disabilities services fund under section
63 15 331.424A for taxes due and payable in the fiscal year
63 16 beginning July 1, 2008, or the county is levying for at least
63 17 90 percent of the maximum amount allowed for the county's
63 18 services fund and that levy rate is more than \$2 per \$1,000 of
63 19 the assessed value of all taxable property in the county.

63 20 (2) In the fiscal year beginning July 1, 2006, the
63 21 county's mental health, mental retardation, and developmental
63 22 disabilities services fund ending balance under generally
63 23 accepted accounting principles was equal to or less than 15
63 24 percent of the county's actual gross expenditures for that
63 25 fiscal year.

63 26 b. A county's allocation of the amount appropriated in
63 27 this subsection shall be determined based upon the county's
63 28 proportion of the general population of the counties eligible
63 29 to receive an allocation under this subsection. The most
63 30 recent population estimates issued by the United States bureau
63 31 of the census shall be applied in determining population for
63 32 the purposes of this paragraph.

63 33 c. The allocations made pursuant to this subsection are
63 34 subject to the distribution provisions and withholding
63 35 requirements established in this section for the county mental
64 1 health, mental retardation, and developmental disabilities
64 2 allowed growth factor adjustment for the fiscal year beginning
64 3 July 1, 2008.

64 4 NEW SUBSECTION. 4. The funding appropriated in this
64 5 section is the allowed growth factor adjustment for fiscal
64 6 year 2008=2009, and shall be credited to the allowed growth
64 7 funding pool created in the property tax relief fund and for
64 8 distribution in accordance with section 426B.5, subsection 1:
64 9 \$ 49,673,409

64 10 NEW SUBSECTION. 5. The following formula amounts shall be
64 11 utilized only to calculate preliminary distribution amounts
64 12 for fiscal year 2008=2009 under this section by applying the
64 13 indicated formula provisions to the formula amounts and
64 14 producing a preliminary distribution total for each county:

64 15 a. For calculation of a distribution amount for eligible
64 16 counties from the allowed growth funding pool created in the
64 17 property tax relief fund in accordance with the requirements
64 18 in section 426B.5, subsection 1:

64 19 \$ 57,337,985

64 20 b. For calculation of a distribution amount for counties
64 21 from the mental health and developmental disabilities (MH/DD)
64 22 community services fund in accordance with the formula
64 23 provided in the appropriation made for the MH/DD community
64 24 services fund for the fiscal year beginning July 1, 2008:

64 25 \$ 17,727,890

64 26 NEW SUBSECTION. 6. After applying the applicable
64 27 statutory distribution formulas to the amounts indicated in
64 28 subsection 5 for purposes of producing preliminary
64 29 distribution totals, the department of human services shall
64 30 apply a withholding factor to adjust an eligible individual
64 31 county's preliminary distribution total. In order to be

64 32 eligible for a distribution under this section, a county must
64 33 be levying seventy percent or more of the maximum amount
64 34 allowed for the county's mental health, mental retardation,
64 35 and developmental disabilities services fund under section
65 1 331.424A for taxes due and payable in the fiscal year for
65 2 which the distribution is payable. An ending balance
65 3 percentage for each county shall be determined by expressing
65 4 the county's ending balance on a modified accrual basis under
65 5 generally accepted accounting principles for the fiscal year
65 6 beginning July 1, 2006, in the county's mental health, mental
65 7 retardation, and developmental disabilities services fund
65 8 created under section 331.424A, as a percentage of the
65 9 county's gross expenditures from that fund for that fiscal
65 10 year. If a county borrowed moneys for purposes of providing
65 11 services from the county's services fund on or before July 1,
65 12 2006, and the county's services fund ending balance for that
65 13 fiscal year includes the loan proceeds or an amount designated
65 14 in the county budget to service the loan for the borrowed
65 15 moneys, those amounts shall not be considered to be part of
65 16 the county's ending balance for purposes of calculating an
65 17 ending balance percentage under this subsection. The
65 18 withholding factor for a county shall be the following
65 19 applicable percent:

65 20 a. For an ending balance percentage of less than 5
65 21 percent, a withholding factor of 0 percent. In addition, a
65 22 county that is subject to this lettered paragraph shall
65 23 receive an inflation adjustment equal to 3 percent of the
65 24 gross expenditures reported for the county's services fund for
65 25 the fiscal year.

65 26 b. For an ending balance percentage of 5 percent or more
65 27 but less than 10 percent, a withholding factor of 0 percent.
65 28 In addition, a county that is subject to this lettered
65 29 paragraph shall receive an inflation adjustment equal to 2
65 30 percent of the gross expenditures reported for the county's
65 31 services fund for the fiscal year.

65 32 c. For an ending balance percentage of 10 percent or more
65 33 but less than 25 percent, a withholding factor of 25 percent.
65 34 However, for counties with an ending balance percentage of 10
65 35 percent or more but less than 15 percent, the amount withheld
66 1 shall be limited to the amount by which the county's ending
66 2 balance was in excess of the ending balance percentage of 10
66 3 percent.

66 4 d. For an ending balance percentage of 25 percent or more,
66 5 a withholding percentage of 100 percent.

66 6 NEW SUBSECTION. 7. The total withholding amounts applied
66 7 pursuant to subsection 6 shall be equal to a withholding
66 8 target amount of \$7,664,576. If the department of human
66 9 services determines that the amount to be withheld in
66 10 accordance with subsection 6 is not equal to the target
66 11 withholding amount, the department shall adjust the
66 12 withholding factors listed in subsection 6 as necessary to
66 13 achieve the target withholding amount. However, in making
66 14 such adjustments to the withholding factors, the department
66 15 shall strive to minimize changes to the withholding factors
66 16 for those ending balance percentage ranges that are lower than
66 17 others and shall not adjust the zero withholding factor or the
66 18 inflation adjustment percentage specified in subsection 6,
66 19 paragraph "a".

66 20 Sec. 47. Section 331.439, subsection 1, paragraph a, Code
66 21 Supplement 2007, is amended to read as follows:

66 22 a. The county accurately reported by December 1 the
66 23 county's expenditures for mental health, mental retardation,
66 24 and developmental disabilities services and the information
66 25 required under section 225C.6A, subsection 2, paragraph "c",
66 26 for the previous fiscal year on forms prescribed by rules
66 27 adopted by the state commission. If the department determines
66 28 good cause exists, the department may extend a deadline
66 29 otherwise imposed under this chapter, chapter 225C, or chapter
66 30 426B for a county's reporting concerning mental health, mental
66 31 retardation, or developmental disabilities services or related
66 32 revenues and expenditures.

66 33 Sec. 48. COUNTY=STATE SHARED FUNDING FOR MENTAL HEALTH AND
66 34 DISABILITY SERVICES COVERED BY THE MEDICAID PROGRAM.

66 35 1. The legislative council is requested to authorize for
67 1 the 2008 legislative interim a task force to consider
67 2 county=state shared funding for mental health and disability
67 3 services covered by the Medicaid program. The membership of
67 4 the task force should include five legislators from each
67 5 chamber, one member of the mental health, mental retardation,
67 6 developmental disabilities, and brain injury (MH/MR/DD/BI)
67 7 commission; three members of county boards of supervisors,

67 8 with one each from a large, medium, and small population
67 9 county; three staff members from the county central point of
67 10 coordination (CPC) office, with one each from a large, medium,
67 11 and small population county; two individuals representing
67 12 advocacy organizations, one of which shall be the governor's
67 13 developmental disabilities council; one current consumer of
67 14 county MH/MR/DD services; and one MH/MR/DD/BI service provider
67 15 representative from each of the state's five congressional
67 16 districts.

67 17 2. The task force should be charged to review and estimate
67 18 the shared impact for the state and for Iowa counties if
67 19 financial responsibility for the nonfederal share of the costs
67 20 of mental health and disability services covered under the
67 21 Medicaid program is shifted from counties to the state. The
67 22 task force should be charged to develop an eight-year
67 23 transition plan that reflects the shared responsibility of
67 24 costs and service delivery resulting from the shift in
67 25 responsibilities. It is the intent of the general assembly
67 26 that the task force will be formed by June 15, 2008, and meet
67 27 a minimum of four times in 2008.

67 28 3. In addition to legislative staff, representatives of
67 29 the department of management, the Iowa state association of
67 30 counties, the department of human services, association of
67 31 community providers, and Iowa substance abuse program
67 32 directors association shall comprise a team of resource
67 33 experts to the task force.

67 34 4. The task force's final report for consideration by the
67 35 2009 regular session of the general assembly and governor
68 1 shall include findings and recommendations and a service
68 2 delivery and funding transition plan.

68 3 Sec. 49. COMMUNITY MENTAL HEALTH CENTER LAW UPDATE.

68 4 1. The administrator of the division of mental health and
68 5 disability services of the department of human services shall
68 6 appoint a stakeholder advisory committee to develop a proposal
68 7 for updating and revising Code chapter 230A, relating to
68 8 community mental health centers, and for revising the
68 9 accreditation standards in rule that would result from the
68 10 statutory revisions.

68 11 2. The membership of the advisory committee shall include
68 12 representatives of the boards of directors and professional
68 13 staff of community mental health centers and division staff.
68 14 At least one member of the advisory committee shall be a
68 15 member of a county board of supervisors and one member shall
68 16 be a county central point of coordination administrator. The
68 17 division administrator may engage the services of expert
68 18 technical advisors to support the advisory committee in its
68 19 work.

68 20 3. The advisory committee recommendations shall include
68 21 but are not limited to addressing Code chapter 230A
68 22 requirements in the following areas: establishment and
68 23 support of community mental health centers, services offered,
68 24 consumer and family involvement, capability to address
68 25 co-occurring disorders, forms of organization, board of
68 26 directors, organization meetings, duties and powers of
68 27 directors, center organization as a nonprofit entity, annual
68 28 budget, financial support of centers through federal and state
68 29 block grants, comprehensive community mental health programs,
68 30 target populations to be served, emergency mental health
68 31 crisis services, quality improvement programs, use of
68 32 evidence-based practices, use of functional assessments and
68 33 outcomes measures, establishment of standards, and review and
68 34 evaluation processes.

68 35 4. The advisory committee shall submit its report with
69 1 findings and recommendations to the governor and general
69 2 assembly on or before December 1, 2008. Until the advisory
69 3 committee report has been considered and acted upon by the
69 4 general assembly, the division administrator may defer
69 5 consideration of requests for accreditation of a new community
69 6 mental health center or for approval of a provider to fill the
69 7 role of a community mental health center.

69 8 DIVISION IV

69 9 HEALTH CARE TRUST FUND APPROPRIATIONS ==

69 10 HEALTH CARE ACTIVITIES

69 11 Sec. 50. DEPARTMENT OF PUBLIC HEALTH. The allocations
69 12 made in this section may include amounts carried forward from
69 13 appropriations and allocations made for the same purposes in
69 14 the previous fiscal year. In addition to any other
69 15 appropriation made in this Act for the purposes designated,
69 16 there is appropriated from the health care trust fund created
69 17 in section 453A.35A to the department of public health for the
69 18 fiscal year beginning July 1, 2008, and ending June 30, 2009,

69 19 the following amounts, or so much thereof as is necessary, for
69 20 the purposes designated, and for not more than the following
69 21 full-time equivalent positions:

69 22 1. ADDICTIVE DISORDERS

69 23	\$ 2,955,164
69 24	FTEs 5.00

69 25 a. Of the funds appropriated in this subsection, \$450,000
69 26 shall be used for culturally competent substance abuse
69 27 treatment pilot projects.

69 28 (1) The department shall utilize the amount allocated in
69 29 this lettered paragraph for at least three pilot projects to
69 30 provide culturally competent substance abuse treatment in
69 31 various areas of the state. Each pilot project shall target a
69 32 particular ethnic minority population. The populations
69 33 targeted shall include but are not limited to
69 34 African-American, Asian, and Latino.

69 35 (2) The pilot project requirements shall provide for
70 1 documentation or other means to ensure access to the cultural
70 2 competence approach used by a pilot project so that such
70 3 approach can be replicated and improved upon in successor
70 4 programs.

70 5 b. Of the funds appropriated in this subsection,
70 6 \$2,747,754 shall be used for tobacco use prevention,
70 7 cessation, and treatment. The department shall utilize the
70 8 funds to provide for a variety of activities related to
70 9 tobacco use prevention, cessation, and treatment including to
70 10 support Quitline Iowa, QuitNet cessation counseling and
70 11 education, grants to school districts and community
70 12 organizations to support Just Eliminate Lies youth chapters
70 13 and youth tobacco prevention activities, the Just Eliminate
70 14 Lies tobacco prevention media campaign, nicotine replacement
70 15 therapy, and other prevention and cessation materials and
70 16 media promotion. Of the funds allocated in this lettered
70 17 paragraph, \$255,000 may be utilized by the department for
70 18 administrative purposes.

70 19 c. Of the funds appropriated in this subsection, \$682,000
70 20 shall be used for substance abuse treatment activities.

