

# House File 811 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 287)

Passed House, Date \_\_\_\_\_ Passed Senate, 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, providing penalties, making penalties  
4 applicable and providing effective, retroactive, and  
5 applicability date provisions.

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

7 TLSB 1004HV 83

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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, 2009, and ending June 30, 2010, 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 the amount specified in this section, resident advocate  
1 16 committee coordination, employment, and other services which  
1 17 may include but are not limited to adult day services, respite  
1 18 care, chore services, telephone reassurance, information and  
1 19 assistance, and home repair services, and for the construction  
1 20 of entrance ramps which make residences accessible to the  
1 21 physically handicapped, and for salaries, support,  
1 22 administration, maintenance, and miscellaneous purposes, and  
1 23 for not more than the following full-time equivalent  
1 24 positions:

1 25 ..... \$ 4,958,230  
1 26 ..... FTEs 39.50

1 27 1. Funds appropriated in this section may be used to  
1 28 supplement federal funds under federal regulations. To  
1 29 receive funds appropriated in this section, a local area  
1 30 agency on aging shall match the funds with moneys from other  
1 31 sources according to rules adopted by the department. Funds  
1 32 appropriated in this section may be used for elderly services  
1 33 not specifically enumerated in this section only if approved  
1 34 by an area agency on aging for provision of the service within  
1 35 the area.

2 1 2. a. Of the funds appropriated in this section,  
2 2 \$1,385,015 shall be transferred to the department of human  
2 3 services in equal amounts on a quarterly basis for  
2 4 reimbursement of case management services provided under the  
2 5 medical assistance elderly waiver. The department of human  
2 6 services shall adopt rules for case management services  
2 7 provided under the medical assistance elderly waiver in  
2 8 consultation with the department of elder affairs.

2 9 b. The monthly cost per client for case management for the  
2 10 frail elderly services provided shall not exceed an average of  
2 11 \$70. However, if the department of human services adopts  
2 12 administrative rules revising the reimbursement methodology to  
2 13 include 15 minute units, 24-hour on-call, and other  
2 14 requirements consistent with federal regulations, the \$70  
2 15 monthly cap shall be eliminated and replaced with a quarterly

2 16 projection of expenditures and reimbursement revisions  
2 17 necessary to maintain expenditures within the amounts budgeted  
2 18 under the appropriations made for the fiscal year for the  
2 19 medical assistance program.  
2 20 c. The department shall review projections for state  
2 21 funding expenditures for reimbursement of case management  
2 22 services under the medical assistance elderly waiver on a  
2 23 quarterly basis and shall determine if an adjustment to the  
2 24 medical assistance reimbursement rates are necessary to  
2 25 provide reimbursement within the state funding amounts  
2 26 budgeted under the appropriations made for the fiscal year for  
2 27 the medical assistance program. Any temporary enhanced  
2 28 federal financial participation that may become available for  
2 29 the medical assistance program during the fiscal year shall  
2 30 not be used in projecting the medical assistance elderly  
2 31 waiver case management budget. The department shall revise  
2 32 such reimbursement rates as necessary to maintain expenditures  
2 33 for medical assistance elderly waiver case management services  
2 34 within the state funding amounts budgeted under the  
2 35 appropriations made for the fiscal year for the medical  
3 1 assistance program.

3 2 3. Of the funds appropriated in this section, \$179,961  
3 3 shall be transferred to the department of economic development  
3 4 for the Iowa commission on volunteer services to be used for  
3 5 the retired and senior volunteer program.

3 6 4. The department shall continue the elder abuse  
3 7 initiative program established pursuant to section 231.56A.

3 8 5. Of the funds appropriated in this section, \$220,000  
3 9 shall be used for continuation of the substitute decision  
3 10 maker Act pursuant to chapter 231E.

#### 3 11 HEALTH

3 12 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is  
3 13 appropriated from the general fund of the state to the  
3 14 department of public health for the fiscal year beginning July  
3 15 1, 2009, and ending June 30, 2010, the following amounts, or  
3 16 so much thereof as is necessary, to be used for the purposes  
3 17 designated:

#### 3 18 1. ADDICTIVE DISORDERS

3 19 For reducing the prevalence of use of tobacco, alcohol, and  
3 20 other drugs, and treating individuals affected by addictive  
3 21 behaviors, including gambling, and for not more than the  
3 22 following full-time equivalent positions:

3 23 ..... \$ 28,652,500  
3 24 ..... FTEs 19.10

3 25 a. Of the funds appropriated in this subsection,  
3 26 \$8,028,214 shall be used for the tobacco use prevention and  
3 27 control initiative, including efforts at the state and local  
3 28 levels, as provided in chapter 142A.

3 29 (1) The director of public health shall dedicate  
3 30 sufficient resources to promote and ensure retailer compliance  
3 31 with tobacco laws and ordinances relating to persons under 18  
3 32 years of age, and shall prioritize the state's compliance in  
3 33 the allocation of available funds to comply with 42 U.S.C. }  
3 34 300x=26 and section 453A.2.

3 35 (2) Of the full-time equivalent positions authorized in  
4 1 this subsection, 2.00 full-time equivalent positions shall be  
4 2 utilized to provide for enforcement of tobacco laws,  
4 3 regulations, and ordinances under a chapter 28D agreement  
4 4 entered into between the Iowa department of public health and  
4 5 the alcoholic beverages division of the department of  
4 6 commerce.

4 7 b. Of the funds appropriated in this subsection,  
4 8 \$16,552,763 shall be used for substance abuse treatment.

4 9 (1) Of the funds allocated in this lettered paragraph,  
4 10 \$993,489 shall be used for the public purpose of a grant  
4 11 program to provide substance abuse prevention programming for  
4 12 children.

4 13 (a) Of the funds allocated in this subparagraph, \$473,100  
4 14 shall be utilized for the public purpose of providing grant  
4 15 funding for organizations that provide programming for  
4 16 children by utilizing mentors. Programs approved for such  
4 17 grants shall be certified or will be certified within six  
4 18 months of receiving the grant award by the Iowa commission on  
4 19 volunteer services as utilizing the standards for effective  
4 20 practice for mentoring programs.

4 21 (b) Of the funds allocated in this subparagraph, \$473,100  
4 22 shall be utilized for the public purpose of providing grant  
4 23 funding for organizations that provide programming that  
4 24 includes youth development and leadership. The programs shall  
4 25 also be recognized as being programs that are scientifically  
4 26 based with evidence of their effectiveness in reducing

4 27 substance abuse in children.  
4 28 (c) The Iowa department of public health shall utilize a  
4 29 request for proposals process to implement the grant program.  
4 30 (d) All grant recipients shall participate in a program  
4 31 evaluation as a requirement for receiving grant funds.  
4 32 (e) Of the funds allocated for the grant program, \$47,289  
4 33 shall be used to administer substance abuse prevention grants  
4 34 and for program evaluations.

4 35 (2) It is the intent of the general assembly that from the  
5 1 moneys allocated in this lettered paragraph persons with a  
5 2 dual diagnosis of substance abuse and gambling addictions  
5 3 shall be given priority in treatment services.

5 4 (3) Of the funds allocated in this lettered paragraph,  
5 5 \$4,078,035 shall be used for funding of gambling treatment,  
5 6 including administrative costs and to provide programs which  
5 7 may include but are not limited to outpatient and follow-up  
5 8 treatment for persons affected by problem gambling,  
5 9 rehabilitation and residential treatment programs, information  
5 10 and referral services, education and preventive services, and  
5 11 financial management services. Of the amount allocated in  
5 12 this lettered paragraph, up to \$100,000 may be used for the  
5 13 licensing of gambling treatment programs as provided in  
5 14 section 135.150.

5 15 (4) (a) Notwithstanding any provision to the contrary, to  
5 16 standardize the availability, delivery, cost of delivery, and  
5 17 accountability of gambling and substance abuse treatment  
5 18 services statewide, the department shall continue  
5 19 implementation of a process to create a system for delivery of  
5 20 the treatment services in accordance with the requirements  
5 21 specified in 2008 Iowa Acts, chapter 1187, section 3,  
5 22 subsection 4. To ensure the system provides a continuum of  
5 23 treatment services that best meets the needs of Iowans, the  
5 24 gambling and substance abuse treatment services in an area may  
5 25 be provided either by a single agency or by separate agencies  
5 26 submitting a joint proposal. The process shall be completed  
5 27 by July 1, 2010.

5 28 (b) From the amounts allocated in this lettered paragraph  
5 29 and from other funding sources available for gambling and  
5 30 substance abuse treatment, the department may use up to  
5 31 \$100,000 for administrative costs to continue developing and  
5 32 implementing the process in accordance with subparagraph  
5 33 division (a).

5 34 c. The bureau of substance abuse prevention and treatment,  
5 35 the division of tobacco use prevention and control, and the  
6 1 office of gambling treatment and prevention shall develop a  
6 2 strategy to coordinate prevention activities across the  
6 3 spectrum of addictive disorders in order to maximize  
6 4 efficiencies and reduce expenditures while meeting the needs  
6 5 of Iowans. The strategy shall be presented to the individuals  
6 6 specified in this Act for submission of reports by December  
6 7 15, 2009.

6 8 2. HEALTHY CHILDREN AND FAMILIES

6 9 For promoting the optimum health status for children,  
6 10 adolescents from birth through 21 years of age, and families,  
6 11 and for not more than the following full-time equivalent  
6 12 positions:

6 13 ..... \$ 2,249,167  
6 14 ..... FTEs 16.50

6 15 a. Of the funds appropriated in this subsection, not more  
6 16 than \$570,226 shall be used for the healthy opportunities to  
6 17 experience success (HOPES)=healthy families Iowa (HFI) program  
6 18 established pursuant to section 135.106. The department shall  
6 19 transfer the funding allocated for the HOPES=HFI program to  
6 20 the Iowa empowerment board for distribution and shall assist  
6 21 the board in managing the contracting for the funding. The  
6 22 funding shall be distributed to renew the grants that were  
6 23 provided to the grantees that operated the program during the  
6 24 fiscal year ending June 30, 2009.

6 25 b. Of the funds appropriated in this subsection, \$292,791  
6 26 shall be used to continue to address the healthy mental  
6 27 development of children from birth through five years of age  
6 28 through local evidence-based strategies that engage both the  
6 29 public and private sectors in promoting healthy development,  
6 30 prevention, and treatment for children.

6 31 c. Of the funds appropriated in this subsection, \$35,108  
6 32 shall be distributed to a statewide dental carrier to provide  
6 33 funds to continue the donated dental services program  
6 34 patterned after the projects developed by the national  
6 35 foundation of dentistry for the handicapped to provide dental  
7 1 services to indigent elderly and disabled individuals.

7 2 3. CHRONIC CONDITIONS

7 3 For serving individuals identified as having chronic  
7 4 conditions or special health care needs, and for not more than  
7 5 the following full-time equivalent positions:  
7 6 ..... \$ 2,756,236  
7 7 ..... FTEs 10.00  
7 8 a. Of the funds appropriated in this subsection, \$176,542  
7 9 shall be used for grants to individual patients who have  
7 10 phenylketonuria (PKU) to assist with the costs of necessary  
7 11 special foods.  
7 12 b. Of the funds appropriated in this subsection, \$438,018  
7 13 is allocated for continuation of the contracts for resource  
7 14 facilitator services in accordance with section 135.22B,  
7 15 subsection 9, and for brain injury training services and  
7 16 recruiting of service providers to increase the capacity  
7 17 within this state to address the needs of individuals with  
7 18 brain injuries and such individuals' families.  
7 19 c. Of the funds appropriated in this subsection, \$244,579  
7 20 shall be used as additional funding to leverage federal  
7 21 funding through the federal Ryan White Care Act, Title II,  
7 22 AIDS drug assistance program supplemental drug treatment  
7 23 grants.  
7 24 d. Of the funds appropriated in this subsection, \$88,938  
7 25 shall be used for the public purpose of providing a grant to  
7 26 an existing national-affiliated organization to provide  
7 27 education, client-centered programs, and client and family  
7 28 support for people living with epilepsy and their families.

7 29 4. COMMUNITY CAPACITY  
7 30 For strengthening the health care delivery system at the  
7 31 local level, and for not more than the following full-time  
7 32 equivalent positions:  
7 33 ..... \$ 4,116,847  
7 34 ..... FTEs 28.00  
7 35 a. Of the funds appropriated in this subsection, \$90,000  
8 1 is allocated for a child vision screening program implemented  
8 2 through the university of Iowa hospitals and clinics in  
8 3 collaboration with community empowerment areas.  
8 4 b. Of the funds appropriated in this subsection, \$143,254  
8 5 is allocated for continuation of an initiative implemented at  
8 6 the university of Iowa and \$125,802 is allocated for  
8 7 continuation of an initiative at the state mental health  
8 8 institute at Cherokee to expand and improve the workforce  
8 9 engaged in mental health treatment and services. The  
8 10 initiatives shall receive input from the university of Iowa,  
8 11 the department of human services, the department of public  
8 12 health, and the mental health, mental retardation,  
8 13 developmental disabilities, and brain injury commission to  
8 14 address the focus of the initiatives. The department of human  
8 15 services, the department of public health, and the commission  
8 16 shall receive regular updates concerning the status of the  
8 17 initiatives.  
8 18 c. Of the funds appropriated in this subsection,  
8 19 \$1,054,060 shall be used for the healthy Iowans 2010 plan and  
8 20 of this amount not more than \$484,868 shall be used for  
8 21 essential public health services that promote healthy aging  
8 22 throughout the lifespan, contracted through a formula for  
8 23 local boards of health, to enhance health promotion and  
8 24 disease prevention services.  
8 25 d. Of the funds appropriated in this subsection, \$100,000  
8 26 may be used to further develop and implement at the state  
8 27 level, and pilot at the local level, the Iowa public health  
8 28 standards approved by the department.

