

House File 2184 - Introduced

HOUSE FILE 2184

BY HEDDENS and HEATON

A BILL FOR

1 An Act amending the duties of the mental health, mental
2 retardation, developmental disabilities, and brain injury
3 commission and related provisions.

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

DIVISION I

GENERAL AMENDMENTS

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Section 1. Section 229.24, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If all or part of the costs associated with hospitalization of an individual under this chapter are chargeable to a county of legal settlement, the clerk of the district court shall provide to the county of legal settlement and to the county in which the hospitalization order is entered, ~~in a form prescribed by the mental health, mental retardation, developmental disabilities, and brain injury commission,~~ the following information pertaining to the individual which would be confidential under subsection 1:

Sec. 2. Section 230A.2, Code 2009, is amended to read as follows:

230A.2 Services offered.

A community mental health center established or operating as authorized by section 230A.1 may offer to residents of the county or counties it serves any or all of the mental health services defined by ~~the mental health, mental retardation, developmental disabilities, and brain injury commission~~ in the comprehensive state mental health and disability services plan under section 225C.6B.

Sec. 3. Section 230A.15, Code 2009, is amended to read as follows:

230A.15 Comprehensive community mental health program.

A community mental health center established or operating as authorized by section 230A.1, or which a county or group of counties has agreed to establish or support pursuant to that section, may with approval of the board or boards of supervisors of the county or counties supporting or establishing the center, undertake to provide a comprehensive community mental health program for the county or counties. A center providing a comprehensive community mental health program shall, at a minimum, make available to residents of the

1 county or counties it serves all of the ~~comprehensive~~ mental
2 health services described in the comprehensive state mental
3 health and disability services plan under section 225C.6B.

4 Sec. 4. Section 331.424A, subsection 1, Code Supplement
5 2009, is amended to read as follows:

6 1. For the purposes of this chapter, unless the context
7 otherwise requires, "*services fund*" means the county mental
8 health, mental retardation, and developmental disabilities
9 services fund created in subsection 2. ~~The county finance~~
10 ~~committee created in section 333A.2 shall consult with~~
11 ~~the state commission in adopting shall adopt~~ rules and
12 ~~prescribing forms~~ for administering the services fund. The
13 county finance committee created in section 333A.2 shall
14 prescribe forms in accordance with the rules adopted by the
15 state commission. The forms shall allow for reporting of
16 services for persons with brain injury and other optional
17 services funded through a services fund.

18 Sec. 5. Section 331.438, subsection 1, paragraph b, Code
19 2009, is amended to read as follows:

20 *b. "Qualified mental health, mental retardation, and*
21 *developmental disabilities services"* means the services
22 ~~specified on forms issued in the rules adopted by the county~~
23 ~~finance committee following consultation with the state~~
24 ~~commission for administering the services fund, pursuant to~~
25 section 331.424A.

26 Sec. 6. Section 331.438, subsection 4, paragraph b, Code
27 2009, is amended to read as follows:

28 *b.* The state commission shall do all of the following:

29 (1) Identify Receive and review reports from the department
30 of human services identifying characteristics of the
31 service county services system, including amounts expended,
32 equity of funding among counties, funding sources, provider
33 types, service availability, and equity of service availability
34 among counties and among persons served.

35 (2) ~~Assess the accuracy and uniformity of recordkeeping and~~

1 ~~reporting in the service system.~~

2 ~~(3) Identify for each county the factors associated with~~
3 ~~inflationary growth of the service system.~~

4 ~~(4) Identify opportunities for containing service system~~
5 ~~growth.~~

6 ~~(5)~~ (2) Consider proposals for revising service county
7 services system administrative rules.

8 ~~(6) Consider provisions and adopt rules for counties to~~
9 ~~implement a central point of coordination to plan, budget,~~
10 ~~and monitor county expenditures for the service system. The~~
11 ~~provisions shall provide options for counties to implement~~
12 ~~the central point of coordination in collaboration with other~~
13 ~~counties.~~

14 ~~(7) Develop criteria for annual county mental health,~~
15 ~~mental retardation, and developmental disabilities plans.~~

16 ~~(8)~~ (3) Adopt administrative rules identifying qualified
17 ~~mental health, mental retardation, and developmental~~
18 ~~disabilities service expenditures for purposes of state payment~~
19 ~~pursuant to subsection 1 relating to county management plans.~~

20 ~~(9) Adopt rules for the county central point of coordination~~
21 ~~and clinical assessment processes required under section~~
22 ~~331.440 and other rules necessary for the implementation of~~
23 ~~county management plans and expenditure reports required for~~
24 ~~state payment pursuant to section 331.439.~~

25 ~~(10) Consider recommendations to improve the programs and~~
26 ~~cost-effectiveness of state and county contracting processes~~
27 ~~and procedures, including strategies for negotiations relating~~
28 ~~to managed care. The recommendations implemented by the~~
29 ~~commission for the state and county regarding managed care~~
30 ~~shall include but are not limited to standards for limiting~~
31 ~~excess costs and profits, and for restricting cost shifting~~
32 ~~under a managed care system.~~

33 ~~(11)~~ (4) Provide input, when appropriate, to the director
34 of human services in any decision involving administrative
35 rules which were adopted by the department of human services

1 pertaining to the ~~mental illness, mental retardation, and~~
2 ~~developmental disabilities services system~~ administered by
3 counties.