70 21 2. HEALTHY CHILDREN AND FAMILIES

70 22	\$ 667,700
70 23	FTEs 1.00

70 24 a. Of the funds appropriated in this subsection, \$200,000
70 25 shall be used to address the healthy mental development of
70 26 children from birth through five years of age through local
70 27 evidence-based strategies that engage both the public and
70 28 private sectors in promoting healthy development, prevention,
70 29 and treatment for children.

70 30 b. Of the funds appropriated in this subsection, \$180,000
70 31 shall be used for childhood obesity prevention.

70 32 c. Of the funds appropriated in this subsection, \$39,000
70 33 shall be used for the dental screening of children program
70 34 pursuant to 2007 Iowa Acts, chapter 146, section 1.

70 35 d. Of the funds appropriated in this subsection, \$10,000
71 1 shall be used for public health education and awareness of the
71 2 children's vision initiatives, including the InfantSee program
71 3 and the student vision program, administered through a
71 4 statewide association of optometric professionals for infants
71 5 and preschool children.

71 6 e. Of the funds appropriated in this subsection, \$238,500
71 7 shall be used to provide audiological services and hearing
71 8 aids for children. The department may enter into a contract
71 9 to administer this paragraph.

71 10 f. It is the intent of the general assembly that the
71 11 department of public health shall implement the
71 12 recommendations of the postnatal tissue and fluid bank task
71 13 force created in 2007 Iowa Acts, chapter 147, based upon the
71 14 report submitted to the general assembly in November 2007, as
71 15 funding becomes available. The department shall notify the
71 16 Iowa Code editor and the persons specified in this Act to
71 17 receive reports when such funding becomes available.

71 18 3. CHRONIC CONDITIONS

71 19	\$ 1,164,181
71 20	FTEs 1.00

71 21 a. Of the funds appropriated in this subsection, \$473,981
71 22 shall be used for child health specialty clinics.

71 23 b. Of the funds appropriated in this subsection, \$500,000
71 24 shall be used for the comprehensive cancer control program to
71 25 reduce the burden of cancer in Iowa through prevention, early
71 26 detection, effective treatment, and ensuring quality of life.
71 27 The department shall utilize one of the full-time equivalent
71 28 positions authorized in this subsection for administration of
71 29 the activities related to the comprehensive cancer control

71 30 program.

71 31 c. Of the funds appropriated in this subsection, \$5,000

71 32 shall be used for the hemophilia advisory council pursuant to

71 33 chapter 135N.

71 34 d. Of the funds appropriated in this subsection, \$200,000

71 35 shall be used for cervical and colon cancer screening.

72 1 4. COMMUNITY CAPACITY

72 2 \$ 2,790,000

72 3 FTEs 6.00

72 4 a. Of the funds appropriated in this subsection, \$75,000

72 5 shall be used for local public health infrastructure to

72 6 examine minimum standards for local public health.

72 7 b. Of the funds appropriated in this subsection, \$200,000

72 8 shall be used for the mental health professional shortage area

72 9 program implemented pursuant to section 135.80.

72 10 c. Of the funds appropriated in this subsection, \$50,000

72 11 shall be used for a grant to a statewide association of

72 12 psychologists that is affiliated with the American

72 13 psychological association to be used for continuation of a

72 14 program to rotate intern psychologists in placements in urban

72 15 and rural mental health professional shortage areas, as

72 16 defined in section 135.80.

72 17 d. Of the funds appropriated in this subsection, the

72 18 following amounts shall be allocated to the Iowa collaborative

72 19 safety net provider network established pursuant to section

72 20 135.153 to be used for the purposes designated:

72 21 (1) For distribution to the Iowa-Nebraska primary care

72 22 association for statewide coordination of the Iowa

72 23 collaborative safety net provider network:

72 24 \$ 100,000

72 25 (2) For distribution to the Iowa family planning network

72 26 agencies for necessary infrastructure, statewide coordination,

72 27 provider recruitment, service delivery, and provision of

72 28 assistance to patients in determining an appropriate medical

72 29 home:

72 30 \$ 100,000

72 31 (3) For distribution to the local boards of health that

72 32 provide direct services for pilot programs in three counties

72 33 to assist patients in determining an appropriate medical home:

72 34 \$ 100,000

72 35 (4) For distribution to maternal and child health centers

73 1 for pilot programs in three counties to assist patients in

73 2 determining an appropriate medical home:

73 3 \$ 100,000

73 4 (5) For distribution to free clinics for necessary

73 5 infrastructure, statewide coordination, provider recruitment,

73 6 service delivery, and provision of assistance to patients in

73 7 determining an appropriate medical home:

73 8 \$ 250,000

73 9 (6) For distribution to rural health clinics for necessary

73 10 infrastructure, statewide coordination, provider recruitment,

73 11 service delivery, and provision of assistance to patients in

73 12 determining an appropriate medical home:

73 13 \$ 150,000

73 14 (7) For continuation of the safety net provider patient

73 15 access to specialty health care initiative as described in

73 16 2007 Iowa Acts, ch. 218, section 109:

73 17 \$ 400,000

73 18 (8) For continuation of the pharmaceutical infrastructure

73 19 for safety net providers as described in 2007 Iowa Acts, ch.

73 20 218, section 108:

73 21 \$ 400,000

73 22 e. Of the funds appropriated in this subsection, \$650,000

73 23 shall be used for the incubation grant program to community

73 24 health centers that receive a total score of 85 based on the

73 25 evaluation criteria of the health resources and services

73 26 administration of the United States department of health and

73 27 human services.

73 28 f. Of the funds appropriated in this subsection, \$140,000

73 29 shall be used for implementation of the recommendations of the

73 30 direct care worker task force established pursuant to 2005

73 31 Iowa Acts, chapter 88, based upon the report submitted to the

73 32 governor and the general assembly in December 2006.

73 33 g. Of the funds appropriated in this subsection, \$75,000

73 34 shall be used for allocation to an independent statewide

73 35 direct care worker association for education, outreach,

74 1 leadership development, mentoring, and other initiatives

74 2 intended to enhance the recruitment and retention of direct

74 3 care workers in health and long-term care.

74 4 h. The department shall utilize one of the full-time

74 5 equivalent positions authorized in this subsection for

74 6 administration of the activities related to the Iowa
74 7 collaborative safety net provider network.
74 8 i. The department shall utilize one of the full-time
74 9 equivalent positions authorized in this subsection for
74 10 administration of the voluntary health care provider program
74 11 pursuant to section 135.24.

74 12 Sec. 51. DEPARTMENT OF HUMAN SERVICES. In addition to any
74 13 other appropriation made in this Act for the purposes
74 14 designated, there is appropriated from the health care trust
74 15 fund created in section 453A.35A to the department of human
74 16 services for the fiscal year beginning July 1, 2008, and
74 17 ending June 30, 2009, the following amounts, or so much
74 18 thereof as is necessary, for the purposes designated:

74 19 1. MEDICAL ASSISTANCE
74 20 \$113,690,856

74 21 Of the funds appropriated in this subsection, \$250,000
74 22 shall be used for the grant to the Iowa healthcare
74 23 collaborative as described in section 135.40.

74 24 2. MH/MR/DD ALLOWED GROWTH FACTOR
74 25 \$ 7,592,099

74 26 The funds appropriated in this subsection shall be credited
74 27 to the property tax relief fund created in section 426B.1.

74 28 Sec. 52. IOWACARE PROVIDER NETWORK EXPANSION. The
74 29 director of human services shall aggressively pursue options
74 30 to expand the expansion population provider network for the
74 31 IowaCare program pursuant to chapter 249J. The department may
74 32 expand the expansion population provider network if sufficient
74 33 unencumbered certified local matching funds are available to
74 34 cover the state share of the costs of services provided to the
74 35 expansion population or if an alternative funding source is
75 1 identified to cover the state share.

75 2 Sec. 53. BEHAVIORAL HEALTH == DEVELOPING WORKFORCE
75 3 COMPETENCIES.

75 4 1. The department of public health shall continue during
75 5 the fiscal year beginning July 1, 2008, the collaborative work
75 6 with the departments of corrections, education, elder affairs,
75 7 and human services, and other state agencies, commenced
75 8 pursuant to 2007 Iowa Acts, ch. 218, section 111, to enhance
75 9 the workforce competencies of professional and direct care
75 10 staff who provide behavioral health services, including but
75 11 not limited to all of the following:

75 12 a. Treatment of persons with co-occurring mental health
75 13 and substance use disorders.

75 14 b. Treatment of children with mental health or substance
75 15 use disorders.

75 16 c. Treatment of persons with serious mental illness.

75 17 d. Treatment of veterans of United States or Iowa military
75 18 service with mental health or substance use disorders.

75 19 e. Treatment of older adults with mental health or
75 20 substance use disorders.

75 21 2. The department's collaborative effort shall utilize the
75 22 findings of the substance abuse and mental health services
75 23 administration of the United States department of health and
75 24 human services and materials developed by the Annapolis
75 25 coalition on the behavioral health workforce in planning and
75 26 implementing efforts to enhance the competency-based training
75 27 of the state's behavioral health workforce.

75 28 DIVISION V
75 29 APPROPRIATION-RELATED CHANGES == EFFECTIVE DATE

75 30 Sec. 54. Section 35D.18, subsection 5, Code 2007, is
75 31 amended to read as follows:

75 32 5. Notwithstanding section 8.33, ~~up to five hundred~~
75 33 ~~thousand dollars of any balance in the Iowa veterans home~~
75 34 ~~revenue annual appropriation or revenues that remain remains~~
75 35 unencumbered or unobligated at the close of the fiscal year
76 1 shall not revert but shall remain available for expenditure
76 2 for specified purposes of the Iowa veterans home until the
76 3 close of the succeeding fiscal year.

76 4 JUVENILE DETENTION HOME FUND

76 5 Sec. 55. HEALTHY IOWANS TOBACCO TRUST. There is
76 6 appropriated from the healthy Iowans tobacco trust created in
76 7 section 12.65, to the department of human services for the
76 8 fiscal year beginning July 1, 2007, and ending June 30, 2008,
76 9 for deposit in the juvenile detention home fund created in
76 10 section 232.142:

76 11 \$ 1,000,000

76 12 CHILD WELFARE DECATEGORIZATION
76 13 FY 2006=2007 NONREVERSION

76 14 Sec. 56. 2006 Iowa Acts, chapter 1184, section 17,
76 15 subsection 4, is amended by adding the following new
76 16 unnumbered paragraph:

76 17 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 232.188,
76 18 subsection 5, up to \$3,605,000 of the moneys in the
76 19 allocations made in this subsection or made from any other
76 20 source for the decategorization of child welfare and juvenile
76 21 justice funding initiative under section 232.188, that are
76 22 designated as carryover funding and that remain unencumbered
76 23 or unobligated at the close of the fiscal year beginning July
76 24 1, 2007, shall not revert but shall remain available for
76 25 expenditure until the close of the succeeding fiscal year to
76 26 be used for the purposes of continuing the initiative in the
76 27 succeeding fiscal year.

76 28 VIETNAM CONFLICT VETERANS BONUS FUND

76 29 Sec. 57. 2007 Iowa Acts, chapter 176, section 3, is
76 30 amended by adding the following new unnumbered paragraph:

76 31 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
76 32 moneys appropriated in this section that remain unencumbered
76 33 or unobligated at the close of the fiscal year shall not
76 34 revert but shall remain available for expenditure for the
76 35 purposes designated until the close of the succeeding fiscal
77 1 year.

77 2 INJURED VETERANS GRANT PROGRAM

77 3 Sec. 58. 2006 Iowa Acts, chapter 1184, section 5, as
77 4 enacted by 2007 Iowa Acts, chapter 203, section 1, subsection
77 5 4, unnumbered paragraph 2, is amended to read as follows:

77 6 Notwithstanding section 8.33, moneys appropriated in this
77 7 subsection that remain unencumbered or unobligated at the
77 8 close of the fiscal year shall not revert but shall remain
77 9 available for expenditure for the purposes designated until
77 10 the close of the ~~succeeding~~ fiscal year beginning July 1,
77 11 2008.

77 12 DEPARTMENT OF ELDER AFFAIRS == LIVABLE

77 13 COMMUNITY INITIATIVE

77 14 Sec. 59. 2007 Iowa Acts, chapter 215, section 32, is
77 15 amended by adding the following new subsection:

77 16 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
77 17 appropriated in this section that remain unencumbered or
77 18 unobligated at the close of the fiscal year shall not revert
77 19 but shall remain available for expenditure for the purposes
77 20 designated until the close of the succeeding fiscal year.

77 21 CHRONIC CONDITIONS == PKU

77 22 Sec. 60. 2007 Iowa Acts, chapter 218, section 2,
77 23 subsection 3, unnumbered paragraph 2, is amended to read as
77 24 follows:

77 25 Of the funds appropriated in this subsection, \$100,000
77 26 shall be used as additional funding to provide grants to
77 27 individual patients who have phenylketonuria (PKU) to assist
77 28 with the costs of necessary special foods. Notwithstanding
77 29 section 8.33, moneys appropriated in this subsection and
77 30 allocated in this paragraph that remain unencumbered or
77 31 unobligated at the close of the fiscal year shall not revert
77 32 but shall remain available for expenditure for the purposes
77 33 designated until the close of the succeeding fiscal year.