8 29 5. ELDERLY WELLNESS  
8 30 For promotion of healthy aging and optimization of the  
8 31 health of older adults:  
8 32 ..... \$ 8,345,779  
8 33 a. Of the funds appropriated in this subsection,  
8 34 \$2,292,076 shall be used for local public health nursing  
8 35 services.  
9 1 b. Of the funds appropriated in this subsection,  
9 2 \$6,053,703 shall be used for home care aide services.

9 3 6. ENVIRONMENTAL HAZARDS  
9 4 For reducing the public's exposure to hazards in the  
9 5 environment, primarily chemical hazards, and for not more than  
9 6 the following full-time equivalent positions:  
9 7 ..... \$ 1,000,391  
9 8 ..... FTEs 5.00  
9 9 a. Of the funds appropriated in this subsection, \$601,631  
9 10 shall be used for childhood lead poisoning provisions.  
9 11 b. Of the funds appropriated in this subsection, not more  
9 12 than \$262,153 shall be used for the development of scientific  
9 13 and medical expertise in environmental epidemiology.

9 14 7. INFECTIOUS DISEASES  
9 15 For reducing the incidence and prevalence of communicable  
9 16 diseases, and for not more than the following full-time  
9 17 equivalent positions:  
9 18 ..... \$ 1,630,661  
9 19 ..... FTEs 7.00

9 20 8. PUBLIC PROTECTION  
9 21 For protecting the health and safety of the public through  
9 22 establishing standards and enforcing regulations, and for not  
9 23 more than the following full-time equivalent positions:  
9 24 ..... \$ 3,569,986  
9 25 ..... FTEs 128.00

9 26 a. Of the funds appropriated in this subsection, \$955,779  
9 27 shall be credited to the emergency medical services fund  
9 28 created in section 135.25. Moneys in the emergency medical  
9 29 services fund are appropriated to the department to be used  
9 30 for the purposes of the fund.

9 31 b. Of the funds appropriated in this subsection, \$232,477  
9 32 shall be used for sexual violence prevention programming  
9 33 through a statewide organization representing programs serving  
9 34 victims of sexual violence through the department's sexual  
9 35 violence prevention program. The amount allocated in this  
10 1 lettered paragraph shall not be used to supplant funding  
10 2 administered for other sexual violence prevention or victims  
10 3 assistance programs.

10 4 c. Of the funds appropriated in this subsection, not more  
10 5 than \$348,244 shall be used for the continuation and support  
10 6 of a coordinated system of delivery of trauma and emergency  
10 7 medical services.

10 8 d. Of the funds appropriated in this subsection, not more  
10 9 than \$539,467 shall be used for the state poison control  
10 10 center.

10 11 9. RESOURCE MANAGEMENT  
10 12 For establishing and sustaining the overall ability of the  
10 13 department to deliver services to the public, and for not more  
10 14 than the following full-time equivalent positions:  
10 15 ..... \$ 1,062,517  
10 16 ..... FTEs 10.00

10 17 The university of Iowa hospitals and clinics under the  
10 18 control of the state board of regents shall not receive  
10 19 indirect costs from the funds appropriated in this section.  
10 20 The university of Iowa hospitals and clinics billings to the  
10 21 department shall be on at least a quarterly basis.

10 22 DEPARTMENT OF VETERANS AFFAIRS  
10 23 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is  
10 24 appropriated from the general fund of the state to the  
10 25 department of veterans affairs for the fiscal year beginning  
10 26 July 1, 2009, and ending June 30, 2010, the following amounts,  
10 27 or so much thereof as is necessary, to be used for the  
10 28 purposes designated:

10 29 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION  
10 30 For salaries, support, maintenance, and miscellaneous  
10 31 purposes, including the war orphans educational assistance  
10 32 fund created in section 35.8, and for not more than the  
10 33 following full-time equivalent positions:  
10 34 ..... \$ 1,067,170  
10 35 ..... FTEs 17.20

11 1 2. IOWA VETERANS HOME  
11 2 For salaries, support, maintenance, and miscellaneous  
11 3 purposes:  
11 4 ..... \$ 11,326,650

11 5 a. The Iowa veterans home billings involving the  
11 6 department of human services shall be submitted to the  
11 7 department on at least a monthly basis.

11 8 b. If there is a change in the employer of employees  
11 9 providing services at the Iowa veterans home under a  
11 10 collective bargaining agreement, such employees and the  
11 11 agreement shall be continued by the successor employer as  
11 12 though there had not been a change in employer.

11 13 c. Commencing with the fiscal year beginning July 1, 2009,  
11 14 the Iowa veterans home shall revise the payment and exemption  
11 15 amounts for residents participating in the incentive therapy  
11 16 program in accordance with all of the following:

11 17 (1) The incentive payment amount for domiciliary level of  
11 18 care residents shall be \$150 per month and for nursing level  
11 19 of care residents shall be \$75 per month.

11 20 (2) The amounts paid under the program that are exempt  
11 21 from computation of resident support shall be increased to  
11 22 reflect the increases in the incentive payments in accordance  
11 23 with subparagraph (1).

11 24 3. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED

11 25 VETERANS  
11 26 For provision of educational assistance pursuant to section  
11 27 35.9:  
11 28 ..... \$ 22,944  
11 29 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS  
11 30 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the  
11 31 standing appropriation in the following designated section for  
11 32 the fiscal year beginning July 1, 2009, and ending June 30,  
11 33 2010, the amounts appropriated from the general fund of the  
11 34 state pursuant to that section for the following designated  
11 35 purposes shall not exceed the following amount:  
12 1 For the county commissions of veterans affairs fund under  
12 2 section 35A.16:  
12 3 ..... \$ 1,000,000  
12 4 HUMAN SERVICES  
12 5 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK  
12 6 GRANT. There is appropriated from the fund created in section  
12 7 8.41 to the department of human services for the fiscal year  
12 8 beginning July 1, 2009, and ending June 30, 2010, from moneys  
12 9 received under the federal temporary assistance for needy  
12 10 families (TANF) block grant pursuant to the federal Personal  
12 11 Responsibility and Work Opportunity Reconciliation Act of  
12 12 1996, Pub. L. No. 104=193, and successor legislation, which  
12 13 are federally appropriated for the federal fiscal years  
12 14 beginning October 1, 2008, and ending September 30, 2009, and  
12 15 beginning October 1, 2009, and ending September 30, 2010, the  
12 16 following amounts, or so much thereof as is necessary, to be  
12 17 used for the purposes designated:  
12 18 1. To be credited to the family investment program account  
12 19 and used for assistance under the family investment program  
12 20 under chapter 239B:  
12 21 ..... \$ 26,106,513  
12 22 2. To be credited to the family investment program account  
12 23 and used for the job opportunities and basic skills (JOBS)  
12 24 program and implementing family investment agreements in  
12 25 accordance with chapter 239B:  
12 26 ..... \$ 13,084,528  
12 27 Notwithstanding section 8.33, not more than 5 percent of  
12 28 the moneys designated in this subsection that are allocated by  
12 29 the department for contracted services, other than family  
12 30 self-sufficiency grant services allocated under this  
12 31 subsection, that remain unencumbered or unobligated at the  
12 32 close of the fiscal year shall not revert but shall remain  
12 33 available for expenditure for the purposes designated until  
12 34 the close of the succeeding fiscal year. However, unless such  
12 35 moneys are encumbered or obligated on or before September 30,  
13 1 2010, the moneys shall revert.  
13 2 3. To be used for the family development and  
13 3 self-sufficiency grant program in accordance with section  
13 4 216A.107:  
13 5 ..... \$ 2,998,675  
13 6 Notwithstanding section 8.33, moneys appropriated in this  
13 7 subsection that remain unencumbered or unobligated at the  
13 8 close of the fiscal year shall not revert but shall remain  
13 9 available for expenditure for the purposes designated until  
13 10 the close of the succeeding fiscal year. However, unless such  
13 11 moneys are encumbered or obligated on or before September 30,  
13 12 2010, the moneys shall revert.  
13 13 4. For field operations:  
13 14 ..... \$ 18,507,495  
13 15 5. For general administration:  
13 16 ..... \$ 3,744,000  
13 17 6. For local administrative costs:  
13 18 ..... \$ 2,189,830  
13 19 7. For state child care assistance:  
13 20 ..... \$ 18,986,177  
13 21 a. Of the funds appropriated in this subsection,  
13 22 \$18,986,177 shall be transferred to the child care and  
13 23 development block grant appropriation made by the Eighty=third  
13 24 General Assembly, 2009 Session, for the federal fiscal year  
13 25 beginning October 1, 2009, and ending September 30, 2010. Of  
13 26 this amount, \$200,000 shall be used for provision of  
13 27 educational opportunities to registered child care home  
13 28 providers in order to improve services and programs offered by  
13 29 this category of providers and to increase the number of  
13 30 providers. The department may contract with institutions of  
13 31 higher education or child care resource and referral centers  
13 32 to provide the educational opportunities. Allowable  
13 33 administrative costs under the contracts shall not exceed 5  
13 34 percent. The application for a grant shall not exceed two  
13 35 pages in length.

14 1 b. Any funds appropriated in this subsection remaining  
 14 2 unallocated shall be used for state child care assistance  
 14 3 payments for individuals enrolled in the family investment  
 14 4 program who are employed.  
 14 5 8. For mental health and developmental disabilities  
 14 6 community services:  
 14 7 ..... \$ 4,894,052  
 14 8 9. For child and family services:  
 14 9 ..... \$ 32,084,430  
 14 10 10. For child abuse prevention grants:  
 14 11 ..... \$ 250,000  
 14 12 11. For pregnancy prevention grants on the condition that  
 14 13 family planning services are funded:  
 14 14 ..... \$ 1,930,067  
 14 15 Pregnancy prevention grants shall be awarded to programs in  
 14 16 existence on or before July 1, 2009, if the programs are  
 14 17 comprehensive in scope and have demonstrated positive  
 14 18 outcomes. Grants shall be awarded to pregnancy prevention  
 14 19 programs which are developed after July 1, 2009, if the  
 14 20 programs are comprehensive in scope and are based on existing  
 14 21 models that have demonstrated positive outcomes. Grants shall  
 14 22 comply with the requirements provided in 1997 Iowa Acts,  
 14 23 chapter 208, section 14, subsections 1 and 2, including the  
 14 24 requirement that grant programs must emphasize sexual  
 14 25 abstinence. Priority in the awarding of grants shall be given  
 14 26 to programs that serve areas of the state which demonstrate  
 14 27 the highest percentage of unplanned pregnancies of females of  
 14 28 childbearing age within the geographic area to be served by  
 14 29 the grant.  
 14 30 12. For technology needs and other resources necessary to  
 14 31 meet federal welfare reform reporting, tracking, and case  
 14 32 management requirements:  
 14 33 ..... \$ 1,037,186  
 14 34 13. For the healthy opportunities for parents to  
 14 35 experience success (HOPES) program administered by the  
 15 1 department of public health to target child abuse prevention:  
 15 2 ..... \$ 200,000  
 15 3 14. To be credited to the state child care assistance  
 15 4 appropriation made in this section to be used for funding of  
 15 5 community-based early childhood programs targeted to children  
 15 6 from birth through five years of age developed by community  
 15 7 empowerment areas as provided in section 28.9:  
 15 8 ..... \$ 7,350,000  
 15 9 a. The department shall transfer TANF block grant funding  
 15 10 appropriated and allocated in this subsection to the child  
 15 11 care and development block grant appropriation in accordance  
 15 12 with federal law as necessary to comply with the provisions of  
 15 13 this subsection.  
 15 14 b. Of the amounts appropriated in this section,  
 15 15 \$12,962,008 for the fiscal year beginning July 1, 2009, shall  
 15 16 be transferred to the appropriation of the federal social  
 15 17 services block grant made for that fiscal year.  
 15 18 c. The department may transfer funds allocated in this  
 15 19 section to the appropriations made in this Act for general  
 15 20 administration and field operations for resources necessary to  
 15 21 implement and operate the services referred to in this section  
 15 22 and those funded in the appropriation made in this division of  
 15 23 this Act for the family investment program from the general  
 15 24 fund of the state.  
 15 25 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.  
 15 26 1. Moneys credited to the family investment program (FIP)  
 15 27 account for the fiscal year beginning July 1, 2009, and ending  
 15 28 June 30, 2010, shall be used to provide assistance in  
 15 29 accordance with chapter 239B.  
 15 30 2. The department may use a portion of the moneys credited  
 15 31 to the FIP account under this section as necessary for  
 15 32 salaries, support, maintenance, and miscellaneous purposes.  
 15 33 3. The department may transfer funds allocated in this  
 15 34 section to the appropriations in this Act for general  
 15 35 administration and field operations for resources necessary to  
 16 1 implement and operate the services referred to in this section  
 16 2 and those funded in the appropriation made in this division of  
 16 3 this Act for the family investment program from the general  
 16 4 fund of the state.  
 16 5 4. Moneys appropriated in this division of this Act and  
 16 6 credited to the FIP account for the fiscal year beginning July  
 16 7 1, 2009, and ending June 30, 2010, are allocated as follows:  
 16 8 a. To be retained by the department of human services to  
 16 9 be used for coordinating with the department of human rights  
 16 10 to more effectively serve participants in the FIP program and  
 16 11 other shared clients and to meet federal reporting