4 ~~(12) Identify the fiscal impact of existing or proposed~~
5 ~~legislation and administrative rules on state and county~~
6 ~~expenditures.~~

7 ~~(13) Adopt administrative rules providing statewide~~
8 ~~standards and a monitoring methodology to determine whether~~
9 ~~cost-effective individualized services are available as~~
10 ~~required pursuant to section 331.439, subsection 1, paragraph~~
11 ~~"b".~~

12 ~~(14)~~ (5) Consider recommendations for and adopt
13 administrative rules establishing statewide minimum standards
14 for services and other support required to be available to
15 persons covered by a county management plan under section
16 331.439.

17 ~~(15)~~ (6) Consider recommendations for measuring and
18 improving the quality of state and county mental health, mental
19 retardation, and developmental disabilities services and other
20 support.

21 ~~(16) Develop a procedure for each county to disclose to~~
22 ~~the department of human services information approved by the~~
23 ~~commission concerning the mental health, mental retardation,~~
24 ~~developmental disabilities, and brain injury services provided~~
25 ~~to the individuals served through the county central point~~
26 ~~of coordination process. The procedure shall incorporate~~
27 ~~protections to ensure that if individually identified~~
28 ~~information is disclosed, it is disclosed and maintained in~~
29 ~~compliance with applicable Iowa and federal confidentiality~~
30 ~~laws, including but not limited to federal Health Insurance~~
31 ~~Portability and Accountability Act, Pub. L. No. 104-191,~~
32 ~~requirements.~~

33 Sec. 7. Section 331.439, subsection 1, unnumbered paragraph
34 1, Code 2009, is amended to read as follows:

35 The state payment to eligible counties under this section

1 shall be made as provided in sections 331.438 and 426B.2. A
2 county is eligible for the state payment, as defined in section
3 331.438, for a fiscal year if the director of human services,
4 ~~in consultation with the state commission,~~ determines for a
5 specific fiscal year that all of the following conditions are
6 met:

7 Sec. 8. Section 331.439, subsection 1, paragraph a, Code
8 2009, is amended to read as follows:

9 a. The county accurately reported by December 1 the
10 county's expenditures for mental health, mental retardation,
11 and developmental disabilities services and the information
12 required under section 225C.6A, subsection ~~2~~ 3, paragraph
13 "c", for the previous fiscal year ~~on forms prescribed by in~~
14 accordance with rules adopted by the state commission. If
15 the department determines good cause exists, the department
16 may extend a deadline otherwise imposed under this chapter,
17 chapter 225C, or chapter 426B for a county's reporting
18 concerning mental health, mental retardation, or developmental
19 disabilities services or related revenues and expenditures.

20 Sec. 9. Section 331.439, subsection 1, paragraph b,
21 unnumbered paragraph 1, Code 2009, is amended to read as
22 follows:

23 The county developed and implemented a county management
24 plan for the county's mental health, mental retardation, and
25 developmental disabilities services system in accordance with
26 the provisions of this paragraph "b". The plan shall comply
27 with the administrative rules adopted for this purpose by the
28 state commission and is subject to the approval of the director
29 of human services in consultation with the state commission.
30 The plan shall include a description of the county's service
31 management provision for mental health, mental retardation, and
32 developmental disabilities services. For mental retardation
33 and developmental disabilities service management, the plan
34 shall describe the county's development and implementation of a
35 ~~managed~~ system of cost-effective individualized services and

1 shall comply with the provisions of paragraph "f". The goal
2 of this part of the plan shall be to assist the individuals
3 served to be as independent, productive, and integrated into
4 the community as possible. The service management provisions
5 for mental health shall comply with the provisions of paragraph
6 "e". A county is subject to all of the following provisions
7 in regard to the county's services system management plan and
8 planning process:

9 Sec. 10. Section 331.439, subsection 1, paragraph b,
10 subparagraphs (2) and (3), Code 2009, are amended to read as
11 follows:

12 (2) For informational purposes, the county shall submit a
13 management plan review to the department of human services by
14 December 1 of each year. The annual review shall incorporate
15 an analysis of the data associated with the services
16 system managed during the preceding fiscal year by the county
17 or by a ~~managed-care~~ private entity on behalf of the county.
18 The annual review shall also identify measurable outcomes
19 and results showing the county's progress in fulfilling
20 the purposes listed in paragraph "c", and in achieving the
21 disability services outcomes and indicators identified by the
22 commission pursuant to section 225C.6.

23 (3) For informational purposes, every three years the
24 county shall submit to the department of human services a
25 three-year strategic plan. The strategic plan shall describe
26 how the county will proceed to attain the plan's goals and
27 objectives, and the measurable outcomes and results necessary
28 for moving the county's ~~service~~ services system toward an
29 individualized, community-based focus in accordance with
30 paragraph "c". The three-year strategic plan shall be
31 submitted by April 1, 2000, and by April 1 of every third year
32 thereafter.