77 34 PUBLIC PROTECTION == ANTIVIRAL STOCKPILE

77 35 Sec. 61. 2007 Iowa Acts, chapter 218, section 2,
78 1 subsection 8, paragraph d, is amended to read as follows:

78 2 d. Of the funds appropriated in this subsection, \$150,000
78 3 shall be used for management of the antiviral stockpile.
78 4 Notwithstanding section 8.33, moneys appropriated in this
78 5 subsection and allocated in this paragraph that remain
78 6 unencumbered or unobligated at the close of the fiscal year
78 7 shall not revert but shall remain available for expenditure
78 8 for the purposes designated until the close of the succeeding
78 9 fiscal year.

78 10 DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

78 11 Sec. 62. 2007 Iowa Acts, chapter 218, section 4,
78 12 subsection 1, is amended by adding the following new
78 13 unnumbered paragraph:

78 14 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, up
78 15 to \$100,000 of the moneys appropriated in this subsection that
78 16 remain unencumbered or unobligated at the close of the fiscal
78 17 year shall not revert but shall remain available for
78 18 expenditure for the purposes designated in this paragraph
78 19 until the close of the succeeding fiscal year. The purposes
78 20 shall include the sign for the veterans cemetery and other
78 21 necessary expenses.

78 22 COUNTY GRANT PROGRAM

78 23 Sec. 63. 2007 Iowa Acts, chapter 218, section 4,
78 24 subsection 4, unnumbered paragraph 3, is amended to read as
78 25 follows:

78 26 Notwithstanding section 8.33, moneys appropriated in this
78 27 subsection that remain unencumbered or unobligated at the

78 28 close of the fiscal year shall not revert to the fund from
78 29 which appropriated but shall be credited to the veterans trust
78 30 fund but shall remain available for expenditure for the
78 31 purposes designated until the close of the succeeding fiscal
78 32 year.

78 33 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
78 34 BLOCK GRANT == CHILD CARE

78 35 Sec. 64. 2007 Iowa Acts, chapter 218, section 7,
79 1 subsections 1 and 7, are amended to read as follows:

79 2 1. To be credited to the family investment program account
79 3 and used for assistance under the family investment program
79 4 under chapter 239B:

79 5 \$ 36,890,944
79 6 30,390,944

79 7 7. For state child care assistance:
79 8 \$ 18,986,177
79 9 25,486,177

79 10 a. Of the funds appropriated in this subsection, up to
79 11 \$18,986,177 shall be transferred to the child care and
79 12 development block grant appropriation made for the federal
79 13 fiscal year beginning October 1, 2007, and ending September
79 14 30, 2008, in 2007 Iowa Acts, ch. 204, section 14. Of this

79 15 amount, \$200,000 shall be used for provision of educational
79 16 opportunities to registered child care home providers in order
79 17 to improve services and programs offered by this category of
79 18 providers and to increase the number of providers. The
79 19 department may contract with institutions of higher education
79 20 or child care resource and referral centers to provide the
79 21 educational opportunities. Allowable administrative costs
79 22 under the contracts shall not exceed 5 percent. The
79 23 application for a grant shall not exceed two pages in length.

79 24 b. ~~The Any~~ funds appropriated in this subsection shall be
79 25 transferred to the child care and development block grant
79 26 appropriation that remain unallocated shall be used for state
79 27 child care assistance payments for individuals enrolled in the
79 28 family investment program who are employed.

79 29 CHILDREN'S HEALTH INSURANCE PROGRAM

79 30 Sec. 65. 2007 Iowa Acts, chapter 218, section 15, is
79 31 amended by adding the following new subsection:

79 32 NEW SUBSECTION. 4. Notwithstanding sections 8.33 and
79 33 514I.11, up to \$441,000 of the moneys appropriated in this
79 34 section that remain unencumbered or unobligated at the close
79 35 of the fiscal year shall not revert to any other fund but
80 1 shall instead be transferred to the appropriation made in
80 2 section 16 of this Act for child care assistance to be used
80 3 for the state child care assistance program until the close of
80 4 the succeeding fiscal year.

80 5 CHILD AND FAMILY SERVICES
80 6 TRANSFER FOR CHILD CARE

80 7 Sec. 66. 2007 Iowa Acts, chapter 218, section 18,
80 8 subsection 3, is amended to read as follows:

80 9 3. The department may transfer funds appropriated in this
80 10 section as necessary to pay the nonfederal costs of services
80 11 reimbursed under the medical assistance program, the state
80 12 child care assistance program, or the family investment
80 13 program which are provided to children who would otherwise
80 14 receive services paid under the appropriation in this section.
80 15 The department may transfer funds appropriated in this section
80 16 to the appropriations in this division of this Act for general
80 17 administration and for field operations for resources
80 18 necessary to implement and operate the services funded in this
80 19 section.

80 20 CHILD WELFARE DECATEGORIZATION
80 21 FY 2007=2008 NONREVERSION

80 22 Sec. 67. 2007 Iowa Acts, chapter 218, section 18,
80 23 subsection 5, is amended to read as follows:

80 24 5. In accordance with the provisions of section 232.188,
80 25 the department shall continue the child welfare and juvenile
80 26 justice funding initiative. Of the funds appropriated in this
80 27 section, \$2,605,000 is allocated specifically for expenditure
80 28 through the decategorization service funding pools and
80 29 governance boards established pursuant to section 232.188. In
80 30 addition, up to \$1,000,000 of the amount of federal temporary
80 31 assistance for needy families block grant funding appropriated
80 32 in this division of this Act for child and family services
80 33 shall be made available for purposes of the decategorization
80 34 initiative as provided in this subsection. However,
80 35 notwithstanding section 232.188, subsection 5, up to

81 1 \$6,100,000 of the moneys in the allocations made in this
81 2 subsection or made from any other source for the
81 3 decategorization of child welfare funding under section

81 4 232.188, that would otherwise be designated as carryover
81 5 funding and that remain unencumbered or unobligated at the
81 6 close of the fiscal year shall instead be transferred to the
81 7 appropriation made in section 16 of this Act for child care
81 8 assistance to be used for the state child care assistance
81 9 program until the close of the succeeding fiscal year.

81 10 CHILD AND FAMILY SERVICES
81 11 NONREVERSION FOR CHILD CARE

81 12 Sec. 68. 2007 Iowa Acts, chapter 218, section 18, is
81 13 amended by adding the following new subsection:
81 14 NEW SUBSECTION. 22. Notwithstanding section 8.33, up to
81 15 \$3,700,000 of the moneys appropriated in this section that
81 16 remain unencumbered or unobligated at the close of the fiscal
81 17 year shall not revert but shall instead be transferred to the
81 18 appropriation made in section 16 of this Act for child care
81 19 assistance to be used for the state child care assistance
81 20 program until the close of the succeeding fiscal year.

81 21 JUVENILE DETENTION FUNDING
81 22 Sec. 69. 2007 Iowa Acts, chapter 218, section 20, is
81 23 amended to read as follows:

81 24 SEC. 20. JUVENILE DETENTION HOME FUND. Moneys deposited
81 25 in the juvenile detention home fund created in section 232.142
81 26 during the fiscal year beginning July 1, 2007, and ending June
81 27 30, 2008, are appropriated to the department of human services
81 28 for the fiscal year beginning July 1, 2007, and ending June
81 29 30, 2008, for distribution as follows:

81 30 1. ~~An~~ The following amount which is equal to more than 10
81 31 percent of the costs of the establishment, improvement,
81 32 operation, and maintenance of county or multicounty juvenile
81 33 detention homes in the fiscal year beginning July 1, 2006.
81 34 Moneys appropriated for distribution in accordance with this
81 35 subsection shall be allocated among eligible detention homes,
82 1 prorated on the basis of an eligible detention home's
82 2 proportion of the costs of all eligible detention homes in the
82 3 fiscal year beginning July 1, 2006. ~~Notwithstanding section~~
~~82 4 232.142, subsection 3, the financial aid payable by the state~~
~~82 5 under that provision for the fiscal year beginning July 1,~~
~~82 6 2007, shall be limited to the amount appropriated for the~~
~~82 7 purposes of this subsection.:~~

82 8	.....	\$ 3,764,041
82 9	2. For renewal of a grant to a county with a population	
82 10	between 189,000 and 196,000 in the latest preceding certified	
82 11	federal census for implementation of the county's runaway	
82 12	treatment plan under section 232.195:	
82 13	.....	\$ 80,000
82 14	3. For continuation and expansion of the community	
82 15	partnership for child protection sites:	
82 16	.....	\$ 418,000
82 17	4. For continuation of the department's minority youth and	
82 18	family projects under the redesign of the child welfare	
82 19	system:	
82 20	.....	\$ 375,000
82 21	5. For funding of the state match for the federal	
82 22	substance abuse and mental health services administration	
82 23	(SAMHSA) system of care grant:	
82 24	.....	\$ 400,000
82 25		300,000

82 26 ~~6. For transfer to the appropriation made in this Act for~~
~~82 27 child and family services to supplement the statewide~~
~~82 28 expenditure target amount under section 232.143 designated in~~
~~82 29 the appropriation made in this Act for child and family~~
~~82 30 services:~~

82 31	.....	\$ 1,324,000
82 32	7. For training of nonlicensed relatives caring for	
82 33	children in the child welfare system:	
82 34	.....	\$ 276,000

82 35 ~~8. 6. The remainder for additional allocations to county~~
~~83 1 or multicounty juvenile detention homes, in accordance with~~
~~83 2 the distribution requirements of subsection 1 shall be~~
~~83 3 credited to the appropriation made in section 18 of this Act~~
~~83 4 for child and family services to supplement the statewide~~
~~83 5 expenditure target amount under section 232.143 designated in~~
~~83 6 that appropriation.~~

83 7 DEPARTMENT OF HUMAN SERVICES FIELD OPERATIONS

83 8 Sec. 70. 2007 Iowa Acts, chapter 218, section 28, is
83 9 amended by adding the following new subsection:

83 10 NEW SUBSECTION. 4. Notwithstanding section 8.33, up to
83 11 \$1,166,236 of the moneys appropriated in this section that
83 12 remain unencumbered or unobligated at the close of the fiscal
83 13 year shall not revert but shall remain available for
83 14 expenditure for the purposes designated until the close of the

83 15 succeeding fiscal year.
83 16 DEPARTMENT OF HUMAN SERVICES GENERAL ADMINISTRATION
83 17 Sec. 71. 2007 Iowa Acts, chapter 218, section 29, is
83 18 amended by adding the following new subsections:
83 19 NEW SUBSECTION. 4. Of the funds appropriated in this
83 20 section, \$1,000,000 is transferred to the juvenile detention
83 21 home fund created in section 232.142.
83 22 NEW SUBSECTION. 5. Notwithstanding section 8.33, up to
83 23 \$110,000 of the moneys appropriated in this section that
83 24 remain unencumbered or unobligated at the close of the fiscal
83 25 year shall not revert but shall remain available for
83 26 expenditure for the purposes designated until the close of the
83 27 succeeding fiscal year.

83 28 ADJUSTMENT OF PHARMACY DISPENSING FEE

83 29 Sec. 72. 2007 Iowa Acts, chapter 218, section 31,
83 30 subsection 1, paragraph b, is amended to read as follows:
83 31 b. (1) For the fiscal year beginning July 1, 2007, the
83 32 department shall reimburse pharmacy dispensing fees using a
83 33 single rate of \$4.52 per prescription, or the pharmacy's usual
83 34 and customary fee, whichever is lower.
83 35 (2) ~~Beginning July 1, 2007, the department of human
84 1 services shall adopt rules, pursuant to chapter 17A, to
84 2 provide for the adjustment of the pharmacy dispensing fee to
84 3 compensate for any reduction in the drug product cost
84 4 reimbursement resulting from implementation of the average
84 5 manufacturer price reimbursement standards for multisource
84 6 generic drug products imposed pursuant to the federal Deficit
84 7 Reduction Act of 2005, Pub. L. No. 109-171. In implementing
84 8 the reimbursement, the department may adjust the reimbursement
84 9 amount as necessary to provide reimbursement within the state
84 10 funding appropriated for the fiscal year beginning July 1,
84 11 2007, and ending June 30, 2008, for this purpose. The
84 12 department shall submit a medical assistance state plan
84 13 amendment to the centers for Medicare and Medicaid services of
84 14 the United States department of health and human services as
84 15 necessary to implement this subparagraph (2).~~

84 16 TRANSFER OF BRAIN INJURY FUNDING TO MEDICAL ASSISTANCE

84 17 Sec. 73. 2006 Iowa Acts, chapter 1185, section 1,
84 18 subsection 2, as amended by 2007 Iowa Acts, chapter 218,
84 19 section 83, subsection 2, paragraph c, is amended by adding
84 20 the following new unnumbered paragraph:
84 21 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of
84 22 law to the contrary, moneys that were transferred to the
84 23 department of public health pursuant to this paragraph "c"
84 24 that remain unencumbered or unobligated at the close of the
84 25 fiscal year shall not revert but shall instead be transferred
84 26 to the department of human services to the appropriation made
84 27 for the medical assistance program in 2007 Iowa Acts, chapter
84 28 218, section 11. Notwithstanding section 8.33, the
84 29 transferred moneys shall not revert at the close of the fiscal
84 30 year but shall instead remain available to be used for the
84 31 purposes of maintaining home and community-based waiver slots
84 32 for persons with brain injury under the medical assistance
84 33 program in the succeeding fiscal year.