16 12 requirements under the federal temporary assistance for needy  
16 13 families block grant:  
16 14 ..... \$ 20,000  
16 15 b. To the department of human rights for staffing,  
16 16 administration, and implementation of the family development  
16 17 and self=sufficiency grant program in accordance with section  
16 18 216A.107:  
16 19 ..... \$ 5,378,812  
16 20 (1) Of the funds allocated for the family development and  
16 21 self=sufficiency grant program in this lettered paragraph, not  
16 22 more than 5 percent of the funds shall be used for the  
16 23 administration of the grant program.  
16 24 (2) The department of human rights may continue to  
16 25 implement the family development and self=sufficiency grant  
16 26 program statewide during fiscal year 2009=2010.  
16 27 c. For the diversion subaccount of the FIP account:  
16 28 ..... \$ 1,814,000  
16 29 A portion of the moneys allocated for the subaccount may be  
16 30 used for field operations salaries, data management system  
16 31 development, and implementation costs and support deemed  
16 32 necessary by the director of human services in order to  
16 33 administer the FIP diversion program.  
16 34 d. For the food stamp employment and training program:  
16 35 ..... \$ 68,059  
17 1 The department shall amend the food stamp employment and  
17 2 training state plan in order to maximize to the fullest extent  
17 3 permitted by federal law the use of the fifty=fifty match  
17 4 provisions for the claiming of allowable federal matching  
17 5 funds from the United States department of agriculture  
17 6 pursuant to the federal food stamp employment and training  
17 7 program for providing education, employment, and training  
17 8 services for eligible food assistance program participants,  
17 9 including but not limited to related dependent care and  
17 10 transportation expenses.  
17 11 e. For the JOBS program:  
17 12 ..... \$ 22,310,116  
17 13 5. Of the child support collections assigned under FIP, an  
17 14 amount equal to the federal share of support collections shall  
17 15 be credited to the child support recovery appropriation made  
17 16 in this division of this Act. Of the remainder of the  
17 17 assigned child support collections received by the child  
17 18 support recovery unit, a portion shall be credited to the FIP  
17 19 account, a portion may be used to increase recoveries, and a  
17 20 portion may be used to sustain cash flow in the child support  
17 21 payments account. If as a consequence of the appropriations  
17 22 and allocations made in this section the resulting amounts are  
17 23 insufficient to sustain cash assistance payments and meet  
17 24 federal maintenance of effort requirements, the department  
17 25 shall seek supplemental funding. If child support collections  
17 26 assigned under FIP are greater than estimated or are otherwise  
17 27 determined not to be required for maintenance of effort, the  
17 28 state share of either amount may be transferred to or retained  
17 29 in the child support payment account.  
17 30 6. The department may adopt emergency rules for the family  
17 31 investment, JOBS, family development and self=sufficiency  
17 32 grant, food stamp, and medical assistance programs if  
17 33 necessary to comply with federal requirements.  
17 34 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is  
17 35 appropriated from the general fund of the state to the  
18 1 department of human services for the fiscal year beginning  
18 2 July 1, 2009, and ending June 30, 2010, the following amount,  
18 3 or so much thereof as is necessary, to be used for the purpose  
18 4 designated:  
18 5 To be credited to the family investment program (FIP)  
18 6 account and used for family investment program assistance  
18 7 under chapter 239B:  
18 8 ..... \$ 34,342,700  
18 9 1. Of the funds appropriated in this section, \$8,975,588  
18 10 is allocated for the JOBS program.  
18 11 2. Of the funds appropriated in this section, \$2,380,137  
18 12 is allocated for the family development and self=sufficiency  
18 13 grant program.  
18 14 3. a. Of the funds appropriated in this section, \$230,244  
18 15 shall be used for continuation of a grant to an Iowa=based  
18 16 nonprofit organization with a history of providing tax  
18 17 preparation assistance to low=income Iowans in order to expand  
18 18 the usage of the earned income tax credit. The purpose of the  
18 19 grant is to supply this assistance to underserved areas of the  
18 20 state. The grant shall be provided to an organization that  
18 21 has existing national foundation support for supplying such  
18 22 assistance that can also secure local charitable match



18 23 funding.

18 24 b. The general assembly supports efforts by the

18 25 organization receiving funding under this subsection to create

18 26 a statewide earned income tax credit and asset-building

18 27 coalition to achieve both of the following purposes:

18 28 (1) Expanding the usage of the tax credit through new and

18 29 enhanced outreach and marketing strategies, as well as

18 30 identifying new local sites and human and financial resources.

18 31 (2) Assessing and recommending various strategies for

18 32 Iowans to develop assets through savings, individual

18 33 development accounts, financial literacy, antipredatory

18 34 lending initiatives, informed home ownership, use of various

18 35 forms of support for work, and microenterprise business

19 1 development targeted to persons who are self-employed or have

19 2 fewer than five employees.

19 3 4. Notwithstanding section 8.39, for the fiscal year

19 4 beginning July 1, 2009, if necessary to meet federal

19 5 maintenance of effort requirements or to transfer federal

19 6 temporary assistance for needy families block grant funding to

19 7 be used for purposes of the federal social services block

19 8 grant or to meet cash flow needs resulting from delays in

19 9 receiving federal funding or to implement, in accordance with

19 10 this division of this Act, activities currently funded with

19 11 juvenile court services, county, or community moneys and state

19 12 moneys used in combination with such moneys, the department of

19 13 human services may transfer funds within or between any of the

19 14 appropriations made in this division of this Act and

19 15 appropriations in law for the federal social services block

19 16 grant to the department for the following purposes, provided

19 17 that the combined amount of state and federal temporary

19 18 assistance for needy families block grant funding for each

19 19 appropriation remains the same before and after the transfer:

19 20 a. For the family investment program.

19 21 b. For child care assistance.

19 22 c. For child and family services.

19 23 d. For field operations.

19 24 e. For general administration.

19 25 f. MH/MR/DD/BI community services (local purchase).

19 26 This subsection shall not be construed to prohibit the use

19 27 of existing state transfer authority for other purposes. The

19 28 department shall report any transfers made pursuant to this

19 29 subsection to the legislative services agency.

19 30 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated

19 31 from the general fund of the state to the department of human

19 32 services for the fiscal year beginning July 1, 2009, and

19 33 ending June 30, 2010, the following amount, or so much thereof

19 34 as is necessary, to be used for the purposes designated:

19 35 For child support recovery, including salaries, support,

20 1 maintenance, and miscellaneous purposes, and for not more than

20 2 the following full-time equivalent positions:

20 3 ..... \$ 13,420,460

20 4 ..... FTEs 520.00

20 5 1. The department shall expend up to \$27,032, including

20 6 federal financial participation, for the fiscal year beginning

20 7 July 1, 2009, for a child support public awareness campaign.

20 8 The department and the office of the attorney general shall

20 9 cooperate in continuation of the campaign. The public

20 10 awareness campaign shall emphasize, through a variety of media

20 11 activities, the importance of maximum involvement of both

20 12 parents in the lives of their children as well as the

20 13 importance of payment of child support obligations.

20 14 2. Federal access and visitation grant moneys shall be

20 15 issued directly to private not-for-profit agencies that

20 16 provide services designed to increase compliance with the

20 17 child access provisions of court orders, including but not

20 18 limited to neutral visitation sites and mediation services.

20 19 3. The appropriation made to the department for child

20 20 support recovery may be used throughout the fiscal year in the

20 21 manner necessary for purposes of cash flow management, and for

20 22 cash flow management purposes the department may temporarily

20 23 draw more than the amount appropriated, provided the amount

20 24 appropriated is not exceeded at the close of the fiscal year.

20 25 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from

20 26 the general fund of the state to the department of human

20 27 services for the fiscal year beginning July 1, 2009, and

20 28 ending June 30, 2010, the following amount, or so much thereof

20 29 as is necessary, to be used for the purpose designated:

20 30 For medical assistance reimbursement and associated costs

20 31 as specifically provided in the reimbursement methodologies in

20 32 effect on June 30, 2009, except as otherwise expressly

20 33 authorized by law, including reimbursement for abortion

20 34 services which shall be available under the medical assistance  
20 35 program only for those abortions which are medically  
21 1 necessary:  
21 2 ..... \$678,038,847  
21 3 1. Medically necessary abortions are those performed under  
21 4 any of the following conditions:  
21 5 a. The attending physician certifies that continuing the  
21 6 pregnancy would endanger the life of the pregnant woman.  
21 7 b. The attending physician certifies that the fetus is  
21 8 physically deformed, mentally deficient, or afflicted with a  
21 9 congenital illness.  
21 10 c. The pregnancy is the result of a rape which is reported  
21 11 within 45 days of the incident to a law enforcement agency or  
21 12 public or private health agency which may include a family  
21 13 physician.  
21 14 d. The pregnancy is the result of incest which is reported  
21 15 within 150 days of the incident to a law enforcement agency or  
21 16 public or private health agency which may include a family  
21 17 physician.  
21 18 e. Any spontaneous abortion, commonly known as a  
21 19 miscarriage, if not all of the products of conception are  
21 20 expelled.  
21 21 2. The department shall utilize not more than \$60,000 of  
21 22 the funds appropriated in this section to continue the  
21 23 AIDS/HIV health insurance premium payment program as  
21 24 established in 1992 Iowa Acts, Second Extraordinary Session,  
21 25 chapter 1001, section 409, subsection 6. Of the funds  
21 26 allocated in this subsection, not more than \$5,000 may be  
21 27 expended for administrative purposes.  
21 28 3. Of the funds appropriated in this Act to the department  
21 29 of public health for addictive disorders, \$950,000 for the  
21 30 fiscal year beginning July 1, 2009, shall be transferred to  
21 31 the department of human services for an integrated substance  
21 32 abuse managed care system. The department shall not assume  
21 33 management of the substance abuse system in place of the  
21 34 managed care contractor unless such a change in approach is  
21 35 specifically authorized in law. The departments of human  
22 1 services and public health shall work together to maintain the  
22 2 level of mental health and substance abuse services provided  
22 3 by the managed care contractor through the Iowa plan for  
22 4 behavioral health. Each department shall take the steps  
22 5 necessary to continue the federal waivers as necessary to  
22 6 maintain the level of services.  
22 7 4. a. The department shall aggressively pursue options  
22 8 for providing medical assistance or other assistance to  
22 9 individuals with special needs who become ineligible to  
22 10 continue receiving services under the early and periodic  
22 11 screening, diagnosis, and treatment program under the medical  
22 12 assistance program due to becoming 21 years of age who have  
22 13 been approved for additional assistance through the  
22 14 department's exception to policy provisions, but who have  
22 15 health care needs in excess of the funding available through  
22 16 the exception to policy provisions.  
22 17 b. Of the funds appropriated in this section, \$100,000  
22 18 shall be used for participation in one or more pilot projects  
22 19 operated by a private provider to allow the individual or  
22 20 individuals to receive service in the community in accordance  
22 21 with principles established in *Olmstead v. L.C.*, 527 U.S. 581  
22 22 (1999), for the purpose of providing medical assistance or  
22 23 other assistance to individuals with special needs who become  
22 24 ineligible to continue receiving services under the early and  
22 25 periodic screening, diagnosis, and treatment program under the  
22 26 medical assistance program due to becoming 21 years of age who  
22 27 have been approved for additional assistance through the  
22 28 department's exception to policy provisions, but who have  
22 29 health care needs in excess of the funding available through  
22 30 the exception to the policy provisions.  
22 31 5. Of the funds appropriated in this section, up to  
22 32 \$3,050,082 may be transferred to the field operations or  
22 33 general administration appropriations in this Act for  
22 34 operational costs associated with Part D of the federal  
22 35 Medicare Prescription Drug, Improvement, and Modernization Act  
23 1 of 2003, Pub. L. No. 108-173.  
23 2 6. Of the funds appropriated in this section, not more  
23 3 than \$166,600 shall be used to enhance outreach efforts. The  
23 4 department may transfer funds allocated in this subsection to  
23 5 the appropriations in this division of this Act for general  
23 6 administration, the state children's health insurance program,  
23 7 or medical contracts, as necessary, to implement the outreach  
23 8 efforts.  
23 9 7. Of the funds appropriated in this section, up to

23 10 \$442,100 may be transferred to the appropriation in this Act  
23 11 for medical contracts to be used for clinical assessment  
23 12 services related to remedial services in accordance with  
23 13 federal law.

23 14 8. A portion of the funds appropriated in this section may  
23 15 be transferred to the appropriations in this division of this  
23 16 Act for general administration, medical contracts, the state  
23 17 children's health insurance program, or field operations to be  
23 18 used for the state match cost to comply with the payment error  
23 19 rate measurement (PERM) program for both the medical  
23 20 assistance and state children's health insurance programs as  
23 21 developed by the centers for Medicare and Medicaid services of  
23 22 the United States department of health and human services to  
23 23 comply with the federal Improper Payments Information Act of  
23 24 2002, Pub. L. No. 107=300.