33 Sec. 11. Section 331.439, subsection 1, paragraphs c, e, and
34 f, Code 2009, are amended to read as follows:

35 c. The county implements its county management plan under

1 paragraph "b" and other service management functions in a
2 manner that seeks to achieve all of the following purposes
3 identified in section 225C.1 for persons who are covered by the
4 plan or are otherwise subject to the county's service services
5 system management functions:

6 (1) The service services system seeks to empower persons
7 to exercise their own choices about the amounts and types of
8 services and other support received.

9 (2) The service services system seeks to empower the persons
10 to accept responsibility, exercise choices, and take risks.

11 (3) The service services system seeks to provide services
12 and other support that are individualized, provided to produce
13 results, flexible, and cost-effective.

14 (4) The service services system seeks to provide services
15 and other ~~supports~~ support in a manner which supports the
16 ability of the persons to live, learn, work, and recreate in
17 communities of their choice.

18 e. (1) For mental health service management, the county
19 may either directly implement a system of service management
20 and contract with service providers, or contract with a
21 private entity to manage the county services system, provided
22 all requirements of this lettered paragraph are met by the
23 private entity. The mental health ~~service management~~ services
24 system shall incorporate a central point of coordination and
25 clinical assessment process developed in accordance with the
26 provisions of section 331.440.

27 (2) ~~A managed care~~ The county services system for mental
28 health proposed by a county shall include but is not limited
29 to all of the following elements which shall be specified in
30 administrative rules adopted by the state commission:

31 (a) The enrollment and eligibility process.

32 (b) The scope of services included.

33 (c) The method of plan administration.

34 (d) The process for managing utilization and access to
35 services and other assistance.

1 (e) The quality assurance process.

2 (f) The risk management provisions and fiscal viability of
3 the provisions, if the county contracts with a private ~~managed~~
4 ~~care~~ entity.

5 *f.* For mental retardation and developmental disabilities
6 services management, the county must either develop and
7 implement a ~~managed~~ system of care which addresses a full
8 array of appropriate services and cost-effective delivery of
9 services by contracting directly with service providers or
10 ~~contract~~ by contracting with a state-approved ~~managed-care~~
11 ~~contractor or contractors~~ private entity to manage the county
12 services system. ~~Any system or contract implemented under~~
13 ~~this paragraph~~ The county services system shall incorporate a
14 central point of coordination and clinical assessment process
15 developed in accordance with the provisions of section 331.440.
16 The elements of ~~the county managed system of care~~ a county
17 services system shall be specified in rules developed by the
18 department of human services in consultation with and adopted
19 by the state commission.

20 Sec. 12. Section 331.439, subsection 3, paragraph b, Code
21 2009, is amended to read as follows:

22 *b.* Based upon information contained in county management
23 plans and budgets and proposals made by representatives of
24 counties, the state commission shall recommend an allowed
25 growth factor adjustment to the governor by November 15
26 for the fiscal year which commences two years from the
27 beginning date of the fiscal year in progress at the time the
28 recommendation is made. The allowed growth factor adjustment
29 ~~shall~~ may address various costs including but not limited to
30 the costs associated with new consumers of service, service
31 cost inflation, and investments for economy and efficiency. In
32 developing the service cost inflation recommendation, the state
33 commission shall consider the cost trends indicated by the
34 gross expenditure amount reported in the expenditure reports
35 submitted by counties pursuant to subsection 1, paragraph

1 "a". The governor shall consider the state commission's
2 recommendation in developing the governor's recommendation for
3 an allowed growth factor adjustment for such fiscal year. The
4 governor's recommendation shall be submitted at the time the
5 governor's proposed budget for the succeeding fiscal year is
6 submitted in accordance with chapter 8.

7 Sec. 13. Section 331.439, subsection 7, Code 2009, is
8 amended to read as follows:

9 7. A county shall annually report data concerning the
10 county's services system managed by in accordance with the
11 county management plan. At a minimum, the data reported shall
12 indicate the number of different individuals who utilized
13 services in a fiscal year and the various types of services.
14 Data reported under this subsection shall be submitted with
15 the county's expenditure report required under subsection 1,
16 paragraph "a".

17 DIVISION II

18 CODE CHAPTER 225C AMENDMENTS

19 Sec. 14. Section 225C.4, subsection 1, paragraph a, Code
20 2009, is amended to read as follows:

21 a. Prepare and administer the comprehensive mental health
22 and disability services plan as provided in section 225C.6B,
23 including state mental health and mental retardation plans
24 for the provision of disability services within the state and
25 ~~prepare and administer~~ the state developmental disabilities
26 plan. The administrator shall consult with the Iowa department
27 of public health, the state board of regents or a body
28 designated by the board for that purpose, the department
29 of management or a body designated by the director of the
30 department for that purpose, the department of education, the
31 department of workforce development and any other appropriate
32 governmental body, in order to facilitate coordination of
33 disability services provided in this state. The state mental
34 health and mental retardation plans shall be consistent with
35 the state health plan, and shall incorporate county disability

1 services plans.