84 34 IOWACARE ADMINISTRATIVE COSTS

84 35 Sec. 74. 2007 Iowa Acts, chapter 218, section 74, is
85 1 amended by adding the following new subsection:
85 2 NEW SUBSECTION. 8. For reimbursable administrative costs
85 3 incurred by the publicly owned acute care teaching hospital
85 4 located in a county with a population of over 350,000 included
85 5 in the expansion population provider network pursuant to
85 6 chapter 249J:
85 7 \$ 230,000
85 8 Disbursements under this subsection shall be made based on
85 9 receipts submitted to the department for reimbursable costs as
85 10 specified in section 249J.23.

85 11 HEALTH CARE TRUST FUND

85 12 DEPARTMENT OF PUBLIC HEALTH ADDICTIVE DISORDERS

85 13 Sec. 75. 2007 Iowa Acts, chapter 218, section 97,
85 14 subsection 1, is amended by adding the following new
85 15 paragraph:
85 16 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys
85 17 appropriated and allocated in this subsection that remain
85 18 unencumbered or unobligated at the close of the fiscal year
85 19 shall not revert but shall remain available for expenditure
85 20 for the purposes designated until the close of the succeeding
85 21 fiscal year.

85 22 HEALTH CARE TRUST FUND == DEPARTMENT OF
85 23 PUBLIC HEALTH HEALTHY CHILDREN AND FAMILIES

85 24 Sec. 76. 2007 Iowa Acts, chapter 218, section 97,
85 25 subsection 2, is amended by adding the following new

85 26 paragraph:
85 27 NEW PARAGRAPH. g. Notwithstanding section 8.33, moneys
85 28 appropriated and allocated in this subsection that remain
85 29 unencumbered or unobligated at the close of the fiscal year
85 30 shall not revert but shall remain available for expenditure
85 31 for the purposes designated until the close of the succeeding
85 32 fiscal year.

85 33 HEALTH CARE TRUST FUND == DEPARTMENT OF
85 34 PUBLIC HEALTH == CHRONIC CONDITIONS
85 35 Sec. 77. 2007 Iowa Acts, chapter 218, section 97,
86 1 subsection 3, is amended by adding the following new
86 2 paragraph:

86 3 NEW PARAGRAPH. dd. Notwithstanding section 8.33, moneys
86 4 appropriated and allocated in this subsection that remain
86 5 unencumbered or unobligated at the close of the fiscal year
86 6 shall not revert but shall remain available for expenditure
86 7 for the purposes designated until the close of the succeeding
86 8 fiscal year.

86 9 HEALTH CARE TRUST FUND == DEPARTMENT OF
86 10 HUMAN SERVICES == STATE CHILDREN'S
86 11 HEALTH INSURANCE PROGRAM

86 12 Sec. 78. 2007 Iowa Acts, chapter 218, section 98,
86 13 subsection 2, is amended by adding the following new
86 14 paragraph:

86 15 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys
86 16 appropriated in this subsection that are allocated for
86 17 outreach and remain unencumbered or unobligated at the close
86 18 of the fiscal year, shall not revert but shall remain
86 19 available for expenditure for the purposes designated until
86 20 the close of the succeeding fiscal year.

86 21 Sec. 79. EFFECTIVE DATE. This division of this Act, being
86 22 deemed of immediate importance, takes effect upon enactment.

86 23 DIVISION VI
86 24 PRIOR YEAR APPROPRIATION CHANGES WITH
86 25 CONTINGENT APPLICABILITY DATE

86 26 Sec. 80. 2007 Iowa Acts, chapter 214, section 9,
86 27 subsection 2, paragraph b, is amended to read as follows:

86 28 b. Psychiatric hospital
86 29 For salaries, support, maintenance, equipment,
86 30 miscellaneous purposes, for the care, treatment, and
86 31 maintenance of committed and voluntary public patients, and
86 32 for not more than the following full-time equivalent
86 33 positions:

86 34 \$ 7,043,056
86 35 0

87 1 FTEs 269.65

87 2 Sec. 81. 2007 Iowa Acts, chapter 215, section 15,
87 3 unnumbered paragraph 1, is amended to read as follows:
87 4 There is appropriated from the general fund of the state to
87 5 the salary adjustment fund for distribution by the department
87 6 of management to the various state departments, boards,
87 7 commissions, councils, and agencies, including the state board
87 8 of regents except as otherwise provided, and the judicial
87 9 branch, for the fiscal year beginning July 1, 2007, and ending
87 10 June 30, 2008, the amount of ~~\$106,848,094~~ \$106,569,196, or so
87 11 much thereof as may be necessary, to fully fund annual pay
87 12 adjustments, expense reimbursements, and related benefits
87 13 implemented pursuant to the following:

87 14 Sec. 82. 2007 Iowa Acts, chapter 215, section 15, is
87 15 amended by adding the following new subsection:

87 16 NEW SUBSECTION. 16. The amount distributed to the state
87 17 psychiatric hospital administered by the state board of
87 18 regents from the appropriation in this section shall be
87 19 reduced to zero.

87 20 Sec. 83. 2007 Iowa Acts, chapter 218, section 11,
87 21 unnumbered paragraph 2, is amended to read as follows:
87 22 For medical assistance reimbursement and associated costs
87 23 as specifically provided in the reimbursement methodologies in
87 24 effect on June 30, 2007, except as otherwise expressly
87 25 authorized by law, including reimbursement for abortion
87 26 services, which shall be available under the medical
87 27 assistance program only for those abortions which are
87 28 medically necessary:

87 29 \$616,771,820
87 30 624,093,774

87 31 Sec. 84. 2007 Iowa Acts, chapter 218, section 11, is
87 32 amended by adding the following new subsections:

87 33 NEW SUBSECTION. 17. a. Of the funds appropriated in this
87 34 section, \$2,797,719 is allocated for state match for
87 35 disproportionate share hospital payment of \$7,321,954 to
88 1 hospitals that meet both of the following conditions:

88 2 (1) The hospital qualifies for disproportionate share and
88 3 graduate medical education payments.

88 4 (2) The hospital is an Iowa state-owned hospital with more
88 5 than 500 beds and eight or more distinct residency specialty
88 6 or subspecialty programs recognized by the American college of
88 7 graduate medical education.

88 8 b. Distribution of the disproportionate share payment
88 9 shall be made on a monthly basis. The total amount of
88 10 disproportionate share payments including graduate medical
88 11 education, enhanced disproportionate share, and Iowa
88 12 state-owned teaching hospital payments shall not exceed the
88 13 amount of the state's allotment under Pub. L. No. 102=234. In
88 14 addition, the total amount of all disproportionate share
88 15 payments shall not exceed the hospital-specific
88 16 disproportionate share limits under Pub. L. No. 103=66.

88 17 NEW SUBSECTION. 18. Of the funds appropriated in this
88 18 section, \$4,524,235 is transferred to the IowaCare account
88 19 created in section 249J.24 for the fiscal year beginning July
88 20 1, 2007, and ending June 30, 2008.

88 21 NEW SUBSECTION. 19. The department shall immediately
88 22 notify the governor and the general assembly of any changes in
88 23 federal policies or application of policies that impact the
88 24 distribution of hospital disproportionate share payments.

88 25 Sec. 85. 2007 Iowa Acts, chapter 218, section 73,
88 26 subsection 2, is amended to read as follows:

88 27 2. There is appropriated from the IowaCare account created
88 28 in section 249J.24 to the state board of regents for
88 29 distribution to the university of Iowa hospitals and clinics
88 30 for the fiscal year beginning July 1, 2007, and ending June
88 31 30, 2008, the following amount, or so much thereof as is
88 32 necessary, to be used for the purposes designated:

88 33 For salaries, support, maintenance, equipment, and
88 34 miscellaneous purposes, for the provision of medical and
88 35 surgical treatment of indigent patients, for provision of
89 1 services to members of the expansion population pursuant to
89 2 chapter 249J, and for medical education:

89 3 \$ ~~10,000,000~~
89 4 25,684,211

89 5 The amount appropriated in this subsection shall be
89 6 distributed only if expansion population claims adjudicated
89 7 and paid by the Iowa Medicaid enterprise exceed the
89 8 appropriation to the state board of regents for distribution
89 9 to the university of Iowa hospitals and clinics provided in
89 10 subsection 1. The amount appropriated in this subsection
89 11 shall be distributed monthly for expansion population claims
89 12 adjudicated and approved for payment by the Iowa Medicaid
89 13 enterprise using medical assistance program reimbursement
89 14 rates.

89 15 Notwithstanding section 8.33, moneys appropriated in this
89 16 subsection that remain unencumbered or unobligated at the
89 17 close of the fiscal year shall not revert but shall remain
89 18 available for expenditure for the purposes designated until
89 19 the close of the succeeding fiscal year.

89 20 Sec. 86. EFFECTIVE DATE == CONTINGENT EFFECTIVE DATE ==
89 21 RETROACTIVE APPLICABILITY. This division of this Act, being
89 22 deemed of immediate importance, takes effect upon enactment
89 23 and is retroactively applicable to December 21, 2007.

89 24 However, the division is applicable only if the department of
89 25 human services receives approval of a medical assistance state
89 26 plan amendment from the centers for Medicare and Medicaid
89 27 services of the United States department of health and human
89 28 services to utilize the disproportionate share hospital
89 29 payments as specified in this division. The department shall
89 30 notify the governor, the persons designated by this Act to
89 31 receive reports, and the Code editor concerning the center's
89 32 approval or denial of the state plan amendment.

89 33 DIVISION VII
89 34 CODE CHANGES

89 35 Sec. 87. Section 28.9, subsection 5, Code 2007, is amended
90 1 to read as follows:

90 2 5. ~~A community empowerment gifts and grants first years~~
90 3 ~~first account is created in the Iowa empowerment fund under~~
90 4 the authority of the department of management. The account
90 5 shall consist of gift or grant moneys obtained from any
90 6 source, including but not limited to the federal government.
90 7 Moneys credited to the account are appropriated to the
90 8 department of management to be used for the community
90 9 empowerment-related purposes for which the moneys were
90 10 received.

90 11 Sec. 88. Section 135.22B, subsections 3 and 4, Code
90 12 Supplement 2007, are amended to read as follows:

90 13 3. PURPOSE. The purpose of the brain injury services
90 14 program is to provide services, service funding, or other
90 15 support for persons with a brain injury under ~~one of the~~
90 16 ~~cost=share program component or other components established~~
90 17 pursuant to this section. Implementation of the cost=share
90 18 component or any other component of the program is subject to
90 19 the funding made available for the program.

90 20 4. GENERAL REQUIREMENTS -- ~~WAIVER-ELIGIBLE COMPONENT.~~

90 21 a. ~~The component of the brain injury services program for~~
90 22 ~~persons eligible for the brain injury services waiver is~~
90 23 ~~subject to the requirements provided in this subsection.~~

90 24 b. ~~If a person is eligible for the brain injury services~~
90 25 ~~waiver and is on the waiting list for the waiver but the~~
90 26 ~~appropriation for the medical assistance program does not have~~
90 27 ~~sufficient funding designated to pay the nonfederal share of~~
90 28 ~~the costs to remove the person from the waiting list, the~~
90 29 ~~brain injury services program may provide the funding for the~~
90 30 ~~nonfederal share of the costs in order for the person to be~~
90 31 ~~removed from the waiting list and receive services under the~~
90 32 ~~waiver.~~

90 33 c. ~~A person who receives support under the waiver-eligible~~
90 34 ~~component is not eligible to receive support under the~~
90 35 ~~cost=share component of the program.~~

91 1 d. ~~Provision of funding under the waiver-eligible~~
91 2 ~~component is not an entitlement. Subject to the department of~~
91 3 ~~human services requirements for the brain injury services~~
91 4 ~~waiver waiting list, the program administrator shall make the~~
91 5 ~~final determination whether funding will be authorized under~~
91 6 ~~this component.~~

91 7 Sec. 89. Section 135.22B, subsection 5, unnumbered
91 8 paragraph 1, Code Supplement 2007, is amended to read as
91 9 follows:

91 10 The cost=share component of the brain injury services
91 11 program shall be directed to persons who have been determined
91 12 to be ineligible for the brain injury services waiver or
91 13 persons who are eligible for the waiver but funding was not
91 14 authorized or available to provide waiver eligibility for the
91 15 persons ~~under the waiver-eligible component~~. The cost=share
91 16 component is subject to general requirements which shall
91 17 include but are not limited to all of the following:

91 18 Sec. 90. Section 135.22B, subsection 8, paragraph a, Code
91 19 Supplement 2007, is amended to read as follows:

91 20 a. The application materials for services under ~~both the~~
91 21 ~~waiver-eligible and cost=share components~~ component of the
91 22 brain injury services program shall use the application form
91 23 and other materials of the brain injury services waiver. In
91 24 order to apply for the brain injury services program, the
91 25 applicant must authorize the department of human services to
91 26 provide the applicant's waiver application materials to the
91 27 brain injury services program. The application materials
91 28 provided shall include but are not limited to the waiver
91 29 application and any denial letter, financial assessment, and
91 30 functional assessment regarding the person.