23 25 9. It is the intent of the general assembly that the  
23 26 department continue to implement the recommendations of the  
23 27 assuring better child health and development initiative II  
23 28 (ABCDII) clinical panel to the Iowa early and periodic  
23 29 screening, diagnostic, and treatment services healthy mental  
23 30 development collaborative board regarding changes to billing  
23 31 procedures, codes, and eligible service providers.

23 32 10. Of the funds appropriated in this section, a  
23 33 sufficient amount is allocated to supplement the incomes of  
23 34 residents of nursing facilities, intermediate care facilities  
23 35 for persons with mental illness, and intermediate care  
24 1 facilities for persons with mental retardation, with incomes  
24 2 of less than \$50 in the amount necessary for the residents to  
24 3 receive a personal needs allowance of \$50 per month pursuant  
24 4 to section 249A.30A.

24 5 11. Of the funds appropriated in this section, the  
24 6 following amounts shall be transferred to appropriations made  
24 7 in this division of this Act to the state mental health  
24 8 institutes:

24 9	a. Cherokee mental health institute .....	\$ 9,098,425
24 10	b. Clarinda mental health institute .....	\$ 1,977,305
24 11	c. Independence mental health institute .....	\$ 9,045,894
24 12	d. Mount Pleasant mental health institute ....	\$ 5,752,587

24 13 12. a. Of the funds appropriated in this section,  
24 14 \$3,687,889 is allocated for state match for disproportionate  
24 15 share hospital payment of \$7,321,954 to hospitals that meet  
24 16 both of the following conditions:

24 17 (1) The hospital qualifies for disproportionate share and  
24 18 graduate medical education payments.

24 19 (2) The hospital is an Iowa state-owned hospital with more  
24 20 than 500 beds and eight or more distinct residency specialty  
24 21 or subspecialty programs recognized by the American college of  
24 22 graduate medical education.

24 23 b. Distribution of the disproportionate share payment  
24 24 shall be made on a monthly basis. The total amount of  
24 25 disproportionate share payments including graduate medical  
24 26 education, enhanced disproportionate share, and Iowa  
24 27 state-owned teaching hospital payments shall not exceed the  
24 28 amount of the state's allotment under Pub. L. No. 102=234. In  
24 29 addition, the total amount of all disproportionate share  
24 30 payments shall not exceed the hospital-specific  
24 31 disproportionate share limits under Pub. L. No. 103=66.

24 32 13. Of the funds appropriated in this section, \$4,634,065  
24 33 is transferred to the IowaCare account created in section  
24 34 249J.24.

24 35 14. Of the funds appropriated in this section, \$200,000  
25 1 shall be used for the Iowa chronic care consortium pursuant to  
25 2 2003 Iowa Acts, chapter 112, section 12, as amended by 2003  
25 3 Iowa Acts, chapter 179, sections 166 and 167.

25 4 15. One hundred percent of the nonfederal share of  
25 5 payments to area education agencies that are medical  
25 6 assistance providers for medical assistance-covered services  
25 7 provided to medical assistance-covered children, shall be made  
25 8 from the appropriation made in this section.

25 9 16. a. Any new or renewed contract entered into by the  
25 10 department with a third party to administer behavioral health  
25 11 services under the medical assistance program shall provide  
25 12 that any interest earned on payments from the state during the  
25 13 state fiscal year shall be remitted to the department for  
25 14 deposit in a separate account after the end of the fiscal  
25 15 year.

25 16 b. The department shall continue to maintain a separate  
25 17 account within the medical assistance budget for the deposit  
25 18 of all funds remitted pursuant to a contract with a third  
25 19 party to administer behavioral health services under the  
25 20 medical assistance program established pursuant to 2008 Iowa

25 21 Acts 1187, section 9, subsection 20. Notwithstanding section  
25 22 8.33, funds remaining in the account that remain unencumbered  
25 23 or unobligated at the end of any fiscal year shall not revert  
25 24 but shall remain available in succeeding fiscal years and  
25 25 shall be used only in accordance with appropriations from the  
25 26 account for health and human services-related purposes.

25 27 17. The department shall continue to implement the  
25 28 provisions in 2007 Iowa Acts, chapter 218, section 124 and  
25 29 section 126, as amended by 2008 Iowa Acts, chapter 1188,  
25 30 section 55, relating to eligibility for certain persons with  
25 31 disabilities under the medical assistance program in  
25 32 accordance with the federal family opportunity Act.

25 33 18. The department shall add behavior programming, crisis  
25 34 intervention, and mental health outreach services to the home  
25 35 and community-based services mental retardation waiver in  
26 1 order to continue necessary home and community-based services  
26 2 for persons transitioning into the community under the money  
26 3 follows the person grant program.

26 4 19. It is the intent of the general assembly that the Iowa  
26 5 autism council established in section 256.35A shall work with  
26 6 the department of human services to review the option of  
26 7 implementing a home and community-based services waiver for  
26 8 individuals up to 21 years of age with autism under the  
26 9 medical assistance program. The council shall present final  
26 10 recommendations to the general assembly by January 15, 2010.

26 11 20. The department shall issue a request for proposals to  
26 12 implement a correct coding initiative for the medical  
26 13 assistance program to promote correct coding of health care  
26 14 services by providers, to evaluate claims submissions, and to  
26 15 prevent improper payment. The department may use a portion of  
26 16 any savings projected to result from the initiative for  
26 17 one-time implementation costs and for on-going costs of the  
26 18 contract to the extent that savings exceed costs of the  
26 19 initiative.

26 20 21. The department shall request a medical assistance  
26 21 state plan amendment to be effective July 1, 2010, that  
26 22 specifies the coverage criteria for applied behavioral  
26 23 analysis therapy in the remedial services program. Such  
26 24 coverage criteria shall be based on the best practices in  
26 25 medical literature that have been documented to achieve  
26 26 results.

26 27 22. The department may issue a request for proposals to  
26 28 implement a transportation brokerage system for administering  
26 29 medical assistance program medical transportation payments and  
26 30 client referrals. Any request for proposals shall be  
26 31 structured to be budget neutral to the state.

26 32 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There  
26 33 is appropriated from the general fund of the state to the  
26 34 department of human services for the fiscal year beginning  
26 35 July 1, 2009, and ending June 30, 2010, the following amount,  
27 1 or so much thereof as is necessary, to be used for the purpose  
27 2 designated:

27 3 For administration of the health insurance premium payment  
27 4 program, including salaries, support, maintenance, and  
27 5 miscellaneous purposes, and for not more than the following  
27 6 full-time equivalent positions:  
27 7 ..... \$ 508,011  
27 8 ..... FTEs 19.00

27 9 Sec. 11. MEDICAL CONTRACTS. There is appropriated from  
27 10 the general fund of the state to the department of human  
27 11 services for the fiscal year beginning July 1, 2009, and  
27 12 ending June 30, 2010, the following amount, or so much thereof  
27 13 as is necessary, to be used for the purpose designated:

27 14 For medical contracts, including salaries, support,  
27 15 maintenance, and miscellaneous purposes, and for not more than  
27 16 the following full-time equivalent positions:  
27 17 ..... \$ 13,651,503  
27 18 ..... FTEs 6.00

27 19 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

27 20 1. There is appropriated from the general fund of the  
27 21 state to the department of human services for the fiscal year  
27 22 beginning July 1, 2009, and ending June 30, 2010, the  
27 23 following amount, or so much thereof as is necessary, to be  
27 24 used for the purpose designated:

27 25 For the state supplementary assistance program:  
27 26 ..... \$ 18,412,646

27 27 2. The department shall increase the personal needs  
27 28 allowance for residents of residential care facilities by the  
27 29 same percentage and at the same time as federal supplemental  
27 30 security income and federal social security benefits are  
27 31 increased due to a recognized increase in the cost of living.

27 32 The department may adopt emergency rules to implement this  
27 33 subsection.

27 34 3. If during the fiscal year beginning July 1, 2009, the  
27 35 department projects that state supplementary assistance  
28 1 expenditures for a calendar year will not meet the federal  
28 2 pass-through requirement specified in Title XVI of the federal  
28 3 Social Security Act, section 1618, as codified in 42 U.S.C. }  
28 4 1382g, the department may take actions including but not  
28 5 limited to increasing the personal needs allowance for  
28 6 residential care facility residents and making programmatic  
28 7 adjustments or upward adjustments of the residential care  
28 8 facility or in-home health-related care reimbursement rates  
28 9 prescribed in this division of this Act to ensure that federal  
28 10 requirements are met. In addition, the department may make  
28 11 other programmatic and rate adjustments necessary to remain  
28 12 within the amount appropriated in this section while ensuring  
28 13 compliance with federal requirements. The department may  
28 14 adopt emergency rules to implement the provisions of this  
28 15 subsection.

28 16 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

28 17 1. There is appropriated from the general fund of the  
28 18 state to the department of human services for the fiscal year  
28 19 beginning July 1, 2009, and ending June 30, 2010, the  
28 20 following amount, or so much thereof as is necessary, to be  
28 21 used for the purpose designated:

28 22 For maintenance of the healthy and well kids in Iowa (hawk=  
28 23 i) program pursuant to chapter 514I for receipt of federal  
28 24 financial participation under Title XXI of the federal Social  
28 25 Security Act, which creates the state children's health  
28 26 insurance program:

28 27 ..... \$ 14,629,830

28 28 2. Of the funds appropriated in this section, \$128,950 is  
28 29 allocated for continuation of the contract for advertising and  
28 30 outreach with the department of public health and \$90,050 is  
28 31 allocated for other advertising and outreach.

28 32 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated  
28 33 from the general fund of the state to the department of human  
28 34 services for the fiscal year beginning July 1, 2009, and  
28 35 ending June 30, 2010, the following amount, or so much thereof  
29 1 as is necessary, to be used for the purpose designated:

29 2 For child care programs:

29 3 ..... \$ 37,799,472

29 4 1. Of the funds appropriated in this section, \$34,365,770  
29 5 shall be used for state child care assistance in accordance  
29 6 with section 237A.13. It is the intent of the general  
29 7 assembly to appropriate sufficient funding for the state child  
29 8 care assistance program for the fiscal year beginning July 1,  
29 9 2010, in order to avoid establishment of waiting list  
29 10 requirements by the department in the preceding fiscal year in  
29 11 anticipation that enhanced funding under the federal American  
29 12 Recovery and Reinvestment Act of 2009 will not be replaced for  
29 13 the fiscal year beginning July 1, 2009.

29 14 2. Nothing in this section shall be construed or is  
29 15 intended as or shall imply a grant of entitlement for services  
29 16 to persons who are eligible for assistance due to an income  
29 17 level consistent with the waiting list requirements of section  
29 18 237A.13. Any state obligation to provide services pursuant to  
29 19 this section is limited to the extent of the funds  
29 20 appropriated in this section.

29 21 3. Of the funds appropriated in this section, \$480,453 is  
29 22 allocated for the statewide program for child care resource  
29 23 and referral services under section 237A.26. A list of the  
29 24 registered and licensed child care facilities operating in the  
29 25 area served by a child care resource and referral service  
29 26 shall be made available to the families receiving state child  
29 27 care assistance in that area.

29 28 4. a. Of the funds appropriated in this section,  
29 29 \$1,536,181 is allocated for child care quality improvement  
29 30 initiatives including but not limited to the voluntary quality  
29 31 rating system in accordance with section 237A.30.

29 32 b. The department shall revise the achievement bonus  
29 33 provisions under the initiative to provide that unless the  
29 34 initiative requires a provider to take additional actions to  
29 35 maintain a rating, the bonus amount paid for the provider  
30 1 maintaining a rating in years subsequent to the initial rating  
30 2 award shall not be more than 50 percent of the amount of the  
30 3 initial bonus award.

30 4 5. The department may use any of the funds appropriated in  
30 5 this section as a match to obtain federal funds for use in  
30 6 expanding child care assistance and related programs. For the  
30 7 purpose of expenditures of state and federal child care

30 8 funding, funds shall be considered obligated at the time  
30 9 expenditures are projected or are allocated to the  
30 10 department's service areas. Projections shall be based on  
30 11 current and projected caseload growth, current and projected  
30 12 provider rates, staffing requirements for eligibility  
30 13 determination and management of program requirements including  
30 14 data systems management, staffing requirements for  
30 15 administration of the program, contractual and grant  
30 16 obligations and any transfers to other state agencies, and  
30 17 obligations for decategorization or innovation projects.

30 18 6. A portion of the state match for the federal child care  
30 19 and development block grant shall be provided as necessary to  
30 20 meet federal matching funds requirements through the state  
30 21 general fund appropriation made for child development grants  
30 22 and other programs for at-risk children in section 279.51.

30 23 7. Of the funds appropriated in this section, \$1,097,084  
30 24 is transferred to the Iowa empowerment fund from which it is  
30 25 appropriated to be used for professional development for the  
30 26 system of early care, health, and education.

30 27 8. Of the funds appropriated in this section, \$175,000  
30 28 shall be allocated to a county with a population of more than  
30 29 300,000 to be used for continuation of a grant to support  
30 30 child care center services provided to children with mental,  
30 31 physical, or emotional challenges in order for the children to  
30 32 remain in a home or family setting.

30 33 9. Of the amount allocated in subsection 1, \$93,000 shall  
30 34 be used for the public purpose of providing a grant to a  
30 35 neighborhood affordable housing and services organization  
31 1 established in a county with a population of more than  
31 2 350,000, that provides at least 300 apartment units to house  
31 3 more than 1,000 residents, of which more than 80 percent  
31 4 belong to a minority population and at least 95 percent are  
31 5 headed by a single parent and have an income below federal  
31 6 poverty guidelines, to be used for child development  
31 7 programming for children residing in the housing.