2 Sec. 15. Section 225C.6, subsections 1 and 3, Code 2009, are
3 amended to read as follows:

4 1. To the extent funding is available, the commission shall
5 perform the following duties:

6 a. Advise the administrator on the administration of the
7 overall state disability services system.

8 b. Adopt necessary rules pursuant to chapter 17A which
9 relate to disability programs and services, including but not
10 limited to definitions of each disability included within the
11 term "*disability services*" as necessary for purposes of state,
12 county, and regional planning, programs, and services.

13 c. Adopt standards for community mental health centers,
14 services, and programs as recommended under section 230A.16.
15 The ~~commission~~ administrator shall determine whether to grant,
16 deny, or revoke the accreditation of the centers, services, and
17 programs.

18 ~~d. Adopt standards for the care of and services to persons~~
19 ~~with mental illness and mental retardation residing in county~~
20 ~~care facilities recommended under section 227.4~~ the provision
21 under medical assistance of individual case management
22 services.

23 e. Unless another governmental body sets standards for a
24 service available to persons with disabilities, adopt state
25 standards for that service. ~~The commission shall provide that~~
26 ~~a service provider's compliance with standards for a service~~
27 ~~set by a nationally recognized body shall be deemed to be in~~
28 ~~compliance with the state standards adopted by the commission~~
29 ~~for that service. The commission shall adopt state standards~~
30 ~~for those residential and community-based providers of services~~
31 ~~to persons with mental illness or developmental disabilities~~
32 ~~that are not otherwise subject to licensure by the department~~
33 ~~of human services or department of inspections and appeals,~~
34 ~~including but not limited to remedial services payable under~~
35 ~~the medical assistance program and other services payable from~~

1 ~~funds credited to a county mental health, mental retardation,~~
2 ~~and developmental disabilities services fund created in section~~
3 ~~331.424A. In addition, the~~ The commission shall review the
4 licensing standards used by the department of human services
5 or department of inspections and appeals for those facilities
6 providing disability services ~~to persons with mental illness~~
7 ~~or developmental disabilities.~~

8 *f.* Assure that proper reconsideration and appeal procedures
9 are available to persons aggrieved by decisions, actions, or
10 circumstances relating to accreditation.

11 *g.* Adopt necessary rules for awarding grants from the state
12 and federal government as well as other moneys that become
13 available to the division for grant purposes.

14 *h.* Annually submit to the governor and the general assembly:

15 (1) A report concerning the activities of the commission.

16 (2) Recommendations formulated by the commission for
17 changes in law.

18 *i.* By January 1 of each odd-numbered year, submit to the
19 governor and the general assembly an evaluation of:

20 (1) The extent to which services to persons with
21 disabilities are actually available to persons in each county
22 in the state and the quality of those services.

23 (2) The effectiveness of the services being provided by
24 disability service providers in this state and by each of the
25 state mental health institutes established under chapter 226
26 and by each of the state resource centers established under
27 chapter 222.

28 *j.* Advise the administrator, the council on human services,
29 the governor, and the general assembly on budgets and
30 appropriations concerning disability services.

31 *k.* Coordinate activities with the governor's developmental
32 disabilities council and the mental health planning council,
33 created pursuant to federal law. Work with other state
34 agencies on coordinating, collaborating, and communicating
35 concerning activities involving persons with disabilities.

1 ~~l. Establish standards for the provision under medical~~
2 ~~assistance of individual case management services. The~~
3 ~~commission shall determine whether to grant, deny, or revoke~~
4 ~~the accreditation of the services.~~

5 ~~m.~~ l. Identify basic financial eligibility standards for
6 disability services. The standards shall include but are not
7 limited to the following:

8 (1) A financial eligibility standard providing that a
9 person with an income equal to or less than one hundred fifty
10 percent of the federal poverty level, as defined by the most
11 recently revised poverty income guidelines published by the
12 United States department of health and human services, is
13 eligible for disability services paid with public funding.
14 However, a county may apply a copayment requirement for a
15 particular disability service to a person with an income
16 equal to or less than one hundred fifty percent of the
17 federal poverty level, provided the disability service and
18 the copayment amount both comply with rules adopted by the
19 commission applying uniform standards with respect to copayment
20 requirements. A person with an income above one hundred fifty
21 percent of the federal poverty level may be eligible subject
22 to a copayment or other cost-sharing arrangement subject to
23 limitations adopted in rule by the commission.

24 (2) A requirement that a person who is eligible for
25 federally funded services and other support must apply for the
26 services and support.

27 (3) Resource limitations that are derived from the federal
28 supplemental security income program limitations. A person
29 with resources above the federal supplemental security income
30 program limitations may be eligible subject to limitations
31 adopted in rule by the commission. If a person does not
32 qualify for federally funded services and other support
33 but meets income, resource, and functional eligibility
34 requirements, the following types of resources shall be
35 disregarded:

1 (a) A retirement account that is in the accumulation stage.

2 (b) A burial, medical savings, or assistive technology
3 account.