91 31 Sec. 91. NEW SECTION. 135.155 EARLY CHILDHOOD IOWA
91 32 COUNCIL.

91 33 1. COUNCIL CREATED. An early childhood Iowa council is
91 34 created as an alliance of stakeholders in early care, health,
91 35 and education systems that affect children ages zero through
92 1 five in Iowa.

92 2 2. PURPOSE. The purpose of the early childhood Iowa
92 3 council is to oversee the development of an Iowa early
92 4 childhood system by integrating the early care, health, and
92 5 education systems addressing the needs of children ages zero
92 6 through five and their families. The council shall advise the
92 7 governor, general assembly, and public and private policy
92 8 bodies and service providers in addressing its purpose.

92 9 3. VISION STATEMENT. All system development activities
92 10 addressed by the early childhood Iowa council shall be aligned
92 11 around the following vision statement for the children of
92 12 Iowa: "Every child, beginning at birth, will be healthy and
92 13 successful."

92 14 4. MEMBERSHIP. The early childhood Iowa council
92 15 membership shall include a representative of any organization
92 16 that touches the lives of young children in the state ages
92 17 zero through five, has endorsed the purpose and vision
92 18 statement for the council, has endorsed the guiding principles
92 19 adopted by the council for the early childhood system, and has
92 20 formally asked to be a member and remains actively engaged in
92 21 council activities. The council shall designate additional
92 22 members to ensure there is geographic, cultural, and ethnic
92 23 diversity among the membership.

92 24 5. PROCEDURE. Except as otherwise provided by law, the
92 25 early childhood Iowa council shall determine its own rules of
92 26 procedure and operating provisions.

92 27 6. STEERING COMMITTEE. The early childhood Iowa council
92 28 shall operate with a steering committee to organize, manage,
92 29 and coordinate the activities of the council and its component
92 30 groups. The steering committee may act on behalf of the
92 31 council as necessary. The steering committee membership shall
92 32 consist of the co-chairpersons of the council's component
92 33 groups, the chairperson of the state agency liaison team, the
92 34 community empowerment facilitator or the facilitator's
92 35 designee, and other leaders designated by the council.

93 1 7. COMPONENT GROUPS. The early childhood Iowa council
93 2 shall establish component groups to address the key components
93 3 of the Iowa early childhood system. Each component group
93 4 shall have one private and one public agency co-chairperson.
93 5 The council may change the component groups as deemed
93 6 necessary by the advisory council. Initially, there shall be
93 7 a component group for each of the following:

93 8 a. Governance planning and administration.

93 9 b. Professional development.

93 10 c. Public engagement.

93 11 d. Quality services and programs.

93 12 e. Resources and funding.

93 13 f. Results accountability.

93 14 8. STATE AGENCY LIAISON TEAM. A state agency liaison team
93 15 shall support the efforts of the early childhood Iowa council.

93 16 In addition to designees of the governor, the team shall
93 17 consist of the directors or chief administrators, or their
93 18 designees, from the following state agencies and programs:

93 19 a. Child health specialty clinics.

93 20 b. Office of community empowerment in the department of
93 21 management.

93 22 c. Department of education.

93 23 d. Office of the governor.

93 24 e. Department of human rights.

93 25 f. Department of human services.

93 26 g. Iowa state university extension service.

93 27 h. Department of public health.

93 28 9. DUTIES. In addition to the advisory function specified
93 29 in subsection 2, the early childhood Iowa council's duties
93 30 shall include but are not limited to all of the following
93 31 regarding the Iowa early childhood system:

93 32 a. Adopt and update a strategic plan for developing the
93 33 system.

93 34 b. Regularly assess progress in implementing the strategic
93 35 plan.

94 1 c. Review, design, and participate in cross-functional
94 2 proposals.

94 3 d. Develop a common understanding of all parts of the
94 4 system.

94 5 e. Assess, understand, and respond to internal and
94 6 external threats to the system.

94 7 f. Serve as a liaison to constituency groups.

94 8 g. Move the system toward seamless services to children
94 9 and families through braided funding streams.

94 10 h. Maximize resources and expertise across the system.

94 11 i. Agree on common language and terminology for the
94 12 system.

94 13 j. Develop a menu of best practices and rationales for
94 14 quality services.

94 15 k. Encourage personal relationships across disciplines.

94 16 l. Serve as an advocate for the system.

94 17 m. Identify guiding principles for the early childhood
94 18 system and the agencies providing services in the system.

94 19 n. Work with the Iowa empowerment board in developing
94 20 public-private partnerships to support the early childhood
94 21 system through the first years first account in the Iowa
94 22 empowerment fund and other efforts for expanding investment of
94 23 private funding in the early childhood system. As this and
94 24 similar efforts to expand and coordinate investments from all
94 25 public and private sources evolve and mature, make
94 26 recommendations for designation of or contracting with a
94 27 private nonprofit organization to serve as a fiscal agent for
94 28 the early childhood system or another approach for increasing
94 29 public and private investment in the system.

94 30 o. Report annually by December 31 to the governor and
94 31 general assembly. The report content shall include but is not
94 32 limited to all of the following:

94 33 (1) The status and results of the council's efforts to
94 34 engage the public regarding the early care, health, and

94 35 education needs of children ages zero through five and the
95 1 efforts to develop and promote private sector involvement with
95 2 the early childhood system.

95 3 (2) The status of the efforts to improve the key
95 4 components of the early childhood system and the progress in
95 5 achieving the results identified for the key components.

95 6 (3) The status of the community empowerment initiative and
95 7 the overall early childhood system in achieving the following
95 8 initial set of desired results identified in section 28.2:

- 95 9 (a) Healthy children.
- 95 10 (b) Children ready to succeed in school.
- 95 11 (c) Safe and supportive communities.
- 95 12 (d) Secure and nurturing families.
- 95 13 (e) Secure and nurturing early care and education
95 14 environments.

95 15 Sec. 92. NEW SECTION. 135.156 LEAD AGENCY AND OTHER
95 16 STATE AGENCIES.

95 17 1. The lead agency for support of the early childhood Iowa
95 18 council for state agency efforts to develop an early childhood
95 19 system for Iowa shall be the department of public health.

95 20 2. The department shall work with the early childhood Iowa
95 21 council in integrating early care, health, and education
95 22 systems to develop an early childhood system for Iowa. The
95 23 department shall do all of the following in developing the
95 24 system:

95 25 a. Work with state agencies to enter into memorandums of
95 26 understanding outlining the agencies' responsibilities in the
95 27 system.

95 28 b. Work with private businesses, foundations, and
95 29 nonprofit organizations in implementing a public-private
95 30 partnership to develop and provide funding for the system.

95 31 c. Maintain an internet site for distributing the
95 32 information provided through the council and its component
95 33 groups.

95 34 Sec. 93. Section 135H.3, Code 2007, is amended to read as
95 35 follows:

96 1 135H.3 NATURE OF CARE.

96 2 1. A psychiatric medical institution for children shall
96 3 utilize a team of professionals to direct an organized program
96 4 of diagnostic services, psychiatric services, nursing care,
96 5 and rehabilitative services to meet the needs of residents in
96 6 accordance with a medical care plan developed for each
96 7 resident. Social and rehabilitative services shall be
96 8 provided under the direction of a qualified mental health
96 9 professional.

96 10 2. A child who requires treatment for a biologically based
96 11 mental illness as defined in section 514C.22, and meets the
96 12 medical assistance program criteria for admission to a
96 13 psychiatric medical institution for children shall be deemed
96 14 to meet the acuity criteria for inpatient benefits under a
96 15 group policy, contract, or plan providing for third-party
96 16 payment or prepayment of health, medical, and surgical
96 17 coverage benefits issued by a carrier, as defined in section
96 18 513B.2, or by an organized delivery system authorized under
96 19 1993 Iowa Acts, chapter 158, that is subject to section
96 20 514C.22.

96 21 Sec. 94. Section 217.19, Code 2007, is amended by adding
96 22 the following new unnumbered paragraph:

96 23 NEW UNNUMBERED PARAGRAPH. The department of administrative
96 24 services shall work with the department of human services to
96 25 develop and implement an expense policy applicable to the
96 26 members of a board, commission, committee, or other body under
96 27 the auspices of the department of human services who meet the
96 28 income requirements for payment of per diem in accordance with
96 29 section 7E.6, subsection 2. The policy shall allow for the
96 30 payment of the member's expenses to be addressed through use
96 31 of direct billings, travel purchase card, prepaid expenses, or
96 32 other alternative means of addressing the expenses in lieu of
96 33 reimbursement of the member.

96 34 Sec. 95. Section 237A.13, Code Supplement 2007, is amended
96 35 by adding the following new subsection:

97 1 NEW SUBSECTION. 8A. The department of human services, the
97 2 department of management, and the legislative services agency
97 3 shall utilize a joint process to arrive at a consensus
97 4 projection for state child care assistance program
97 5 expenditures. The projection shall be issued at least
97 6 quarterly.

97 7 Sec. 96. NEW SECTION. 249A.36 BEHAVIORAL HEALTH SERVICES
97 8 == CONTRACTING REQUIREMENTS == APPEALS OF CLAIMS DENIED ==
97 9 FUNDING == SEPARATE ACCOUNT.

97 10 1. Beginning May 1, 2008, and thereafter, any contract

97 11 between the department and a third-party administrator to
97 12 administer behavioral health services under the medical
97 13 assistance program shall meet all of the following
97 14 requirements:

97 15 a. The administrative fee negotiated between the
97 16 third-party administrator and the department for the services
97 17 provided by the third-party administrator shall be the entire
97 18 consideration for all services provided by the third-party
97 19 administrator.

97 20 b. Any contract entered into between the department and a
97 21 third-party administrator shall prohibit retention by the
97 22 third-party administrator of interest generated on payments
97 23 made by the department to the third-party administrator.

97 24 c. Funds that are not used to pay for behavioral health
97 25 services and held in escrow by the third-party administrator
97 26 and any interest earned on such funds shall be remitted to the
97 27 department within thirty days of the receipt or generation of
97 28 such funds.

97 29 d. A claim submitted for behavioral health services
97 30 provided to a recipient of medical assistance that meets all
97 31 of the following conditions is prima facie evidence that the
97 32 claim is eligible for reimbursement for the purpose of an
97 33 appeal:

97 34 (1) A mental health professional provides an in-person
97 35 consultation to a recipient of medical assistance.

98 1 (2) The mental health professional delivers or directs
98 2 behavioral health services to be delivered to the recipient of
98 3 medical assistance, and the behavioral health service
98 4 delivered is a qualified service under the medical assistance
98 5 program.

98 6 (3) The mental health professional certifies that in the
98 7 professional judgment of the mental health professional the
98 8 service is necessary for the safety of the recipient of
98 9 medical assistance.

98 10 2. a. The department shall establish a behavioral health
98 11 care provider appeals panel.

98 12 b. The panel shall consist of all of the following
98 13 members:

98 14 (1) Three mental health professionals who are not employed
98 15 by either the department or the third-party administrator,
98 16 appointed by the three largest providers of behavioral health
98 17 services in the state.

98 18 (2) A designee of the department.

98 19 (3) A designee of the association of behavioral health
98 20 services.

98 21 c. The provider appeals panel shall hear appeals on denial
98 22 of claims for behavioral health services under the medical
98 23 assistance program. The department shall adopt an appeals
98 24 process by rule.

98 25 d. A provider or a third-party administrator may appeal
98 26 the decision of the provider appeals panel to the director of
98 27 the department, whose written decision shall be a final agency
98 28 action and may be appealed pursuant to section 17A.19.

98 29 3. a. The department shall maintain a separate account
98 30 for all funds appropriated, allocated, or otherwise available
98 31 for payment of behavioral health services provided under the
98 32 medical assistance program, to be administered by the
98 33 department. The account shall include all of the following:

98 34 (1) The total state appropriation for payment of
98 35 behavioral health services under the medical assistance
99 1 program.

99 2 (2) Any interest generated from the funds in the account.

99 3 (3) Unutilized funds and interest on the funds remitted to
99 4 the department by a third-party administrator.