31 8 10. Notwithstanding section 8.33, moneys appropriated in  
31 9 this section or received from the federal appropriations made  
31 10 for the purposes of this section that remain unencumbered or  
31 11 unobligated at the close of the fiscal year shall not revert  
31 12 to any fund but shall remain available for expenditure for the  
31 13 purposes designated until the close of the succeeding fiscal  
31 14 year.

31 15 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated  
31 16 from the general fund of the state to the department of human  
31 17 services for the fiscal year beginning July 1, 2009, and  
31 18 ending June 30, 2010, the following amounts, or so much  
31 19 thereof as is necessary, to be used for the purposes  
31 20 designated:

31 21 1. For operation of the Iowa juvenile home at Toledo and  
31 22 for salaries, support, and maintenance, and for not more than  
31 23 the following full-time equivalent positions:

31 24 ..... \$ 6,754,759  
31 25 ..... FTEs 125.00

31 26 2. For operation of the state training school at Eldora  
31 27 and for salaries, support, and maintenance, and for not more  
31 28 than the following full-time equivalent positions:

31 29 ..... \$ 10,717,787  
31 30 ..... FTEs 202.70

31 31 3. A portion of the moneys appropriated in this section  
31 32 shall be used by the state training school and by the Iowa  
31 33 juvenile home for grants for adolescent pregnancy prevention  
31 34 activities at the institutions in the fiscal year beginning  
31 35 July 1, 2009.

32 1 Sec. 16. CHILD AND FAMILY SERVICES.

32 2 1. There is appropriated from the general fund of the  
32 3 state to the department of human services for the fiscal year  
32 4 beginning July 1, 2009, and ending June 30, 2010, the  
32 5 following amount, or so much thereof as is necessary, to be  
32 6 used for the purpose designated:

32 7 For child and family services:

32 8 ..... \$ 90,591,451

32 9 2. In order to address a reduction of \$5,200,000 from the  
32 10 amount allocated under the appropriation made for the purposes  
32 11 of this section in prior years for purposes of juvenile  
32 12 delinquent graduated sanction services, up to \$5,200,000 of  
32 13 the amount of federal temporary assistance for needy families  
32 14 block grant funding appropriated in this division of this Act  
32 15 for child and family services shall be made available for  
32 16 purposes of juvenile delinquent graduated sanction services.

32 17 3. The department may transfer funds appropriated in this  
32 18 section as necessary to pay the nonfederal costs of services

32 19 reimbursed under the medical assistance program, state child  
32 20 care assistance program, or the family investment program  
32 21 which are provided to children who would otherwise receive  
32 22 services paid under the appropriation in this section. The  
32 23 department may transfer funds appropriated in this section to  
32 24 the appropriations made in this division of this Act for  
32 25 general administration and for field operations for resources  
32 26 necessary to implement and operate the services funded in this  
32 27 section.

32 28 4. a. Of the funds appropriated in this section, up to  
32 29 \$26,719,010 is allocated as the statewide expenditure target  
32 30 under section 232.143 for group foster care maintenance and  
32 31 services. If the department projects that such expenditures  
32 32 for the fiscal year will be less than the target amount  
32 33 allocated in this lettered paragraph, the department may  
32 34 reallocate the excess to provide additional funding for  
32 35 shelter care or the child welfare emergency services addressed

33 1 with the allocation for shelter care.  
33 2 b. If at any time after September 30, 2009, annualization  
33 3 of a service area's current expenditures indicates a service  
33 4 area is at risk of exceeding its group foster care expenditure  
33 5 target under section 232.143 by more than 5 percent, the  
33 6 department and juvenile court services shall examine all group  
33 7 foster care placements in that service area in order to  
33 8 identify those which might be appropriate for termination. In  
33 9 addition, any aftercare services believed to be needed for the  
33 10 children whose placements may be terminated shall be  
33 11 identified. The department and juvenile court services shall  
33 12 initiate action to set dispositional review hearings for the  
33 13 placements identified. In such a dispositional review  
33 14 hearing, the juvenile court shall determine whether needed  
33 15 aftercare services are available and whether termination of  
33 16 the placement is in the best interest of the child and the  
33 17 community.

33 18 5. In accordance with the provisions of section 232.188,  
33 19 the department shall continue the child welfare and juvenile  
33 20 justice funding initiative during fiscal year 2009=2010. Of  
33 21 the funds appropriated in this section, \$1,717,753 is  
33 22 allocated specifically for expenditure for fiscal year  
33 23 2009=2010 through the decategorization service funding pools  
33 24 and governance boards established pursuant to section 232.188.

33 25 6. A portion of the funds appropriated in this section may  
33 26 be used for emergency family assistance to provide other  
33 27 resources required for a family participating in a family  
33 28 preservation or reunification project or successor project to  
33 29 stay together or to be reunified.

33 30 7. Notwithstanding section 234.35 or any other provision  
33 31 of law to the contrary, state funding for shelter care shall  
33 32 be limited to \$6,957,549. The department may continue or  
33 33 amend shelter care provider contracts to include the child  
33 34 welfare emergency services for children who might otherwise be  
33 35 served in shelter care that were implemented pursuant to 2008

34 1 Iowa Acts, chapter 1187, section 16, subsection 7.  
34 2 8. Except for federal funds provided by the federal  
34 3 American Recovery and Reinvestment Act of 2009, federal funds  
34 4 received by the state during the fiscal year beginning July 1,  
34 5 2009, as the result of the expenditure of state funds  
34 6 appropriated during a previous state fiscal year for a service  
34 7 or activity funded under this section are appropriated to the  
34 8 department to be used as additional funding for services and  
34 9 purposes provided for under this section. Notwithstanding  
34 10 section 8.33, moneys received in accordance with this  
34 11 subsection that remain unencumbered or unobligated at the  
34 12 close of the fiscal year shall not revert to any fund but  
34 13 shall remain available for the purposes designated until the  
34 14 close of the succeeding fiscal year.

34 15 9. Of the funds appropriated in this section, at least  
34 16 \$3,464,856 shall be used for protective child care assistance.

34 17 10. a. Of the funds appropriated in this section, up to  
34 18 \$3,076,999 is allocated for the payment of the expenses of  
34 19 court-ordered services provided to juveniles who are under the  
34 20 supervision of juvenile court services, which expenses are a  
34 21 charge upon the state pursuant to section 232.141, subsection  
34 22 4. Of the amount allocated in this lettered paragraph, up to  
34 23 \$1,556,287 shall be made available to provide school-based  
34 24 supervision of children adjudicated under chapter 232, of  
34 25 which not more than \$15,000 may be used for the purpose of  
34 26 training. A portion of the cost of each school-based liaison  
34 27 officer shall be paid by the school district or other funding  
34 28 source as approved by the chief juvenile court officer.

34 29 b. Of the funds appropriated in this section, up to

34 30 \$832,205 is allocated for the payment of the expenses of  
34 31 court-ordered services provided to children who are under the  
34 32 supervision of the department, which expenses are a charge  
34 33 upon the state pursuant to section 232.141, subsection 4.  
34 34 c. Notwithstanding section 232.141 or any other provision  
34 35 of law to the contrary, the amounts allocated in this  
35 1 subsection shall be distributed to the judicial districts as  
35 2 determined by the state court administrator and to the  
35 3 department's service areas as determined by the administrator  
35 4 of the department's division of child and family services.  
35 5 The state court administrator and the division administrator  
35 6 shall make the determination of the distribution amounts on or  
35 7 before June 15, 2009.

35 8 d. Notwithstanding chapter 232 or any other provision of  
35 9 law to the contrary, a district or juvenile court shall not  
35 10 order any service which is a charge upon the state pursuant to  
35 11 section 232.141 if there are insufficient court-ordered  
35 12 services funds available in the district court or departmental  
35 13 service area distribution amounts to pay for the service. The  
35 14 chief juvenile court officer and the departmental service area  
35 15 manager shall encourage use of the funds allocated in this  
35 16 subsection such that there are sufficient funds to pay for all  
35 17 court-related services during the entire year. The chief  
35 18 juvenile court officers and departmental service area managers  
35 19 shall attempt to anticipate potential surpluses and shortfalls  
35 20 in the distribution amounts and shall cooperatively request  
35 21 the state court administrator or division administrator to  
35 22 transfer funds between the judicial districts' or departmental  
35 23 service areas' distribution amounts as prudent.

35 24 e. Notwithstanding any provision of law to the contrary, a  
35 25 district or juvenile court shall not order a county to pay for  
35 26 any service provided to a juvenile pursuant to an order  
35 27 entered under chapter 232 which is a charge upon the state  
35 28 under section 232.141, subsection 4.

35 29 f. Of the funds allocated in this subsection, not more  
35 30 than \$100,000 may be used by the judicial branch for  
35 31 administration of the requirements under this subsection.

35 32 11. Of the funds appropriated in this section, \$1,005,166  
35 33 shall be transferred to the department of public health to be  
35 34 used for the child protection center grant program in  
35 35 accordance with section 135.118.

36 1 12. If the department receives federal approval to  
36 2 implement a waiver under Title IV-E of the federal Social  
36 3 Security Act to enable providers to serve children who remain  
36 4 in the children's families and communities, for purposes of  
36 5 eligibility under the medical assistance program children who  
36 6 participate in the waiver shall be considered to be placed in  
36 7 foster care.

36 8 13. Of the funds appropriated in this section, \$2,695,256  
36 9 is allocated for the preparation for adult living program  
36 10 pursuant to section 234.46.

36 11 14. Of the funds appropriated in this section, \$975,166  
36 12 shall be used for juvenile drug courts. The amount allocated  
36 13 in this subsection shall be distributed as follows:

36 14 a. To the judicial branch for salaries to assist with the  
36 15 operation of juvenile drug court programs operated in the  
36 16 following jurisdictions:

36 17 (1) Marshall county:	
36 18 .....	\$ 58,509
36 19 (2) Woodbury county:	
36 20 .....	\$ 117,267
36 21 (3) Polk county:	
36 22 .....	\$ 182,779
36 23 (4) The third judicial district:	
36 24 .....	\$ 63,385
36 25 (5) The eighth judicial district:	
36 26 .....	\$ 63,385

36 27 b. For court-ordered services to support substance abuse  
36 28 services provided to the juveniles participating in the  
36 29 juvenile drug court programs listed in paragraph "a" and the  
36 30 juveniles' families:

36 31 .....	\$ 489,837
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36 32 The state court administrator shall allocate the funding  
36 33 designated in this paragraph among the programs.

36 34 15. Of the funds appropriated in this section, \$225,529  
36 35 shall be used for the public purpose of providing a grant to a  
37 1 nonprofit human services organization providing services to  
37 2 individuals and families in multiple locations in southwest  
37 3 Iowa and Nebraska for support of a project providing  
37 4 immediate, sensitive support and forensic interviews, medical  
37 5 exams, needs assessments, and referrals for victims of child



37 6 abuse and their nonoffending family members.  
37 7 16. Of the funds appropriated in this section, \$123,923 is  
37 8 allocated for the elevate approach of providing a support  
37 9 network to children placed in foster care.  
37 10 17. Of the funds appropriated in this section, \$285,600 is  
37 11 allocated for sibling visitation provisions for children  
37 12 subject to a court order for out-of-home placement in  
37 13 accordance with section 232.108.  
37 14 18. Of the funds appropriated in this section, \$190,400 is  
37 15 allocated for use pursuant to section 235A.1 for continuation  
37 16 of the initiative to address child sexual abuse implemented  
37 17 pursuant to 2007 Iowa Acts, chapter 218, section 18,  
37 18 subsection 21.  
37 19 19. Of the funds appropriated in this section, \$75,741 is  
37 20 allocated for the public purpose of renewing of a grant to a  
37 21 county with a population between 189,000 and 196,000 in the  
37 22 latest preceding certified federal census for implementation  
37 23 of the county's runaway treatment plan under section 232.195.  
37 24 20. Of the funds appropriated in this section, \$590,780 is  
37 25 allocated for the community partnership for child protection  
37 26 sites.  
37 27 21. Of the funds appropriated in this section, \$355,036 is  
37 28 allocated for the department's minority youth and family  
37 29 projects under the redesign of the child welfare system.  
37 30 22. Of the funds appropriated in this section, \$281,217 is  
37 31 allocated for funding of the state match for the federal  
37 32 substance abuse and mental health services administration  
37 33 (SAMHSA) system of care grant.  
37 34 23. Of the funds appropriated in this section, \$23,792 is  
37 35 allocated for the public purpose of providing a grant to a  
38 1 child welfare services provider headquartered in a county with  
38 2 a population between 189,000 and 196,000 in the latest  
38 3 preceding certified federal census that provides multiple  
38 4 services including but not limited to a psychiatric medical  
38 5 institution for children, shelter, residential treatment,  
38 6 after school programs, school-based programming, and an  
38 7 Asperger's syndrome program, to be used for support services  
38 8 for children with autism spectrum disorder and their families.  
38 9 Sec. 17. ADOPTION SUBSIDY.  
38 10 1. There is appropriated from the general fund of the  
38 11 state to the department of human services for the fiscal year  
38 12 beginning July 1, 2009, and ending June 30, 2010, the  
38 13 following amount, or so much thereof as is necessary, to be  
38 14 used for the purpose designated:  
38 15 For adoption subsidy payments and services:  
38 16 ..... \$ 34,883,674  
38 17 2. The department may transfer funds appropriated in this  
38 18 section to the appropriation made in this Act for general  
38 19 administration for costs paid from the appropriation relating  
38 20 to adoption subsidy.  
38 21 3. Except for federal funds provided by the federal  
38 22 American Recovery and Reinvestment Act of 2009, federal funds  
38 23 received by the state during the fiscal year beginning July 1,  
38 24 2009, as the result of the expenditure of state funds during a  
38 25 previous state fiscal year for a service or activity funded  
38 26 under this section are appropriated to the department to be  
38 27 used as additional funding for the services and activities  
38 28 funded under this section. Notwithstanding section 8.33,  
38 29 moneys received in accordance with this subsection that remain  
38 30 unencumbered or unobligated at the close of the fiscal year  
38 31 shall not revert to any fund but shall remain available for  
38 32 expenditure for the purposes designated until the close of the  
38 33 succeeding fiscal year.  
38 34 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited  
38 35 in the juvenile detention home fund created in section 232.142  
39 1 during the fiscal year beginning July 1, 2009, and ending June  
39 2 30, 2010, are appropriated to the department of human services  
39 3 for the fiscal year beginning July 1, 2009, and ending June  
39 4 30, 2010, for distribution of an amount equal to a percentage  
39 5 of the costs of the establishment, improvement, operation, and  
39 6 maintenance of county or multicounty juvenile detention homes  
39 7 in the fiscal year beginning July 1, 2008. Moneys  
39 8 appropriated for distribution in accordance with this section  
39 9 shall be allocated among eligible detention homes, prorated on  
39 10 the basis of an eligible detention home's proportion of the  
39 11 costs of all eligible detention homes in the fiscal year  
39 12 beginning July 1, 2008. The percentage figure shall be  
39 13 determined by the department based on the amount available for  
39 14 distribution for the fund. Notwithstanding section 232.142,  
39 15 subsection 3, the financial aid payable by the state under  
39 16 that provision for the fiscal year beginning July 1, 2009,