4 ~~n.~~ m. Identify disability services outcomes and indicators
5 to support the ability of eligible persons with a disability to
6 live, learn, work, and recreate in communities of the persons'
7 choice. The identification duty includes but is not limited to
8 responsibility for identifying, collecting, and analyzing data
9 as necessary to issue reports on outcomes and indicators at the
10 county and state levels.

11 ~~o.~~ Prepare five-year plans based upon the county management
12 plans developed pursuant to section 331.439.

13 ~~p.~~ Work with other state agencies on coordinating,
14 collaborating, and communicating concerning activities
15 involving persons with disabilities.

16 ~~q.~~ Perform analyses and other functions associated with
17 a redesign of the mental health and developmental disability
18 services systems for adults and for children.

19 3. If the executive branch creates a committee, task force,
20 council, or other advisory body to consider mental health
21 and developmental disabilities disability services policy,
22 services, or program options involving children or adult
23 consumers, the commission is designated to receive and consider
24 any report, findings, recommendations, or other work product
25 issued by such body. The commission may address the report,
26 findings, recommendations, or other work product in fulfilling
27 the commission's functions and to advise the department,
28 council on human services, governor, and general assembly
29 concerning disability services.

30 Sec. 16. Section 225C.6A, Code 2009, is amended to read as
31 follows:

32 **225C.6A Mental health, developmental disability, and brain**
33 **injury service system redesign implementation.**

34 ~~1. Purpose.~~ It is the intent of the general assembly
35 to implement a redesign of the mental health, developmental

1 ~~disability, and brain injury service system over a period of~~
2 ~~years in order to transition to a coordinated system for Iowans~~
3 ~~with mental illness, mental retardation or other developmental~~
4 ~~disabilities, or brain injury. Because of the significance of~~
5 ~~the redesign to the persons who may be affected by it and the~~
6 ~~degree of uncertainty regarding the extent of funding changes~~
7 ~~necessary for implementation, the department and the commission~~
8 ~~shall not implement a redesign provision through rulemaking or~~
9 ~~other means unless specific statutory authority provides for~~
10 ~~the provision's implementation.~~

11 ~~2. *Initial activities.* For the fiscal years beginning~~
12 ~~July 1, 2004, and July 1, 2005, the The commission shall do~~
13 ~~the following relating to redesign of the disability services~~
14 ~~system in the state:~~

15 ~~a. 1. Identify sources of revenue to support statewide~~
16 ~~delivery of core disability services to eligible disability~~
17 ~~populations.~~

18 ~~b. Further develop adult disability services system redesign~~
19 ~~proposals and propose a redesign of the children's disability~~
20 ~~service system. The redesign of the children's system shall~~
21 ~~address issues associated with an individual's transition~~
22 ~~between the two systems.~~

23 ~~2. Ensure there is a continuous improvement process for~~
24 ~~development and maintenance of the disability services system~~
25 ~~for adults and children. The process shall include but is not~~
26 ~~limited to data collection and reporting provisions.~~

27 ~~e. (1) 3. a. Plan, collect, and analyze data as necessary~~
28 ~~to issue cost estimates for serving additional populations and~~
29 ~~providing core disability services statewide. The department~~
30 ~~shall maintain compliance with applicable federal and state~~
31 ~~privacy laws to ensure the confidentiality and integrity of~~
32 ~~individually identifiable disability services data. The~~
33 ~~department shall regularly assess the status of the compliance~~
34 ~~in order to assure that data security is protected.~~

35 ~~(2) b. In implementing a system under this paragraph~~

1 ~~"e"~~ subsection for collecting and analyzing state, county,
2 and private contractor data, the department shall establish a
3 client identifier for the individuals receiving services. The
4 client identifier shall be used in lieu of the individual's
5 name or social security number. The client identifier shall
6 consist of the last four digits of an individual's social
7 security number, the first three letters of the individual's
8 last name, the individual's date of birth, and the individual's
9 gender in an order determined by the department.

10 ~~(3)~~ c. Each county shall report to the department annually
11 on or before December 1, for the preceding fiscal year the
12 following information for each individual served: demographic
13 information, expenditure data, and data concerning the services
14 and other support provided to each individual, as specified in
15 administrative rule adopted by the commission.

16 ~~d.~~ ~~With consumer input, identify and propose standardized~~
17 ~~functional assessment tools and processes for use in the~~
18 ~~eligibility determination process when eligibility for a~~
19 ~~particular disability population group is implemented. The~~
20 ~~tools and processes shall be integrated with those utilized~~
21 ~~for the medical assistance program under chapter 249A. For~~
22 ~~the initial diagnostic criteria, the commission shall consider~~
23 ~~identifying a qualifying functional assessment score and any~~
24 ~~of the following diagnoses: mental illness, chronic mental~~
25 ~~illness, mental retardation, developmental disability, or brain~~
26 ~~injury.~~

27 ~~e.~~ ~~The commission shall adopt a multiyear plan for~~
28 ~~developing and providing the data, cost projections, revenue~~
29 ~~requirements, and other information needed to support decision~~
30 ~~making concerning redesign provisions. The information shall~~
31 ~~be provided as part of the commission's regular reports to the~~
32 ~~governor and general assembly or more often as determined to be~~
33 ~~appropriate by the commission.~~

34 ~~f.~~ ~~Propose case rates for disability services.~~

35 ~~g.~~ 4. Work with county representatives and other qualified

1 persons to develop an implementation plan for replacing the
2 county of legal settlement approach to determining service
3 system funding responsibilities with an approach based upon
4 residency. The plan shall address a statewide standard for
5 proof of residency, outline a plan for establishing a data
6 system for identifying residency of eligible individuals,
7 address residency issues for individuals who began residing in
8 a county due to a court order or criminal sentence or to obtain
9 services in that county, recommend an approach for contesting
10 a residency determination, and address other implementation
11 issues.