99 5 b. Notwithstanding section 8.33, funds remaining in the
99 6 account that remain unencumbered or unobligated at the end of
99 7 any fiscal year shall not revert but shall remain available in
99 8 succeeding fiscal years for any of the following purposes:

99 9 (1) Funding for additional mental health professional
99 10 residency programs in this state.

99 11 (2) Investment in acute or nonacute mental health centers
99 12 for adults and children.

99 13 (3) Reimbursement of providers of behavioral health
99 14 services.

99 15 4. The department shall adopt rules and amend the medical
99 16 assistance state plan, as necessary, to administer this
99 17 section.

99 18 5. For the purposes of this section, "behavioral health
99 19 services" means services provided for the treatment of mental
99 20 disorders, emotional disorders, and chemical dependency
99 21 disorders as specified by rule of the department, and "mental

99 22 health professional" means mental health professional as
99 23 defined in section 228.1.
99 24 Sec. 97. Section 249J.23, subsection 3, Code 2007, is
99 25 amended to read as follows:
99 26 3. a. Moneys deposited in the account for health care
99 27 transformation shall be used only as provided in
99 28 appropriations from the account for the costs associated with
99 29 certain services provided to the expansion population pursuant
99 30 to section 249J.6, certain initiatives to be designed pursuant
99 31 to section 249J.8, the case-mix adjusted reimbursement system
99 32 for persons with mental retardation or developmental
99 33 disabilities pursuant to section 249J.12, certain health
99 34 promotion partnership activities pursuant to section 249J.14,
99 35 the cost and quality performance evaluation pursuant to
100 1 section 249J.16, auditing requirements pursuant to section
100 2 249J.22, the provision of additional indigent patient care and
100 3 treatment, and administrative costs associated with this
100 4 chapter including administrative costs as specified in
100 5 paragraph "b".

100 6 b. Notwithstanding any provision of this chapter to the
100 7 contrary, the department shall reimburse the publicly owned
100 8 acute care teaching hospital located in a county with a
100 9 population over three hundred fifty thousand that is a
100 10 participating provider in the expansion population provider
100 11 network, for the hospital's administrative costs associated
100 12 with participation in the IowaCare program. Reimbursable
100 13 costs shall include the hospital's costs for claims data
100 14 submission and the costs of salaries and benefits for the
100 15 additional hospital employees necessary to perform program
100 16 preauthorizations, verifications, and claims processing.
100 17 Reimbursement shall be made on a monthly basis. Such
100 18 reimbursement shall be in addition to funds received through
100 19 the annual appropriation to the hospital from the IowaCare
100 20 account for medical and surgical care and treatment of
100 21 indigent patients and for medical education pursuant to
100 22 section 249J.24.

100 23 Sec. 98. NEW SECTION. 256.35A IOWA AUTISM COUNCIL.

100 24 1. An Iowa autism council is created to act in an advisory
100 25 capacity to the state in developing and implementing a
100 26 comprehensive, coordinated system to provide appropriate
100 27 diagnostic, intervention, and support services for children
100 28 with autism and to meet the unique needs of adults with
100 29 autism.

100 30 2. a. The council shall consist of thirteen voting
100 31 members appointed by the governor and confirmed by the senate.
100 32 The majority of the voting members shall be individuals with
100 33 autism or members of their families. Additionally, each of
100 34 the following shall be represented among the voting members:

- 100 35 (1) Autism diagnostic and research specialists.
- 101 1 (2) Individuals with recognized expertise in utilizing
101 2 best practices for diagnosis, intervention, education, and
101 3 support services for individuals with autism.
- 101 4 (3) Individuals providing residential services for
101 5 individuals with autism.
- 101 6 (4) Medical professionals with background or expertise in
101 7 a pertinent medical field such as psychiatry or behavioral
101 8 science.
- 101 9 (5) Private insurers.
- 101 10 (6) Teachers and representatives of area education
101 11 agencies.

101 12 b. In addition, representatives of the department of
101 13 education, the division of vocational rehabilitation of the
101 14 department of education, the department of public health, the
101 15 department of human services, the governor's developmental
101 16 disabilities council, the division of insurance of the
101 17 department of commerce, and the state board of regents shall
101 18 serve as ex officio members of the advisory council. Ex
101 19 officio members shall work together in a collaborative manner
101 20 to serve as a resource to the advisory council. The council
101 21 may also form workgroups as necessary to address specific
101 22 issues within the technical purview of individual members.

101 23 c. Voting members shall serve three-year terms beginning
101 24 and ending as provided in section 69.19, and appointments
101 25 shall comply with sections 69.16 and 69.16A. Vacancies on the
101 26 council shall be filled in the same manner as the original
101 27 appointment. A person appointed to fill a vacancy shall serve
101 28 only for the unexpired portion of the term. Public members
101 29 shall receive reimbursement for actual expenses incurred while
101 30 serving in their official capacity and may also be eligible to
101 31 receive compensation as provided in section 7E.6.

101 32 d. The council shall elect a chairperson from its voting

101 33 members annually. A majority of the voting members of the
101 34 council shall constitute a quorum.
101 35 e. The department shall convene and provide administrative
102 1 support to the council.
102 2 3. The council shall focus its efforts on addressing the
102 3 unmet needs of individuals with autism at various levels of
102 4 severity and their families. The council shall address all of
102 5 the following:
102 6 a. Early identification by medical professionals of
102 7 autism, including education and training of health care and
102 8 mental health care professionals and the use of best practice
102 9 guidelines.
102 10 b. Appropriate early and intensive early intervention
102 11 services with access to models of training.
102 12 c. Integration and coordination of the medical community,
102 13 community educators, childhood educators, health care
102 14 providers, and community-based services into a seamless
102 15 support system for individuals and their families.
102 16 d. General and special education support services.
102 17 e. In-home support services for families requiring
102 18 behavioral and other supports.
102 19 f. Training for educators, parents, siblings, and other
102 20 family members.
102 21 g. Enhancing of community agency responsiveness to the
102 22 living, learning, and employment needs of adults with autism
102 23 and provision of services including but not limited to respite
102 24 services, crisis intervention, employment assistance, case
102 25 management, and long-term care options.
102 26 h. Financing options including but not limited to medical
102 27 assistance waivers and private health insurance coverage.
102 28 i. Data collection.

102 29 4. The council shall meet quarterly. The council shall
102 30 submit a report to the governor and the general assembly,
102 31 annually by December 15, identifying the needs and making
102 32 recommendations for improving and enhancing the lives of
102 33 individuals with autism and their families.
102 34 5. For the purposes of this section, "autism" means a
102 35 spectrum disorder that includes at various levels of severity,

103 1 autism, Asperger's disorder, pervasive developmental disorder,
103 2 Rett's syndrome, and childhood disintegrative disorder.

103 3 Sec. 99. Section 514I.6, Code 2007, is amended by adding
103 4 the following new subsection:
103 5 NEW SUBSECTION. 7. Provide qualified child health plans
103 6 to eligible children. A participating insurer shall not
103 7 require participation by a provider in other health insurance
103 8 products of the participating insurer as a condition of
103 9 participation in the qualified child health plan.

103 10 Sec. 100. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.
103 11 1. The section of this division of this Act enacting
103 12 section 249A.36, being deemed of immediate importance, takes
103 13 effect upon enactment and is retroactively applicable to May
103 14 1, 2008.

103 15 2. The section of this division of this Act amending
103 16 section 249J.23, being deemed of immediate importance, takes
103 17 effect upon enactment and is retroactively applicable to July
103 18 1, 2005.

103 19 DIVISION VIII

103 20 INDIVIDUAL DEVELOPMENT ACCOUNTS

103 21 Sec. 101. Section 422.7, subsection 28, paragraph b, Code
103 22 Supplement 2007, is amended to read as follows:

103 23 b. The amount of any savings refund or state match
103 24 payments authorized under section 541A.3, subsection 1.

103 25 Sec. 102. Section 541A.1, subsection 2, Code 2007, is
103 26 amended to read as follows:

103 27 2. "Administrator" means the division of community action
103 28 agencies of the department of human ~~services~~ rights.

103 29 Sec. 103. Section 541A.1, Code 2007, is amended by adding
103 30 the following new subsection:

103 31 NEW SUBSECTION. 5A. "Household income" means the annual
103 32 household income of an account holder or prospective account
103 33 holder, as determined in accordance with rules adopted by the
103 34 administrator.

103 35 Sec. 104. Section 541A.2, subsection 4, paragraph a, Code
104 1 2007, is amended by adding the following new subparagraphs:

104 2 NEW SUBPARAGRAPH. (7) A purpose approved in accordance
104 3 with rule for a refugee individual development account.

104 4 NEW SUBPARAGRAPH. (8) Purchase of an automobile.

104 5 NEW SUBPARAGRAPH. (9) Purchase of assistive technology,
104 6 home or vehicle modification, or other device or physical

104 7 improvement to assist an account holder or family member with
104 8 a disability.

104 9 NEW SUBPARAGRAPH. (10) Other purpose approved in
104 10 accordance with rule that is intended to move the account
104 11 holder or a family member toward a higher degree of
104 12 self-sufficiency.
104 13 Sec. 105. Section 541A.2, subsection 10, Code 2007, is
104 14 amended to read as follows:
104 15 10. The total amount of sources of principal which may be
104 16 in an individual development account shall be limited to fifty
104 17 thirty thousand dollars.
104 18 Sec. 106. Section 541A.3, Code 2007, is amended to read as
104 19 follows:
104 20 541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS == REFUND STATE
104 21 MATCH AND TAX PROVISIONS.
104 22 All of the following state match and tax provisions shall
104 23 apply to an individual development account:
104 24 1. a. Payment by the state of a state savings refund
104 25 match on amounts of up to two thousand dollars per calendar
104 26 year that an account holder deposits in the account holder's
104 27 account. To be eligible to receive a state match an account
104 28 holder must have a household income that is equal to or less
104 29 than two hundred percent of the federal poverty level.
104 30 b. Moneys transferred to an individual development account
104 31 from another individual development account and a savings
104 32 refund state match received by the account holder in
104 33 accordance with this section shall not be considered an
104 34 account holder deposit for purposes of determining a savings
104 35 refund state match.
105 1 c. Payment of a savings refund state match either shall be
105 2 made directly to the account holder or to an operating
105 3 organization's central reserve account for later distribution
105 4 to the account holder in the most appropriate manner as
105 5 determined by the administrator.
105 6 d. The Subject to the limitation in paragraph "a", the
105 7 state savings refund match shall be the indicated percentage
105 8 of equal to one hundred percent of the amount deposited+ by
105 9 the account holder. However, the administrator may limit,
105 10 reduce, delay, or otherwise revise state match payment
105 11 provisions as necessary to restrict the payments to the
105 12 funding available.
105 13 a. For an account holder with a household income, as
105 14 defined in section 425.17, subsection 6, which is one hundred
105 15 fifty percent or less of the federal poverty level,
105 16 twenty-five percent.
105 17 b. For an account holder with a household income which is
105 18 more than one hundred fifty percent but less than one hundred
105 19 seventy-five percent of the federal poverty level, twenty
105 20 percent.
105 21 c. For an account holder with a household income which is
105 22 one hundred seventy-five percent or more but not more than two
105 23 hundred percent of the federal poverty level, fifteen percent.
105 24 d. For an account holder with a household income which is
105 25 more than two hundred percent of the federal poverty level,
105 26 zero percent.
105 27 2. Income earned by an individual development account is
105 28 not subject to state tax, in accordance with the provisions of
105 29 section 422.7, subsection 28.
105 30 3. Amounts transferred between individual development
105 31 accounts are not subject to state tax.
105 32 4. The administrator shall work with the United States
105 33 secretary of the treasury and the state's congressional
105 34 delegation as necessary to secure an exemption from federal
105 35 taxation for individual development accounts and the earnings
106 1 on those accounts. The administrator shall report annually to
106 2 the governor and the general assembly concerning the status of
106 3 federal approval.
106 4 5- 4. The administrator shall coordinate the filing of
106 5 claims for a state savings refunds match authorized under
106 6 subsection 1, between account holders, and operating
106 7 organizations, and the department of administrative services.
106 8 Claims approved by the administrator may be paid by the
106 9 department of administrative services to each account holder,
106 10 for an aggregate amount for distribution to the holders of the
106 11 accounts in a particular financial institution, or to an
106 12 operating organization's central reserve account for later
106 13 distribution to the account holders depending on the
106 14 efficiency for issuing the refunds state match payments.
106 15 Claims shall be initially filed with the administrator on or
106 16 before a date established by the administrator. Claims
106 17 approved by the administrator shall be paid from the general
106 18 fund of the state in the manner specified in section 422.74
106 19 individual development account state match fund.

106 20 Sec. 107. Section 541A.5, Code 2007, is amended to read as
106 21 follows:

106 22 541A.5 RULES.

106 23 1. ~~The administrator commission on community action~~
106 24 ~~agencies created in section 216A.92A~~, in consultation with the
106 25 department of administrative services, shall adopt
106 26 administrative rules to administer this chapter.