39 17 shall be limited to the amount appropriated for the purposes  
39 18 of this section.

39 19 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

39 20 1. There is appropriated from the general fund of the  
39 21 state to the department of human services for the fiscal year  
39 22 beginning July 1, 2009, and ending June 30, 2010, the  
39 23 following amount, or so much thereof as is necessary, to be  
39 24 used for the purpose designated:

39 25 For the family support subsidy program:

39 26 ..... \$ 1,697,137

39 27 2. The department shall use at least \$433,212 of the  
39 28 moneys appropriated in this section for the family support  
39 29 center component of the comprehensive family support program  
39 30 under section 225C.47. Not more than \$25,000 of the amount  
39 31 allocated in this subsection shall be used for administrative  
39 32 costs.

39 33 Sec. 20. CONNER DECREE. There is appropriated from the  
39 34 general fund of the state to the department of human services  
39 35 for the fiscal year beginning July 1, 2009, and ending June  
40 1 30, 2010, the following amount, or so much thereof as is  
40 2 necessary, to be used for the purpose designated:

40 3 For building community capacity through the coordination  
40 4 and provision of training opportunities in accordance with the  
40 5 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.  
40 6 Iowa, July 14, 1994):

40 7 ..... \$ 37,358

40 8 Sec. 21. MENTAL HEALTH INSTITUTES.

40 9 1. There is appropriated from the general fund of the  
40 10 state to the department of human services for the fiscal year  
40 11 beginning July 1, 2009, and ending June 30, 2010, the  
40 12 following amounts, or so much thereof as is necessary, to be  
40 13 used for the purposes designated:

40 14 a. For the state mental health institute at Cherokee for  
40 15 salaries, support, maintenance, and miscellaneous purposes,  
40 16 and for not more than the following full-time equivalent  
40 17 positions:

40 18 ..... \$ 5,436,076

40 19 ..... FTEs 205.00

40 20 b. For the state mental health institute at Clarinda for  
40 21 salaries, support, maintenance, and miscellaneous purposes,  
40 22 and for not more than the following full-time equivalent  
40 23 positions:

40 24 ..... \$ 6,227,335

40 25 ..... FTEs 114.95

40 26 c. For the state mental health institute at Independence  
40 27 for salaries, support, maintenance, and miscellaneous  
40 28 purposes, and for not more than the following full-time  
40 29 equivalent positions:

40 30 ..... \$ 9,503,567

40 31 ..... FTEs 287.85

40 32 d. For the state mental health institute at Mount Pleasant  
40 33 for salaries, support, maintenance, and miscellaneous  
40 34 purposes, and for not more than the following full-time  
40 35 equivalent positions:

41 1 ..... \$ 1,795,552

41 2 ..... FTEs 116.44

41 3 2. The department shall submit a proposal for closing one  
41 4 state mental health institute and consolidating the services  
41 5 provided at the other state mental health institutes. The  
41 6 plan shall be submitted to the persons designated by this  
41 7 division of this Act for submission of reports on or before  
41 8 December 15, 2009.

41 9 Sec. 22. STATE RESOURCE CENTERS.

41 10 1. There is appropriated from the general fund of the  
41 11 state to the department of human services for the fiscal year  
41 12 beginning July 1, 2009, and ending June 30, 2010, the  
41 13 following amounts, or so much thereof as is necessary, to be  
41 14 used for the purposes designated:

41 15 a. For the state resource center at Glenwood for salaries,  
41 16 support, maintenance, and miscellaneous purposes:

41 17 ..... \$ 17,620,487

41 18 b. For the state resource center at Woodward for salaries,  
41 19 support, maintenance, and miscellaneous purposes:

41 20 ..... \$ 10,929,200

41 21 2. The department may continue to bill for state resource  
41 22 center services utilizing a scope of services approach used  
41 23 for private providers of ICFMR services, in a manner which  
41 24 does not shift costs between the medical assistance program,  
41 25 counties, or other sources of funding for the state resource  
41 26 centers.

41 27 3. The state resource centers may expand the time-limited

41 28 assessment and respite services during the fiscal year.

41 29 4. If the department's administration and the department  
41 30 of management concur with a finding by a state resource  
41 31 center's superintendent that projected revenues can reasonably  
41 32 be expected to pay the salary and support costs for a new  
41 33 employee position, or that such costs for adding a particular  
41 34 number of new positions for the fiscal year would be less than  
41 35 the overtime costs if new positions would not be added, the  
42 1 superintendent may add the new position or positions. If the  
42 2 vacant positions available to a resource center do not include  
42 3 the position classification desired to be filled, the state  
42 4 resource center's superintendent may reclassify any vacant  
42 5 position as necessary to fill the desired position. The  
42 6 superintendents of the state resource centers may, by mutual  
42 7 agreement, pool vacant positions and position classifications  
42 8 during the course of the fiscal year in order to assist one  
42 9 another in filling necessary positions.

42 10 5. If existing capacity limitations are reached in  
42 11 operating units, a waiting list is in effect for a service or  
42 12 a special need for which a payment source or other funding is  
42 13 available for the service or to address the special need, and  
42 14 facilities for the service or to address the special need can  
42 15 be provided within the available payment source or other  
42 16 funding, the superintendent of a state resource center may  
42 17 authorize opening not more than two units or other facilities  
42 18 and begin implementing the service or addressing the special  
42 19 need during fiscal year 2009=2010.

42 20 Sec. 23. MI/MR/DD STATE CASES.

42 21 1. There is appropriated from the general fund of the  
42 22 state to the department of human services for the fiscal year  
42 23 beginning July 1, 2009, and ending June 30, 2010, the  
42 24 following amount, or so much thereof as is necessary, to be  
42 25 used for the purpose designated:

42 26 For distribution to counties for state case services for  
42 27 persons with mental illness, mental retardation, and  
42 28 developmental disabilities in accordance with section 331.440:  
42 29 ..... \$ 11,446,288

42 30 2. For the fiscal year beginning July 1, 2009, and ending  
42 31 June 30, 2010, \$200,000 is allocated for state case services  
42 32 from the amounts appropriated from the fund created in section  
42 33 8.41 to the department of human services from the funds  
42 34 received from the federal government under 42 U.S.C., ch. 6A,  
42 35 subch. XVII, relating to the community mental health center  
43 1 block grant, for the federal fiscal years beginning October 1,  
43 2 2007, and ending September 30, 2008, beginning October 1,  
43 3 2008, and ending September 30, 2009, and beginning October 1,  
43 4 2009, and ending September 30, 2010. The allocation made in  
43 5 this subsection shall be made prior to any other distribution  
43 6 allocation of the appropriated federal funds.

43 7 3. For the fiscal year beginning July 1, 2009, to the  
43 8 extent the appropriation made in this section and other  
43 9 funding provided for state case services and other support, as  
43 10 defined in section 331.440, and the other funding available in  
43 11 the county's services fund under section 331.424A are  
43 12 insufficient to pay the costs of such services and other  
43 13 support, a county of residence may implement a waiting list or  
43 14 other measures to maintain expenditures within the available  
43 15 funding.

43 16 4. Notwithstanding section 8.33, moneys appropriated in  
43 17 this section that remain unencumbered or unobligated at the  
43 18 close of the fiscal year shall not revert but shall remain  
43 19 available for expenditure for the purposes designated until  
43 20 the close of the succeeding fiscal year.

43 21 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==  
43 22 COMMUNITY SERVICES FUND. There is appropriated from the  
43 23 general fund of the state to the mental health and  
43 24 developmental disabilities community services fund created in  
43 25 section 225C.7 for the fiscal year beginning July 1, 2009, and  
43 26 ending June 30, 2010, the following amount, or so much thereof  
43 27 as is necessary, to be used for the purpose designated:

43 28 For mental health and developmental disabilities community  
43 29 services in accordance with this division of this Act:  
43 30 ..... \$ 15,790,111

43 31 1. Of the funds appropriated in this section, \$15,535,967  
43 32 shall be allocated to counties for funding of community-based  
43 33 mental health and developmental disabilities services. The  
43 34 moneys shall be allocated to a county as follows:

43 35 a. Fifty percent based upon the county's proportion of the  
44 1 state's population of persons with an annual income which is  
44 2 equal to or less than the poverty guideline established by the  
44 3 federal office of management and budget.

44 4 b. Fifty percent based upon the county's proportion of the  
44 5 state's general population.

44 6 2. a. A county shall utilize the funding the county  
44 7 receives pursuant to subsection 1 for services provided to  
44 8 persons with a disability, as defined in section 225C.2.  
44 9 However, no more than 50 percent of the funding shall be used  
44 10 for services provided to any one of the service populations.

44 11 b. A county shall use at least 50 percent of the funding  
44 12 the county receives under subsection 1 for contemporary  
44 13 services provided to persons with a disability, as described  
44 14 in rules adopted by the department.

44 15 3. Of the funds appropriated in this section, \$26,160  
44 16 shall be used to support the Iowa compass program providing  
44 17 computerized information and referral services for Iowans with  
44 18 disabilities and their families.

44 19 4. a. Funding appropriated for purposes of the federal  
44 20 social services block grant is allocated for distribution to  
44 21 counties for local purchase of services for persons with  
44 22 mental illness or mental retardation or other developmental  
44 23 disability.

44 24 b. The funds allocated in this subsection shall be  
44 25 expended by counties in accordance with the county's approved  
44 26 county management plan. A county without an approved county  
44 27 management plan shall not receive allocated funds until the  
44 28 county's management plan is approved.

44 29 c. The funds provided by this subsection shall be  
44 30 allocated to each county as follows:

44 31 (1) Fifty percent based upon the county's proportion of  
44 32 the state's population of persons with an annual income which  
44 33 is equal to or less than the poverty guideline established by  
44 34 the federal office of management and budget.

44 35 (2) Fifty percent based upon the amount provided to the  
45 1 county for local purchase of services in the preceding fiscal  
45 2 year.

45 3 5. A county is eligible for funds under this section if  
45 4 the county qualifies for a state payment as described in  
45 5 section 331.439.

45 6 6. Of the funds appropriated in this section, \$226,720  
45 7 shall be used for the public purpose of continuing a grant to  
45 8 a statewide association of counties for development and  
45 9 implementation of the community services network to replace  
45 10 the county management information system.

45 11 7. The most recent population estimates issued by the  
45 12 United States bureau of the census shall be applied for the  
45 13 population factors utilized in this section.

45 14 Sec. 25. SEXUALLY VIOLENT PREDATORS.

45 15 1. There is appropriated from the general fund of the  
45 16 state to the department of human services for the fiscal year  
45 17 beginning July 1, 2009, and ending June 30, 2010, the  
45 18 following amount, or so much thereof as is necessary, to be  
45 19 used for the purpose designated:

45 20 For costs associated with the commitment and treatment of  
45 21 sexually violent predators in the unit located at the state  
45 22 mental health institute at Cherokee, including costs of legal  
45 23 services and other associated costs, including salaries,  
45 24 support, maintenance, and miscellaneous purposes, and for not  
45 25 more than the following full-time equivalent positions:  
45 26 ..... \$ 6,860,204  
45 27 ..... FTEs 105.50

45 28 2. Unless specifically prohibited by law, if the amount  
45 29 charged provides for recoupment of at least the entire amount  
45 30 of direct and indirect costs, the department of human services  
45 31 may contract with other states to provide care and treatment  
45 32 of persons placed by the other states at the unit for sexually  
45 33 violent predators at Cherokee. The moneys received under such  
45 34 a contract shall be considered to be repayment receipts and  
45 35 used for the purposes of the appropriation made in this  
46 1 section.