12 Sec. 17. Section 225C.6B, subsection 1, Code 2009, is
13 amended to read as follows:

14 1. *Intent.*

15 a. The general assembly intends for the state to implement
16 a comprehensive, continuous, and integrated state mental
17 health and disability services plan in accordance with
18 the requirements of sections 225C.4 and 225C.6 and other
19 provisions of this chapter, by increasing the department's
20 responsibilities in the development, funding, oversight, and
21 ongoing leadership of mental health and disability services in
22 this state.

23 b. In order to further the purposes listed in
24 ~~sections~~ section 225C.1 and ~~225C.27~~ and in other provisions
25 of this chapter, the general assembly intends that efforts
26 focus on the goal of making available a comprehensive array
27 of high-quality, evidence-based consumer and family-centered
28 mental health and disability services and other support in the
29 least restrictive, community-based setting appropriate for a
30 consumer.

31 c. In addition, it is the intent of the general assembly
32 to promote policies and practices that achieve for consumers
33 the earliest possible detection of mental health problems and
34 the need for disability services and for early intervention;
35 to stress that all health care programs address mental

1 health disorders with the same urgency as physical health
2 disorders; to promote the policies of all public programs
3 that serve adults and children with mental disorders or with
4 a need for disability services, including but not limited to
5 child welfare, Medicaid, education, housing, criminal and
6 juvenile justice, substance abuse treatment, and employment
7 services; to consider the special mental health and disability
8 services needs of adults and children; and to promote recovery
9 and resiliency as expected outcomes for all consumers.

10 Sec. 18. Section 225C.6B, subsection 2, Code 2009, is
11 amended by striking the subsection and inserting in lieu
12 thereof the following:

13 2. *Comprehensive plan.* The division shall develop a
14 comprehensive written five-year state mental health and
15 disability services plan with annual updates and readopt
16 the plan every five years. The plan shall describe the key
17 components of the state's mental health and disability services
18 system, including the services that are community-based, state
19 institution-based, or regional or state-based. The five-year
20 plan and each update shall be submitted annually to the
21 commission on or before October 30 for review and approval.

22 Sec. 19. Section 225C.21, subsection 2, Code 2009, is
23 amended to read as follows:

24 2. The commission shall adopt rules pursuant to chapter 17A
25 establishing minimum standards for supported community living
26 services. The ~~commission~~ administrator shall determine whether
27 to grant, deny, or revoke approval for any supported community
28 living service.

29 Sec. 20. Section 225C.52, subsection 1, Code 2009, is
30 amended to read as follows:

31 1. Establishing a comprehensive community-based mental
32 health services system for children and youth is part of
33 fulfilling the requirements of the division and the commission
34 to facilitate a comprehensive, continuous, and integrated state
35 mental health and disability services plan in accordance with

1 sections 225C.4, 225C.6, and 225C.6A, and other provisions
2 of this chapter. The purpose of establishing the children's
3 system is to improve access for children and youth with
4 serious emotional disturbances and youth with other qualifying
5 mental health disorders to mental health treatment, services,
6 and other support in the least restrictive setting possible
7 so the children and youth can live with their families
8 and remain in their communities. The children's system is
9 also intended to meet the needs of children and youth who
10 have mental health disorders that co-occur with substance
11 abuse, mental retardation, developmental disabilities, or
12 other disabilities. The children's system shall emphasize
13 community-level collaborative efforts between children and
14 youth and the families and the state's systems of education,
15 child welfare, juvenile justice, health care, substance abuse,
16 and mental health.

17 Sec. 21. REPEAL. Section 225C.27, Code 2009, is repealed.

18 DIVISION III

19 COMMISSION AND WAIVER NAME CHANGE

20 Sec. 22. Section 225C.2, subsection 3, Code 2009, is amended
21 to read as follows:

22 3. "*Commission*" means the mental health, ~~mental retardation,~~
23 ~~developmental disabilities, and brain injury~~ and disability
24 services commission.