106 27 2. a. The rules adopted by the ~~administrator commission~~
106 28 shall include but are not limited to provision for transfer of
106 29 an individual development account to a different financial
106 30 institution than originally approved by the administrator, if
106 31 the different financial institution has an agreement with the
106 32 account's operating organization.

106 33 b. ~~The rules for determining household income may provide~~
106 34 ~~categorical eligibility for prospective account holders who~~
106 35 ~~are enrolled in programs with income eligibility restrictions~~
107 1 ~~that are equal to or less than the maximum household income~~
107 2 ~~allowed for payment of a state match under section 541A.3.~~

107 3 c. ~~Subject to the availability of funding, the commission~~
107 4 ~~may adopt rules implementing an individual development account~~
107 5 ~~program for refugees. Rules shall identify purposes approved~~
107 6 ~~for withdrawals to meet the special needs of refugee families.~~

107 7 3. ~~The administrator shall utilize a request for proposals~~
107 8 ~~process for selection of operating organizations and approval~~
107 9 ~~of financial institutions.~~

107 10 Sec. 108. Section 541A.6, Code 2007, is amended to read as
107 11 follows:

107 12 541A.6 COMPLIANCE WITH FEDERAL REQUIREMENTS.

107 13 The ~~administrator commission on community action agencies~~
107 14 shall adopt rules for compliance with federal individual
107 15 development account requirements under the federal Personal
107 16 Responsibility and Work Opportunity Reconciliation Act of
107 17 1996, } 103, as codified in 42 U.S.C. } 604(h), under the
107 18 federal Assets for Independence Act, Pub. L. No. 105=285,
107 19 Title IV, or with any other federal individual development
107 20 account program requirements, ~~as necessary for the state to~~
107 21 ~~qualify to use federal temporary assistance for needy families~~
107 22 ~~block grant funding or other available for drawing federal~~
107 23 ~~funding for allocation to operating organizations. Any rules~~
107 24 ~~adopted under this section shall not apply the federal~~
107 25 ~~individual development account program requirements to an~~
107 26 ~~operating organization which does not utilize federal funding~~
107 27 ~~for the accounts with which it is connected or to an account~~
107 28 ~~holder who does not receive temporary assistance for needy~~
107 29 ~~families block grant or other federal funding.~~

107 30 Sec. 109. NEW SECTION. 541A.7 INDIVIDUAL DEVELOPMENT
107 31 ACCOUNT STATE MATCH FUND.

107 32 1. An individual development account state match fund is
107 33 created in the state treasury under the authority of the
107 34 administrator. Notwithstanding section 8.33, moneys
107 35 appropriated to the fund shall not revert to any other fund.
108 1 Notwithstanding section 12C.7, subsection 2, interest or
108 2 earnings on moneys deposited in the fund shall be credited to
108 3 the fund.

108 4 2. Moneys available in the fund for a fiscal year are
108 5 appropriated to the administrator to be used to provide the
108 6 state match for account holder deposits in accordance with
108 7 section 541A.3. At least eighty=five percent of the amount
108 8 appropriated shall be used for state match payments and the
108 9 remainder may be used for administrative costs.

108 10 Sec. 110. INDIVIDUAL DEVELOPMENT ACCOUNT RULES ==
108 11 TRANSITION, EFFECTIVE DATE, AND APPLICABILITY.

108 12 1. The division of community action agencies of the
108 13 department of human rights shall administer individual
108 14 development accounts in accordance with the administrative
108 15 rules pertaining to the accounts in 441 IAC ch. 10, in place
108 16 of the department of human services until replacement
108 17 administrative rules are adopted. The commission on community
108 18 action agencies may adopt emergency rules under section 17A.4,
108 19 subsection 2, and section 17A.5, subsection 2, paragraph "b",
108 20 to implement the provisions of this Act and the rules shall be
108 21 effective immediately upon filing unless a later date is
108 22 specified in the rules. Any rules adopted in accordance with
108 23 this subsection shall also be published as a notice of
108 24 intended action as provided in section 17A.4.

108 25 2. This division of this Act, being deemed of immediate
108 26 importance, takes effect upon enactment.

108 27 3. The change from "savings refund" to "state match" as
108 28 authorized in section 422.7, subsection 28, and section
108 29 541A.3, as amended by this Act, is retroactively applicable to
108 30 January 1, 2008, for the tax year commencing on January 1,

108 31 2008.

108 32 EXPLANATION

108 33 This bill relates to and makes appropriations for health
108 34 and human services for FY 2008=2009 to the department of
108 35 veterans affairs, the Iowa veterans home, the department of
109 1 elder affairs, the department of public health, Iowa finance
109 2 authority, state board of regents, department of inspections
109 3 and appeals, and the department of human services.

109 4 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division
109 5 appropriates funding from the general fund of the state for
109 6 the department of elder affairs, the department of public
109 7 health, and the department of veterans affairs.

109 8 The division appropriates funds from the gambling treatment
109 9 fund in lieu of the standing appropriation in Code section
109 10 135.150 for addictive disorders and provides for use of the
109 11 funds remaining in the fund.

109 12 The division appropriates funding from the general fund of
109 13 the state and the federal temporary assistance for needy
109 14 families block grant to the department of human services. The
109 15 allocation for the family development and self-sufficiency
109 16 grant program is made directly to the department of human
109 17 rights.

109 18 The reimbursement section addresses reimbursement for
109 19 providers reimbursed by the department of human services.

109 20 This division also changes the method under 2001 Iowa Acts,
109 21 chapter 192, by which increased reimbursement to certain
109 22 nursing facilities is provided based upon accountability
109 23 measures.

109 24 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT
109 25 ACCOUNT, IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION ACCOUNT,
109 26 AND PROPERTY TAX RELIEF FUND. This division makes
109 27 appropriations for FY 2008=2009 from the senior living trust
109 28 fund to the department of elder affairs, the department of
109 29 human services, the department of inspections and appeals, and
109 30 the Iowa finance authority.

109 31 The division makes an appropriation from the pharmaceutical
109 32 settlement account to the department of human services to
109 33 supplement the medical contracts appropriation.

109 34 The division makes appropriations from the IowaCare account
109 35 to the state board of regents for distribution to the
110 1 university of Iowa hospitals and clinics, and to the
110 2 department of human services for distribution to a publicly
110 3 owned acute care teaching hospital in a county with a
110 4 population over 350,000, and to the state mental health
110 5 institutes for purposes related to the IowaCare program and
110 6 indigent care. The division makes an appropriation to the
110 7 department of human services from the health care
110 8 transformation account for various health care reform
110 9 initiatives. The division includes a transfer from the
110 10 account for health care transformation to the IowaCare
110 11 account.

110 12 An appropriation is made from the property tax relief fund
110 13 for the medical assistance program in lieu of distribution of
110 14 certain revenues received from utility replacement generation
110 15 tax revenues received as of November 1, 2007.

110 16 If the total amount appropriated from all sources for the
110 17 medical assistance program for FY 2008=2009 exceeds the amount
110 18 needed, the excess reverts to the senior living trust fund.

110 19 MH/MR/DD/BI SERVICES ALLOWED GROWTH FUNDING == FY
110 20 2008=2009. This division provides for distribution of the
110 21 services funding previously appropriated for FY 2008=2009.
110 22 The previously made appropriation is revised and the brain
110 23 injury services program distribution through the department of
110 24 public health is eliminated. Code section 331.439, relating
110 25 to county mental health, mental retardation, and developmental
110 26 disabilities services plans, is amended to allow the
110 27 department of human services to extend for good cause the
110 28 county deadlines for reporting associated with the services.

110 29 The legislative council is requested to create a task force
110 30 to consider county=state shared funding for the mental health
110 31 and disability services covered by the Medicaid program.
110 32 Additionally, the department of human services, division of
110 33 mental health and disability services, is directed to appoint
110 34 a stakeholder committee to work on updating Iowa law and rules
110 35 pertaining to community mental health centers.

111 1 MH/MR/DD/BI SERVICES ALLOWED GROWTH FUNDING == FY
111 2 2009=2010. This division provides the FY 2008=2009 allowed
111 3 growth appropriation for distribution to counties and for the
111 4 brain injury services program in the department of public
111 5 health.

111 6 HEALTH CARE TRUST FUND. This division includes provisions

111 7 relating to health care and makes appropriations from the
111 8 health care trust fund.

111 9 Appropriations are made from the health care trust fund to
111 10 the department of public health for addictive disorders,
111 11 healthy children and families, chronic conditions, and
111 12 community capacity.

111 13 Funds are appropriated from the health care trust fund to
111 14 the department of human services for medical assistance and
111 15 mental health, mental retardation, and developmental
111 16 disability (MH/MR/DD) services allowed growth. Under the
111 17 appropriation for the medical assistance program, funding is
111 18 specifically allocated for a grant to the Iowa healthcare
111 19 collaborative. The appropriation for MH/MR/DD allowed growth
111 20 is to be credited to the property tax relief fund from which
111 21 it is appropriated in another part of the bill.

111 22 APPROPRIATION=RELATED CHANGES. This division provides
111 23 appropriation=related changes and takes effect upon enactment.

111 24 Code section 35D.18, requiring the Iowa veterans home to
111 25 operate with a net general fund appropriation, is amended to
111 26 remove a \$500,000 restriction on the amount of excess funding
111 27 that may be carried forward at the close of a fiscal year.

111 28 A supplemental appropriation is made for FY 2007=2008 from
111 29 the healthy Iowans tobacco trust to be credited to the
111 30 juvenile detention home fund.

111 31 An allocation made in 2006 Iowa Acts, chapter 1184, for
111 32 purposes of the decategorization of child welfare and juvenile
111 33 justice funding initiative under Code section 232.188 is
111 34 amended to provide that up to \$3,605,000 from the allocation
111 35 and any other funding designated as carryover funding under
112 1 the initiative that is unencumbered or unobligated at the
112 2 close of fiscal year 2007=2008 will not revert as provided in
112 3 Code section 232.188 but instead will remain to be used for
112 4 the initiative in FY 2008=2009.

112 5 The appropriation made in 2007 Iowa Acts, chapter 176, for
112 6 the Vietnam Conflict veterans bonus fund is amended to provide
112 7 that the appropriation does not revert at the close of FY
112 8 2007=2008 but remains available through the succeeding fiscal
112 9 year.

112 10 The appropriation made in 2007 Iowa Acts, chapter 203, for
112 11 the injured veterans grant program is amended to provide that
112 12 the appropriation does not revert at the close of FY 2007=2008
112 13 but remains available through the succeeding fiscal year.

112 14 The general fund appropriation to the department of elder
112 15 affairs for the livable community initiative in 2007 Iowa
112 16 Acts, chapter 215, is amended to provide the appropriation
112 17 does not revert at the close of FY 2007=2008 but remains
112 18 available to be used for the same purpose in the succeeding
112 19 fiscal year.

112 20 Allocations made in appropriations to the department of
112 21 public health in 2007 Iowa Acts, chapter 218, section 2, for
112 22 patients who have phenylketonuria (PKU) and for management of
112 23 the antiviral stockpile that remain at the close of the fiscal
112 24 year are carried forward to be used for the same purposes in
112 25 the succeeding fiscal year.

112 26 The general fund appropriation made to the department of
112 27 veterans affairs in 2007 Iowa Acts, chapter 218, section 4,
112 28 subsection 1, for departmental administration is amended to
112 29 provide that the appropriation does not revert at the close of
112 30 FY 2007=2008 but remains available through the succeeding
112 31 fiscal year to be used for the veterans cemetery sign and
112 32 other necessary expenses.

112 33 The general fund appropriation made for purposes of the
112 34 county grant program for veterans in 2007 Iowa Acts, chapter
112 35 218, section 4, subsection 4, will remain available to be used
113 1 for the program in the succeeding fiscal year rather than be
113 2 credited to the veterans trust fund.

113 3 A portion of the appropriation of federal temporary
113 4 assistance for needy families (TANF) block grant made in 2007
113 5 Iowa Acts, chapter 218, section 7, to the department of human
113 6 services for the family investment program is shifted to the
113 7 appropriation from the block grant for state child care
113 8 assistance and a portion is then transferred to the federal
113 9 child care and development block grant.

113 10 Of the funds appropriated from the general fund to the
113 11 department of human services for fiscal year 2007=2008 in 2007
113 12 Iowa Acts, chapter 218, section 15, for the state children's
113 13 health insurance program, up to \$441,000 that remains
113 14 available at the close of the fiscal year is to be transferred
113 15 to the appropriation from child care assistance until the
113 16 close of the succeeding fiscal year.

113 17 Existing authority for DHS to transfer funds appropriated

113 18 in 2007 Iowa Acts, chapter 218, section 18, for child and
113 19 family services that would have otherwise been paid under
113 20 another appropriation is expanded to include services that
113 21 would have otherwise been reimbursed under the appropriation
113 22 for child care assistance.