46 2 Sec. 26. FIELD OPERATIONS. There is appropriated from the  
46 3 general fund of the state to the department of human services  
46 4 for the fiscal year beginning July 1, 2009, and ending June  
46 5 30, 2010, the following amount, or so much thereof as is  
46 6 necessary, to be used for the purposes designated:

46 7 For field operations, including salaries, support,  
46 8 maintenance, and miscellaneous purposes, and for not more than  
46 9 the following full-time equivalent positions:  
46 10 ..... \$ 63,032,831  
46 11 ..... FTEs 2,000.13

46 12 Priority in filling full-time equivalent positions shall be  
46 13 given to those positions related to child protection services  
46 14 and eligibility determination for low-income families.

46 15 Sec. 27. GENERAL ADMINISTRATION. There is appropriated  
46 16 from the general fund of the state to the department of human  
46 17 services for the fiscal year beginning July 1, 2009, and  
46 18 ending June 30, 2010, the following amount, or so much thereof  
46 19 as is necessary, to be used for the purpose designated:

46 20 For general administration, including salaries, support,  
46 21 maintenance, and miscellaneous purposes, and for not more than  
46 22 the following full-time equivalent positions:

46 23 ..... \$ 15,252,523  
46 24 ..... FTEs 354.33

46 25 1. Of the funds appropriated in this section, \$48,556 is  
46 26 allocated for the prevention of disabilities policy council  
46 27 established in section 225B.3.

46 28 2. The department shall report at least monthly to the  
46 29 legislative services agency concerning the department's  
46 30 operational and program expenditures.

46 31 3. Notwithstanding provisions to the contrary in chapter  
46 32 217, if necessary to address funding reductions in general  
46 33 administration and field operations, the department may  
46 34 propose and implement reorganization of the departmental  
46 35 administration and field operations during the fiscal year  
47 1 beginning July 1, 2009. At least 30 calendar days prior to  
47 2 implementation of any reorganization, the department shall  
47 3 submit a detailed proposal for the reorganization to the  
47 4 chairpersons and ranking members of the joint appropriations  
47 5 subcommittee on health and human services, the department of  
47 6 management, and the persons designated by this division of  
47 7 this Act for submission of reports, to provide an opportunity  
47 8 for review, and comment, and possible revision of the  
47 9 proposal.

47 10 4. The department shall adopt rules pursuant to chapter  
47 11 17A establishing standards for childrens centers under section  
47 12 237B.1, as amended by this Act.

47 13 Sec. 28. VOLUNTEERS. There is appropriated from the  
47 14 general fund of the state to the department of human services  
47 15 for the fiscal year beginning July 1, 2009, and ending June  
47 16 30, 2010, the following amount, or so much thereof as is  
47 17 necessary, to be used for the purpose designated:

47 18 For development and coordination of volunteer services:  
47 19 ..... \$ 94,067

47 20 Sec. 29. FAMILY PLANNING SERVICES. There is appropriated  
47 21 from the general fund of the state to the department of human  
47 22 services for the fiscal year beginning July 1, 2009, and  
47 23 ending June 30, 2010, the following amount or so much thereof  
47 24 as is necessary, to be used for the purpose designated:

47 25 For family planning services to individuals with incomes  
47 26 not to exceed 200 percent of the federal poverty level as  
47 27 defined by the most recently revised income guidelines  
47 28 published by the United States department of health and human  
47 29 services, who are not currently receiving the specific benefit  
47 30 under the medical assistance program:

47 31 ..... \$ 10,000

47 32 Moneys appropriated under this section shall not be used to  
47 33 provide abortions. The department shall work with appropriate  
47 34 stakeholders to implement and administer the program.

47 35 Sec. 30. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM  
48 1 == APPROPRIATION. There is appropriated from the general fund  
48 2 of the state to the department of human services for the  
48 3 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
48 4 the following amount or so much thereof as is necessary for  
48 5 the purpose designated:

48 6 For a pregnancy counseling and support services program as  
48 7 specified in this section:

48 8 ..... \$ 100,000

48 9 The department of human services shall continue the  
48 10 pregnancy counseling and support services program to provide  
48 11 core services consisting of information, education,  
48 12 counseling, and support services to women who experience  
48 13 unplanned pregnancies by supporting childbirth, assisting  
48 14 pregnant women in remaining healthy and maintaining a healthy  
48 15 pregnancy while deciding whether to keep the child or place  
48 16 the child for adoption, and assisting women after the birth of  
48 17 a child that was implemented pursuant to 2008 Iowa Acts,  
48 18 chapter 1187, section 30.

48 19 Sec. 31. CIVIL MONETARY PENALTIES == DIRECT CARE WORKERS.  
48 20 Of the funds received by the department of human services  
48 21 through federal civil monetary penalties from nursing  
48 22 facilities, during the fiscal year beginning July 1, 2009, and  
48 23 ending June 30, 2010, \$70,000 shall be used to provide  
48 24 conference scholarships to direct care workers, subject to  
48 25 approval by the centers for Medicare and Medicaid services of

48 26 the United States department of health and human services.

48 27 Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY  
48 28 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE  
48 29 DEPARTMENT OF HUMAN SERVICES.

48 30 1. a. (1) For the fiscal year beginning July 1, 2009,  
48 31 the total state funding amount for the nursing facility budget  
48 32 shall not exceed \$146,803,575.

48 33 (2) For the fiscal year beginning July 1, 2009, the  
48 34 department shall rebase case=mix nursing facility rates.  
48 35 However, total nursing facility budget expenditures, including  
49 1 both case=mix and noncase=mix shall not exceed the amount  
49 2 specified in subparagraph (1). When calculating case=mix per  
49 3 diem cost and the patient=day=weighted medians used in  
49 4 rate=setting for nursing facilities effective July 1, 2009,  
49 5 the inflation factor applied from the midpoint of the cost  
49 6 report period to the first day of the state fiscal year rate  
49 7 period shall be adjusted to maintain state funding within the  
49 8 amount specified in subparagraph (1).

49 9 (3) The department, in cooperation with nursing facility  
49 10 representatives, shall review projections for state funding  
49 11 expenditures for reimbursement of nursing facilities on a  
49 12 quarterly basis and the department shall determine if an  
49 13 adjustment to the medical assistance reimbursement rate is  
49 14 necessary in order to provide reimbursement within the state  
49 15 funding amount. Any temporary enhanced federal financial  
49 16 participation that may become available to the Iowa medical  
49 17 assistance program during the fiscal year shall not be used in  
49 18 projecting the nursing facility budget. Notwithstanding 2001  
49 19 Iowa Acts, chapter 192, section 4, subsection 2, paragraph  
49 20 "c", and subsection 3, paragraph "a", subparagraph (2), if the  
49 21 state funding expenditures for the nursing facility budget for  
49 22 the fiscal year beginning July 1, 2009, are projected to  
49 23 exceed the amount specified in subparagraph (1), the  
49 24 department shall adjust the reimbursement for nursing  
49 25 facilities reimbursed under the case=mix reimbursement system  
49 26 to maintain expenditures of the nursing facility budget within  
49 27 the specified amount. The department shall revise such  
49 28 reimbursement as necessary to adjust the annual accountability  
49 29 measures payment in accordance with 2001 Iowa Acts, chapter  
49 30 192, section 4, subsection 4, as amended by 2008 Iowa Acts,  
49 31 chapter 1187, section 33, and as amended by this Act.

49 32 b. For the fiscal year beginning July 1, 2009, the  
49 33 department shall reimburse pharmacy dispensing fees using a  
49 34 single rate of \$4.57 per prescription or the pharmacy's usual  
49 35 and customary fee, whichever is lower.

50 1 c. (1) For the fiscal year beginning July 1, 2009,  
50 2 reimbursement rates for outpatient hospital services shall  
50 3 remain at the rates in effect on June 30, 2009.

50 4 (2) For the fiscal year beginning July 1, 2009,  
50 5 reimbursement rates for inpatient hospital services in effect  
50 6 on June 30, 2009, shall be reduced by 2.3 percent.

50 7 (3) For the fiscal year beginning July 1, 2009, the  
50 8 graduate medical education and disproportionate share hospital  
50 9 fund shall remain at the amount in effect on June 30, 2009.

50 10 (4) In order to ensure the efficient use of limited state  
50 11 funds in procuring health care services for low-income Iowans,  
50 12 funds appropriated in this Act for hospital services shall not  
50 13 be used for activities which would be excluded from a  
50 14 determination of reasonable costs under the federal Medicare  
50 15 program pursuant to 42 U.S.C. } 1395X(v)(1)(N).

50 16 d. For the fiscal year beginning July 1, 2009,  
50 17 reimbursement rates for rural health clinics, hospices,  
50 18 independent laboratories, and acute mental hospitals shall be  
50 19 increased in accordance with increases under the federal  
50 20 Medicare program or as supported by their Medicare audited  
50 21 costs.

50 22 e. For the fiscal year beginning July 1, 2009,  
50 23 reimbursement rates for home health agencies shall remain at  
50 24 the rates in effect on June 30, 2009, not to exceed a home  
50 25 health agency's actual allowable cost.

50 26 f. For the fiscal year beginning July 1, 2009, federally  
50 27 qualified health centers shall receive cost-based  
50 28 reimbursement for 100 percent of the reasonable costs for the  
50 29 provision of services to recipients of medical assistance.

50 30 g. For the fiscal year beginning July 1, 2009, the  
50 31 reimbursement rates for dental services shall remain at the  
50 32 rates in effect on June 30, 2009.

50 33 h. Unless legislation is enacted by the Eighty-third  
50 34 General Assembly, 2009 Session, adjusting such rates, for the  
50 35 fiscal year beginning July 1, 2009, the maximum reimbursement  
51 1 rate for psychiatric medical institutions for children shall

51 2 be \$167.19 per day.

51 3 i. For the fiscal year beginning July 1, 2009, unless  
51 4 otherwise specified in this Act, all noninstitutional medical  
51 5 assistance provider reimbursement rates shall remain at the  
51 6 rates in effect on June 30, 2009, except for area education  
51 7 agencies, local education agencies, infant and toddler  
51 8 services providers, and those providers whose rates are  
51 9 required to be determined pursuant to section 249A.20.

51 10 j. Notwithstanding any provision to the contrary, for the  
51 11 fiscal year beginning July 1, 2009, the reimbursement rate for  
51 12 anesthesiologists shall remain at the rate in effect on June  
51 13 30, 2009.

51 14 k. Notwithstanding section 249A.20, for the fiscal year  
51 15 beginning July 1, 2009, the average reimbursement rate for  
51 16 health care providers eligible for use of the federal Medicare  
51 17 resource-based relative value scale reimbursement methodology  
51 18 under that section shall remain at the rate in effect on June  
51 19 30, 2009; however, this rate shall not exceed the maximum  
51 20 level authorized by the federal government.

51 21 l. For the fiscal year beginning July 1, 2009, the  
51 22 reimbursement rate for residential care facilities shall not  
51 23 be less than the minimum payment level as established by the  
51 24 federal government to meet the federally mandated maintenance  
51 25 of effort requirement. The flat reimbursement rate for  
51 26 facilities electing not to file semiannual cost reports shall  
51 27 not be less than the minimum payment level as established by  
51 28 the federal government to meet the federally mandated  
51 29 maintenance of effort requirement.

51 30 m. For the fiscal year beginning July 1, 2009, inpatient  
51 31 mental health services provided at hospitals shall be  
51 32 reimbursed at the cost of the services, subject to Medicaid  
51 33 program upper payment limit rules; community mental health  
51 34 centers and providers of mental health services to county  
51 35 residents pursuant to a waiver approved under section 225C.7,  
52 1 subsection 3, shall be reimbursed at 100 percent of the  
52 2 reasonable costs for the provision of services to recipients  
52 3 of medical assistance; and psychiatrists shall be reimbursed  
52 4 at the medical assistance program fee for service rate.

52 5 n. For the fiscal year beginning July 1, 2009, the  
52 6 reimbursement rate for consumer-directed attendant care shall  
52 7 remain at the rates in effect on June 30, 2009.

52 8 o. For the fiscal year beginning July 1, 2009, the  
52 9 reimbursement rate for providers of family planning services  
52 10 that are eligible to receive a 90 percent federal match shall  
52 11 be increased by 5 percent above the rates in effect on June  
52 12 30, 2009.

52 13 2. For the fiscal year beginning July 1, 2009, the  
52 14 reimbursement rate for providers reimbursed under the in=  
52 15 home-related care program shall not be less than the minimum  
52 16 payment level as established by the federal government to meet  
52 17 the federally mandated maintenance of effort requirement.

52 18 3. Unless otherwise directed in this section, when the  
52 19 department's reimbursement methodology for any provider  
52 20 reimbursed in accordance with this section includes an  
52 21 inflation factor, this factor shall not exceed the amount by  
52 22 which the consumer price index for all urban consumers  
52 23 increased during the calendar year ending December 31, 2002.

52 24 4. For the fiscal year beginning July 1, 2009,  
52 25 notwithstanding section 234.38, the foster family basic daily  
52 26 maintenance rate, the maximum adoption subsidy rate, and the  
52 27 maximum supervised apartment living foster care rate, and the  
52 28 preparation for adult living program maintenance rate for  
52 29 children ages 0 through 5 years shall be \$16.36, the rate for  
52 30 children ages 6 through 11 years shall be \$17.01, the rate for  
52 31 children ages 12 through 15 years shall be \$18.62, and the  
52 32 rate for children and young adults ages 16 and older shall be  
52 33 \$18.87.