25 Sec. 23. Section 225C.5, subsection 1, unnumbered paragraph
26 1, Code Supplement 2009, is amended to read as follows:

27 A mental health, ~~mental retardation, developmental~~
28 ~~disabilities, and brain injury~~ and disability
29 services commission is created as the state policy-making body
30 for the provision of services to persons with mental illness,
31 mental retardation or other developmental disabilities,
32 or brain injury. The commission's voting members shall
33 be appointed to three-year staggered terms by the governor
34 and are subject to confirmation by the senate. Commission
35 members shall be appointed on the basis of interest and

1 experience in the fields of mental health, mental retardation
2 or other developmental disabilities, and brain injury, in a
3 manner so as to ensure adequate representation from persons
4 with disabilities and individuals knowledgeable concerning
5 disability services. The department shall provide staff
6 support to the commission, and the commission may utilize staff
7 support and other assistance provided to the commission by
8 other persons. The commission shall meet at least four times
9 per year. The membership of the commission shall consist of
10 the following persons who, at the time of appointment to the
11 commission, are active members of the indicated groups:

12 Sec. 24. Section 249A.12, subsection 4, paragraph b, Code
13 2009, is amended to read as follows:

14 ~~b. Effective July 1, 1995, the~~ The state shall be
15 responsible for all of the nonfederal share of medical
16 assistance home and community-based services waivers
17 for persons with ~~mental retardation~~ intellectual
18 disabilities services provided to minors and a county is not
19 required to reimburse the department and shall not be billed
20 for the nonfederal share of the costs of the services.

21 Sec. 25. Section 249A.12, subsection 5, paragraph a,
22 unnumbered paragraph 1, Code 2009, is amended to read as
23 follows:

24 ~~The mental health, mental retardation, developmental~~
25 ~~disabilities, and brain injury~~ and disability
26 services commission shall recommend to the department
27 the actions necessary to assist in the transition of
28 individuals being served in an intermediate care facility for
29 persons with mental retardation, who are appropriate for the
30 transition, to services funded under a medical assistance
31 home and community-based services waiver for persons with
32 ~~mental retardation~~ intellectual disabilities in a manner which
33 maximizes the use of existing public and private facilities.
34 The actions may include but are not limited to submitting any
35 of the following or a combination of any of the following

1 as a request for a revision of the medical assistance home
2 and community-based services waiver for persons with ~~mental~~
3 ~~retardation in effect as of June 30, 1996~~ intellectual
4 disabilities:

5 Sec. 26. Section 249A.12, subsection 5, paragraph a,
6 subparagraph (1), Code 2009, is amended to read as follows:

7 (1) Allow for the transition of intermediate care
8 facilities for persons with mental retardation licensed under
9 chapter 135C ~~as of June 30, 1996~~, to services funded under the
10 medical assistance home and community-based services waiver for
11 persons with ~~mental retardation~~ intellectual disabilities. The
12 request shall be for inclusion of additional persons under the
13 waiver associated with the transition.

14 Sec. 27. Section 249A.12, subsection 6, paragraphs a and b,
15 Code 2009, are amended to read as follows:

16 a. ~~Effective July 1, 2003, the~~ The provisions of the
17 home and community-based services waiver for persons with
18 ~~mental retardation~~ intellectual disabilities shall include
19 adult day care, prevocational, and transportation services.
20 Transportation shall be included as a separately payable
21 service.

22 b. The department of human services shall seek federal
23 approval to amend the home and community-based services
24 waiver for persons with ~~mental retardation~~ intellectual
25 disabilities to include day habilitation services. Inclusion
26 of day habilitation services in the waiver shall take effect
27 upon receipt of federal approval ~~and no later than July 1,~~
28 ~~2004~~.

29 Sec. 28. Section 423.3, subsection 18, paragraph f,
30 subparagraph (6), Code Supplement 2009, is amended to read as
31 follows:

32 (6) ~~MR~~ Intellectual disabilities waiver service providers,
33 described in 441 IAC 77.37.

34 Sec. 29. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
35 DISABILITIES, AND BRAIN INJURY COMMISSION TERMINOLOGY CHANGES

1 — CODE EDITOR'S DIRECTIVE.

2 1. Sections 230A.16, 230A.17, 230A.18, 249A.12, 331.438,
3 and 426B.4, Code 2009, and sections 135C.23, 249A.4, 249A.31,
4 and 426B.5, Code Supplement 2009, are amended by striking
5 the term "mental health, mental retardation, developmental
6 disabilities, and brain injury commission" and inserting in
7 lieu thereof the term "mental health and disability services
8 commission".

9 2. This division of this Act changes the name of the mental
10 health, mental retardation, developmental disabilities, and
11 brain injury commission to the mental health and disability
12 services commission. The Code editor shall correct any
13 references to the term "mental health, mental retardation,
14 developmental disabilities, and brain injury commission"
15 anywhere else in the Iowa Code or Iowa Code Supplement, in any
16 bills awaiting codification, in this Act, and in any bills
17 enacted by the Eighty-third General Assembly, 2010 Regular
18 Session, or any extraordinary session.

19 Sec. 30. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR
20 PERSONS WITH MENTAL RETARDATION TERMINOLOGY CHANGES — CODE
21 EDITOR'S DIRECTIVE.

22 1. Sections 135C.6, 219.1, 249A.26, and 249A.30, Code 2009,
23 are amended by striking the term "waiver for persons with
24 mental retardation" and inserting in lieu thereof the term
25 "waiver for persons with intellectual disabilities".