113 23 Of the general fund moneys allocated for the
113 24 decategorization of child welfare funding for fiscal year
113 25 2007=2008 in 2007 Iowa Acts, chapter 218, section 18,
113 26 subsection 5, that if unexpended at the close of the fiscal
113 27 year would otherwise be available for the succeeding fiscal
113 28 year, up to \$6.1 million is transferred to the appropriation
113 29 made for the child care assistance to be used for the state
113 30 child care assistance program for the succeeding fiscal year.

113 31 Of the fiscal year 2007=2008 general fund appropriation to
113 32 DHS in 2007 Iowa Acts, chapter 218, section 18, for child and
113 33 family services remaining unexpended at the close of the
113 34 fiscal year, up to \$3.7 million is transferred to the
113 35 appropriation for child care assistance to be used for the
114 1 state child care assistance program until the close of the
114 2 succeeding fiscal year.

114 3 The requirements for distribution of the moneys
114 4 appropriated to DHS from the juvenile detention home fund in
114 5 2007 Iowa Acts, chapter 218, section 20, are revised to
114 6 increase the amount distributed to such homes and to decrease
114 7 and eliminate other allocations. Any remainder is required to
114 8 be transferred to the appropriation for child and family
114 9 services.

114 10 Of the general fund appropriation made to the department of
114 11 human services for field operations for fiscal year 2007=2008
114 12 in 2007 Iowa Acts, chapter 218, section 28, approximately \$1.1
114 13 million of the amount remaining unexpended at the close of the
114 14 fiscal year may be carried forward to be used in the
114 15 succeeding fiscal year.

114 16 Of the general fund appropriation made to the department of
114 17 human services for general administration for fiscal year
114 18 2007=2008 in 2007 Iowa Acts, chapter 218, section 29, \$1
114 19 million is transferred to the juvenile detention home fund and
114 20 up to \$110,000 of any amount remaining unexpended at the close
114 21 of the fiscal year may be carried forward to be used in the
114 22 succeeding fiscal year.

114 23 This division eliminates a provision in 2007 Iowa Acts,
114 24 chapter 218, section 31, allowing for adjustment of the
114 25 pharmacy dispensing fee to compensate for any reduction in
114 26 drug product cost reimbursement resulting from federal
114 27 legislation.

114 28 Moneys appropriated from the property tax relief fund in
114 29 2007 Iowa Acts, chapter 218, section 83, and transferred to
114 30 DPH for the brain injury program that remain unexpended at the
114 31 close of fiscal year 2007=2008 are to be transferred to the
114 32 appropriation for the Medicaid program to provide home and
114 33 community-based waiver slots until the close of the succeeding
114 34 fiscal year.

114 35 The appropriations made from the IowaCare account in 2007
115 1 Iowa Acts, chapter 218, section 74, are amended to provide a
115 2 new appropriation for administrative costs incurred by the
115 3 publicly owned acute care teaching hospital located in a
115 4 county with a population over 350,000.

115 5 Appropriations made from the health care trust fund to the
115 6 department of public health for fiscal year 2007=2008 in 2007
115 7 Iowa Acts, chapter 218, section 97, for addictive disorders,
115 8 healthy children and families, and chronic conditions, and to
115 9 DHS for the state children's health insurance program in
115 10 section 98, remaining unexpended at the close of the fiscal
115 11 year may be carried forward to be used in the succeeding
115 12 fiscal year.

115 13 The division takes effect upon enactment.

115 14 PRIOR YEAR APPROPRIATION CHANGES WITH CONTINGENT
115 15 APPLICABILITY DATE. This division changes prior year
115 16 appropriations and is retroactively applicable to December 21,
115 17 2007, but is contingent upon federal approval of a Medicaid
115 18 state plan amendment.

115 19 The appropriation made from the general fund of the state
115 20 in 2007 Iowa Acts, chapter 214, for the state psychiatric
115 21 hospital is reduced to zero and is replaced by increasing the
115 22 appropriation made from the general fund of the state for the
115 23 medical assistance program in 2007 Iowa Acts, chapter 218, and
115 24 making an allocation for the psychiatric hospital. The
115 25 medical assistance appropriation is also amended to transfer
115 26 approximately \$4.5 million to the IowaCare account. In
115 27 addition, the appropriation made in 2007 Iowa Acts, chapter
115 28 215, for the salary adjustment fund is amended to reduce the

115 29 appropriation and to reflect that the distribution of salary
115 30 adjustment moneys for the state psychiatric hospital are
115 31 reduced to zero.

115 32 The bill also increases the amount appropriated to the
115 33 state board of regents for the IowaCare program for FY
115 34 2007=2008, and makes distribution of the amount contingent
115 35 upon claims adjudicated and approved for payment.

116 1 CODE CHANGES. This division provides miscellaneous Code
116 2 changes.

116 3 Code section 28.9, relating to the community empowerment
116 4 fund, is amended to change the name of the community
116 5 empowerment gifts and grants account within the fund to the
116 6 first years first account.

116 7 Code section 135.22B, relating to the brain injury services
116 8 program in DPH, is amended to eliminate the component relating
116 9 to persons eligible for the Medicaid home and community-based
116 10 services waiver for persons with brain injury.

116 11 New Code section 135.155 creates the early childhood Iowa
116 12 council, and includes a purpose and vision statement, provides
116 13 that the council membership is open to a representative of any
116 14 organization that touches the lives of young children in the
116 15 state ages zero through five, authorizes the council to adopt
116 16 its own procedures, provides for creation of component groups
116 17 and for a steering committee consisting of the co-chairpersons
116 18 of the component groups and others, provides for a state
116 19 agency team to support the activities of the council, and
116 20 outlines the duties of the council.

116 21 New Code section 135.156 designates the department of
116 22 public health as the lead agency for the support of the
116 23 development and integration of an early childhood system for
116 24 Iowa. The lead agency's duties include working with state
116 25 agencies to enter into memorandums of understanding outlining
116 26 the agencies' responsibilities in the system; working with
116 27 private businesses, foundations, and nonprofit organizations
116 28 in implementing a public-private partnership to develop and
116 29 provide funding for the system; and maintaining an internet
116 30 site for the early childhood Iowa council and its component
116 31 groups.

116 32 Code section 135H.3, relating to the nature of care
116 33 provided in a psychiatric medical institution for children, is
116 34 amended to provide that children requiring treatment for a
116 35 biologically based mental illness and meeting other criteria
117 1 are deemed to meet the acuity criteria for inpatient treatment
117 2 under various health care coverage provisions.

117 3 Code section 217.19, relating to DHS expenses, is amended
117 4 to require the department of administrative services to work
117 5 with DHS in order to develop and implement an expense policy
117 6 for members of boards, commissions, and other bodies so that a
117 7 person with an income below 150 percent of the federal poverty
117 8 level may have expenses paid in lieu of reimbursement.

117 9 Code section 237A.13, relating to the child care assistance
117 10 program, is amended to require DHS, the department of
117 11 management, and the legislative services agency to jointly
117 12 arrive at a consensus projection for program expenditures on
117 13 at least a quarterly basis.

117 14 New Code section 249A.36 relates to behavioral health
117 15 services provided under the medical assistance (Medicaid)
117 16 program.

117 17 New Code section 249A.36 provides that beginning May 1,
117 18 2008, and thereafter, any contract between the department of
117 19 human services and a third party for behavioral health
117 20 services under the Medicaid program shall meet certain
117 21 requirements including: the administrative fee negotiated
117 22 between the third-party administrator and the department for
117 23 the services provided by the third-party administrator shall
117 24 be the entire consideration for all services provided by the
117 25 third-party administrator; funds that are not used to pay for
117 26 behavioral health services and any interest earned on such
117 27 funds shall be remitted to the department within 30 days of
117 28 receipt or generation of such funds; and if certain conditions
117 29 are met, a claim for the services provided shall be prima
117 30 facie evidence for the purpose of any appeal. New Code
117 31 section 249A.36 also directs the department of human services
117 32 to establish a behavioral health care provider appeals panel,
117 33 specifies the membership of the panel, provides that the panel
117 34 shall hear appeals on denials of claims for behavioral health
117 35 services under the Medicaid program, and provides that a
118 1 provider or a third-party administrator may appeal the
118 2 decision of the provider appeals panel to the director of the
118 3 department, whose decision is final agency action that may be
118 4 appealed for judicial review by the district court in

118 5 accordance with Code section 17A.19.
118 6 New Code section 249A.36 requires the department of human
118 7 services to maintain a separate account for all funds
118 8 appropriated, allocated, or otherwise available for payment of
118 9 behavioral health services provided under the Medicaid program
118 10 and specifies the funds to be deposited in the account and the
118 11 use of funds in the account.

118 12 For the purposes of new Code section 249A.36, "behavioral
118 13 health services" means services provided for the treatment of
118 14 mental disorders, emotional disorders, and chemical dependency
118 15 disorders as specified by rule of the department and "mental
118 16 health professional" means as defined in Code chapter 228.

118 17 New Code section 249A.36 takes effect upon enactment and is
118 18 retroactively applicable to May 1, 2008.

118 19 Code section 249J.23 is amended to allow for payment of the
118 20 administrative costs for Broadlawns medical center related to
118 21 IowaCare through the account for health care transformation.
118 22 This section takes effect upon enactment and is retroactively
118 23 applicable to July 1, 2005.

118 24 New Code section 256.35A creates the Iowa autism council in
118 25 the department of education to advise the state in developing
118 26 and implementing a system for services to children with autism
118 27 and to meet the needs of adults with autism.

118 28 Code section 514I.6 is amended to provide that a
118 29 participating insurer under the hawk=i program is prohibited
118 30 from requiring participation by a provider in other health
118 31 insurance products of the participating insurer as a condition
118 32 of participation in the qualified child health plan.

118 33 INDIVIDUAL DEVELOPMENT ACCOUNTS. This division relates to
118 34 individual development accounts authorized for certain
118 35 individuals with low income.

119 1 Under current law in Code chapter 541A, the department of
119 2 human services administers the accounts through operating
119 3 organizations who certify the accounts. Account holder
119 4 deposits may be matched by operating organizations, federal
119 5 individual development account funding, and state savings
119 6 refunds providing a state match for the deposits of account
119 7 holders with family incomes of 200 percent or less of the
119 8 federal poverty level. The state savings refund amount ranges
119 9 from 15=25 percent of account holder deposits, depending on
119 10 income. Interest and earnings on the accounts and the
119 11 deposits made to an account by others is exempt from state
119 12 income tax. Withdrawals from an account must be approved by
119 13 the operating organization for one of the following approved
119 14 purposes: higher education costs, training programs, purchase
119 15 of a primary residence or improvements to such residence,
119 16 capitalization of a small business start-up, or certain
119 17 emergency medical costs.

119 18 The bill makes a number of changes to the requirements for
119 19 individual development accounts. New approved purposes for
119 20 using the accounts are provided authorizing purchase of an
119 21 automobile, purchase of assistive technology to assist an
119 22 account holder or family member with a disability, or for
119 23 other purposes approved in rule. The maximum amount of
119 24 deposits of principal to an account is reduced from \$50,000 to
119 25 \$30,000. Administration of the program is moved from the
119 26 department of human services to the division of community
119 27 action agencies of the department of human rights.
119 28 Requirements for household income determinations and other
119 29 procedures for the accounts are required to be adopted in rule
119 30 by the commission on community action agencies. The division
119 31 of community action agencies is required to utilize a request
119 32 for proposals process for selection of operating organizations
119 33 and approval of financial institutions.

119 34 The division includes a temporary authorization for
119 35 operation of the accounts in accordance with the rules adopted
120 1 by the department of human services until replacement rules
120 2 are adopted. The commission may adopt the replacement rules
120 3 using emergency procedures which forego public comment and
120 4 review by the administrative rules review committee.

120 5 The state savings refund is changed to a state match and is
120 6 increased to 100 percent of account holder deposits. The
120 7 current state match limit of a percentage of account holder
120 8 deposits of up to \$2,000 per calendar year is charged with an
120 9 overall limit of \$2,000. If funding is available the
120 10 commission may authorize implementing refugee accounts with
120 11 withdrawals approved for the special needs of refugee
120 12 families. Code section 422.7, providing for adjustments to
120 13 income for purposes of determining net income under the state
120 14 income tax, is amended to include a reference to state match
120 15 payments in the exemption provision relating to individual

120 16 development accounts. The provisions of the bill referencing
120 17 the state match payment are retroactively applicable to
120 18 January 1, 2008, for the tax year beginning on that date.
120 19 An individual development account state match fund is
120 20 created in new Code section 541A.7 with a standing
120 21 appropriation of any moneys available in the fund to the
120 22 division for payments of state matches. The division of
120 23 community action agencies is authorized to revise the match
120 24 payment provisions as necessary to restrict payments to the
120 25 funding available. A requirement for the program
120 26 administrator to work with the federal government and the
120 27 state's congressional delegation to secure federal tax
120 28 exemption for the accounts and account earnings and to report
120 29 annually is repealed. A portion of any appropriations from
120 30 the fund may be used for administrative costs.
120 31 This division takes effect upon enactment.
120 32 LSB 5002JB 82
120 33 pf/jp/14