26 2. This division of this Act changes the name of the home
27 and community-based services waiver for persons with mental
28 retardation under the medical assistance program to the waiver
29 for persons with intellectual disabilities. The Code editor
30 shall correct any references to the term "waiver for persons
31 with mental retardation" or other forms of the term anywhere
32 else in the Iowa Code or Iowa Code Supplement, in any bills
33 awaiting codification, in this Act, and in any bills enacted by
34 the Eighty-third General Assembly, 2010 Regular Session, or any
35 extraordinary session.

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EXPLANATION

This bill revises the duties of the mental health, mental retardation, developmental disabilities, and brain injury commission and related provisions. The bill is organized into divisions.

GENERAL AMENDMENTS. This division provides general amendments associated with the commission in Code chapters other than Code chapter 225C.

Code section 229.24, relating to the confidentiality requirements for involuntary hospitalization proceedings, is amended to eliminate the use of a form prescribed by the commission when the clerk of court provides information to counties concerning the commitment of an individual when the costs of the individual's care are chargeable to a county.

Code section 230A.2, relating to the services offered by a community mental health center, is amended to eliminate a reference to the commission in defining services included in the comprehensive mental health and developmental disability services plan addressed by the bill in Code section 225C.6B.

Code section 230A.15, relating to requirements for a comprehensive community mental health program, is amended to include a reference to the comprehensive plan addressed by the bill.

Code section 331.424A, establishing the county mental health, mental retardation, and developmental disabilities (MH/MR/DD) services funds, is amended to provide for adoption of rules by the commission and issuance of forms by the county finance committee in accordance with those rules. The forms are to allow for reporting of services for persons with brain injury and other optional services funded through a services fund.

Code section 331.438, relating to county MH/MR/DD services expenditures and the county and state planning associated with the expenditures, is amended to strike a reference to the expenditure reporting forms. In addition, the bill reduces the

1 number of duties for the commission enumerated in that section
2 from 16 to six.

3 Code section 331.439, relating to county eligibility
4 for state property tax relief and allowed growth funding in
5 connection with MH/MR/DD services, is amended to address
6 several issues. A requirement that the director of human
7 services consult with the commission when the director
8 determines various qualifications are met by counties is
9 eliminated. A reference to forms in a reporting requirement
10 is eliminated. Terminology references to county services
11 are revised to incorporate the term "services system". A
12 limitation in current law authorizing county services to be
13 contracted out to a managed care contractor is replaced with
14 authority to contract with any state-approved private entity.
15 Certain costs are made optional instead of being required to
16 be addressed by the allowed growth adjustment factor annually
17 recommended by the commission to the governor.

18 CODE CHAPTER 225C AMENDMENTS. This division amends Code
19 chapter 225C, relating to the services and other support
20 available to a person with mental illness, mental retardation,
21 developmental disabilities, or brain injury (MI/MR/DD/BI),
22 defined by the Code chapter as "disability services".

23 Code section 225C.4, relating the duties of the
24 administrator of the division of mental health and
25 disability services, is amended to include a reference to the
26 comprehensive plan addressed by the bill.

27 Code section 225C.6, relating to the duties of the
28 commission, is amended to reorganize the list of duties. In
29 addition, the bill shifts responsibility from the commission to
30 the department of human services' mental health and disability
31 services administrator for determining whether to grant, deny,
32 or revoke service provider accreditations. The commission
33 retains responsibility for adopting the standards used. An
34 existing requirement for the commission to coordinate with
35 other bodies is expanded to include the mental health planning

1 council and other state agencies generally.

2 Code section 225C.6A, relating to a service system redesign
3 the commission worked on in fiscal years 2004-2005 and
4 2005-2006, is amended to eliminate obsolete language and to
5 make various planning responsibilities permanent. Pursuant to
6 Code section 225C.6B, as amended in the bill, the commission is
7 required to develop a comprehensive five-year plan for mental
8 health and all disability services. The plan is to be revised
9 every five years and updated annually.

10 Code section 225C.21, relating to supported community
11 services, is amended to shift the provider accreditation
12 determination responsibility from the commission to the
13 department's division administrator.

14 Code section 225C.52, relating to the mental health services
15 system for children, is amended to include a reference to the
16 comprehensive plan responsibility included in the bill.

17 The bill repeals Code section 225C.27, the purpose section
18 of the bill of rights and service quality standards of
19 persons with mental retardation, developmental disabilities,
20 brain injury, or chronic mental illness. The Code section
21 requires the commission to adopt rules to promote and encourage
22 fulfillment of the individual due process and participation
23 in planning rights provisions of the bill of rights in Code
24 section 225C.28B.

25 COMMISSION AND WAIVER NAME CHANGE. This division
26 changes the name of the mental health, mental retardation,
27 developmental disabilities, and brain injury commission to the
28 mental health and disability services commission and the name
29 of the home and community-based services waiver for persons
30 with mental retardation under the medical assistance program to
31 the waiver for persons with intellectual disabilities. Various
32 specific Code provisions are addressed and the Code editor is
33 authorized to make these changes in other provisions.