52 34 5. For the fiscal year beginning July 1, 2009, the maximum  
52 35 reimbursement rates for social services providers reimbursed  
53 1 under a purchase of social services contract shall remain at  
53 2 the rates in effect on June 30, 2009, or the provider's actual  
53 3 and allowable cost plus inflation for each service, whichever  
53 4 is less. However, the rates may be adjusted under any of the  
53 5 following circumstances:

53 6 a. If a new service was added after June 30, 2009, the  
53 7 initial reimbursement rate for the service shall be based upon  
53 8 actual and allowable costs.

53 9 b. If a social service provider loses a source of income  
53 10 used to determine the reimbursement rate for the provider, the  
53 11 provider's reimbursement rate may be adjusted to reflect the  
53 12 loss of income, provided that the lost income was used to

53 13 support actual and allowable costs of a service purchased  
53 14 under a purchase of service contract.

53 15 6. For the fiscal year beginning July 1, 2009, the  
53 16 reimbursement rates for family-centered service providers,  
53 17 family foster care service providers, group foster care  
53 18 service providers, and the resource family recruitment and  
53 19 retention contractor shall remain at the rates in effect on  
53 20 June 30, 2009.

53 21 7. The group foster care reimbursement rates paid for  
53 22 placement of children out of state shall be calculated  
53 23 according to the same rate-setting principles as those used  
53 24 for in-state providers, unless the director of human services  
53 25 or the director's designee determines that appropriate care  
53 26 cannot be provided within the state. The payment of the daily  
53 27 rate shall be based on the number of days in the calendar  
53 28 month in which service is provided.

53 29 8. For the fiscal year beginning July 1, 2009, remedial  
53 30 service providers shall receive cost-based reimbursement for  
53 31 100 percent of the reasonable costs not to exceed the  
53 32 established limit for the provision of services to recipients  
53 33 of medical assistance.

53 34 9. a. For the fiscal year beginning July 1, 2009, the  
53 35 combined service and maintenance components of the  
54 1 reimbursement rate paid for shelter care services and  
54 2 alternative child welfare emergency services purchased under a  
54 3 contract shall be based on the financial and statistical  
54 4 report submitted to the department. The maximum reimbursement  
54 5 rate shall be \$92.36 per day. The department shall reimburse  
54 6 a shelter care provider at the provider's actual and allowable  
54 7 unit cost, plus inflation, not to exceed the maximum  
54 8 reimbursement rate.

54 9 b. Notwithstanding section 232.141, subsection 8, for the  
54 10 fiscal year beginning July 1, 2009, the amount of the  
54 11 statewide average of the actual and allowable rates for  
54 12 reimbursement of juvenile shelter care homes that is utilized  
54 13 for the limitation on recovery of unpaid costs shall remain at  
54 14 the amount in effect for this purpose in the preceding fiscal  
54 15 year.

54 16 10. For the fiscal year beginning July 1, 2009, the  
54 17 department shall calculate reimbursement rates for  
54 18 intermediate care facilities for persons with mental  
54 19 retardation at the 80th percentile.

54 20 11. For the fiscal year beginning July 1, 2009, for child  
54 21 care providers reimbursed under the state child care  
54 22 assistance program, the department shall set provider  
54 23 reimbursement rates based on the rate reimbursement survey  
54 24 completed in December 2004. Effective July 1, 2009, the child  
54 25 care provider reimbursement rates shall remain at the rates in  
54 26 effect on June 30, 2009. The department shall set rates in a  
54 27 manner so as to provide incentives for a nonregistered  
54 28 provider to become registered by applying the increase only to  
54 29 registered and licensed providers.

54 30 12. For the fiscal year beginning July 1, 2009,  
54 31 reimbursements for providers reimbursed by the department of  
54 32 human services may be modified if appropriated funding is  
54 33 allocated for that purpose from the senior living trust fund  
54 34 created in section 249H.4.

54 35 13. The department may adopt emergency rules to implement  
55 1 this section.

55 2 Sec. 33. 2001 Iowa Acts, chapter 192, section 4,  
55 3 subsection 4, as amended by 2008 Iowa Acts, chapter 1187,  
55 4 section 33, subsection 4, is amended by striking the  
55 5 subsection, and inserting in lieu thereof the following:

55 6 4. NURSING FACILITY PAY=FOR=PERFORMANCE.

55 7 a. It is the intent of the general assembly that the  
55 8 department of human services initiate a system to recognize  
55 9 nursing facilities that provide quality of life and  
55 10 appropriate access to medical assistance program beneficiaries  
55 11 in a cost-effective manner.

55 12 b. The department shall design and implement a program to  
55 13 establish benchmarks and to collect data for these benchmarks  
55 14 to evaluate nursing facility performance and to adjust the  
55 15 program and benchmarks, accordingly, to recognize improvement.  
55 16 The program shall include procedures to provide a  
55 17 pay-for-performance payment based upon a nursing facility's  
55 18 achievement of multiple favorable outcomes as determined by  
55 19 these benchmarks. Any increased reimbursement shall not  
55 20 exceed 5 percent of the sum of the direct and nondirect care  
55 21 medians. The increased reimbursement shall be included in the  
55 22 calculation of nursing facility modified price-based payment  
55 23 rates with the exception of Medicare-certified hospital-based



55 24 nursing facilities, state-operated nursing facilities, and  
55 25 special population nursing facilities. The increased  
55 26 reimbursement shall be applicable to the payment periods  
55 27 beginning July 1, 2009.

55 28 c. It is the intent of the general assembly that any  
55 29 pay-for-performance payments to nursing facilities be used to  
55 30 support direct care staff through increased wages, enhanced  
55 31 benefits, and expanded training opportunities and that all  
55 32 pay-for-performance payments be used in a manner that improves  
55 33 and enhances quality of care for residents.

55 34 d. The program shall include various levels of compliance  
55 35 in order for a nursing facility to be considered eligible for  
56 1 a pay-for-performance payment including:

56 2 (1) The initial meeting of prerequisites including all of  
56 3 the following:

56 4 (a) A nursing facility shall not be eligible to  
56 5 participate if during the payment period the nursing facility  
56 6 receives a deficiency resulting in actual harm or immediate  
56 7 jeopardy, pursuant to the federal certification guidelines at  
56 8 an H level scope and severity or higher, regardless of the  
56 9 amount of fines assessed.

56 10 (b) The pay-for-performance payment component shall be  
56 11 suspended for any month the nursing facility is in denial of  
56 12 payment for new admissions status.

56 13 (2) Monitoring for nursing facility compliance with  
56 14 program requirements including:

56 15 (a) Survey compliance during the payment period. If a  
56 16 nursing facility receives a deficiency resulting in actual  
56 17 harm pursuant to the federal certification guidelines at a G  
56 18 level scope and severity or higher, the payment shall be  
56 19 reduced by 25 percent for each such deficiency received during  
56 20 the state fiscal year. Additionally, if the nursing facility  
56 21 fails to cure any deficiency cited within the time required by  
56 22 the department of inspections and appeals, the payment shall  
56 23 be forfeited and the nursing facility shall not receive any  
56 24 payment for that payment period.

56 25 (b) Compliance with the use of the pay-for-performance  
56 26 payment received.

56 27 (c) Establishing and utilizing a tracking and reporting  
56 28 system to document the use of the pay-for-performance payments  
56 29 by the nursing facility.

56 30 (3) Use of measures based on the four domains of quality  
56 31 of life, quality of care, access, and efficiency.

56 32 e. (1) The department shall utilize cost reports or other  
56 33 means to document nursing facility eligibility for and  
56 34 compliance with the pay-for-performance payments.

56 35 (2) The department shall publish the results of the  
57 1 measures for which a nursing facility qualifies and the amount  
57 2 of any pay-for-performance payment received. The department  
57 3 shall also publish information regarding the use of the  
57 4 pay-for-performance payments by any nursing facility receiving  
57 5 such payment.

57 6 f. The department may adopt emergency rules to implement  
57 7 this subsection.

57 8 g. The department shall request any medical assistance  
57 9 state plan amendment necessary to implement the  
57 10 pay-for-performance payment methodology.

57 11 Sec. 34. EMERGENCY RULES.

57 12 1. If specifically authorized by a provision of this  
57 13 division of this Act, the department of human services or the  
57 14 mental health, mental retardation, developmental disabilities,  
57 15 and brain injury commission may adopt administrative rules  
57 16 under section 17A.4, subsection 2, and section 17A.5,  
57 17 subsection 2, paragraph "b", to implement the provisions and  
57 18 the rules shall become effective immediately upon filing or on  
57 19 a later effective date specified in the rules, unless the  
57 20 effective date is delayed by the administrative rules review  
57 21 committee. Any rules adopted in accordance with this section  
57 22 shall not take effect before the rules are reviewed by the  
57 23 administrative rules review committee. The delay authority  
57 24 provided to the administrative rules review committee under  
57 25 section 17A.4, subsection 5, and section 17A.8, subsection 9,  
57 26 shall be applicable to a delay imposed under this section,  
57 27 notwithstanding a provision in those sections making them  
57 28 inapplicable to section 17A.5, subsection 2, paragraph "b".  
57 29 Any rules adopted in accordance with the provisions of this  
57 30 section shall also be published as notice of intended action  
57 31 as provided in section 17A.4.

57 32 2. If during the fiscal year beginning July 1, 2009, the  
57 33 department of human services is adopting rules in accordance  
57 34 with this section or as otherwise directed or authorized by

57 35 state law, and the rules will result in an expenditure  
58 1 increase beyond the amount anticipated in the budget process  
58 2 or if the expenditure was not addressed in the budget process  
58 3 for the fiscal year, the department shall notify the persons  
58 4 designated by this division of this Act for submission of  
58 5 reports, the chairpersons and ranking members of the  
58 6 committees on appropriations, and the department of management  
58 7 concerning the rules and the expenditure increase. The  
58 8 notification shall be provided at least 30 calendar days prior  
58 9 to the date notice of the rules is submitted to the  
58 10 administrative rules coordinator and the administrative code  
58 11 editor.

58 12 Sec. 35. DEPARTMENTAL EFFICIENCIES == BUDGET REDUCTIONS.  
58 13 The departments of elder affairs, public health, human  
58 14 services, and veterans affairs shall develop a plan to  
58 15 maximize efficiencies to reduce their respective FY 2009=2010  
58 16 budgets by five percent beginning in FY 2010=2011. The  
58 17 departments shall collaborate to the extent appropriate to  
58 18 accomplish such reductions. The departments shall report  
58 19 their plans for maximizing efficiencies and reducing their  
58 20 budgets to the individuals specified in this Act to receive  
58 21 reports by December 15, 2009.

58 22 Sec. 36. FULL-TIME EQUIVALENT POSITIONS == REDUCTIONS.  
58 23 The director of the department or state agency to which  
58 24 appropriations are made pursuant to this division of this Act,  
58 25 in making any reductions in full-time equivalent positions,  
58 26 shall, to the greatest extent possible, retain those positions  
58 27 providing direct services to the public.

58 28 Sec. 37. REPORTS. Any reports or information required to  
58 29 be compiled and submitted under this Act shall be submitted to  
58 30 the chairpersons and ranking members of the joint  
58 31 appropriations subcommittee on health and human services, the  
58 32 legislative services agency, and the legislative caucus staffs  
58 33 on or before the dates specified for submission of the reports  
58 34 or information.

58 35 Sec. 38. EFFECTIVE DATE. The following provisions of this  
59 1 division of this Act, being deemed of immediate importance,  
59 2 take effect upon enactment:

59 3 The provision under the appropriation for child and family  
59 4 services, relating to requirements of section 232.143 for  
59 5 representatives of the department of human services and  
59 6 juvenile court services to establish a plan for continuing  
59 7 group foster care expenditures for fiscal year 2009=2010.

59 8 DIVISION II  
59 9 SENIOR LIVING TRUST FUND,  
59 10 PHARMACEUTICAL SETTLEMENT ACCOUNT,  
59 11 IOWACARE ACCOUNT, AND HEALTH CARE  
59 12 TRANSFORMATION ACCOUNT

59 13 Sec. 39. DEPARTMENT OF ELDER AFFAIRS. There is  
59 14 appropriated from the senior living trust fund created in  
59 15 section 249H.4 to the department of elder affairs for the  
59 16 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
59 17 the following amount, or so much thereof as is necessary, to  
59 18 be used for the purpose designated:

59 19 For the development and implementation of a comprehensive  
59 20 senior living program, including case management only if the  
59 21 monthly cost per client for case management for the frail  
59 22 elderly services provided does not exceed the amount specified  
59 23 in this section, and including program administration and  
59 24 costs associated with implementation:  
59 25 ..... \$ 8,486,698

59 26 1. a. Of the funds appropriated in this section,  
59 27 \$1,010,000 shall be transferred to the department of human  
59 28 services in equal amounts on a quarterly basis for  
59 29 reimbursement of case management services provided under the  
59 30 medical assistance elderly waiver.

59 31 b. The monthly cost per client for case management for the  
59 32 frail elderly services provided shall not exceed an average of  
59 33 \$70. However, if the department of human services adopts  
59 34 administrative rules revising the reimbursement methodology to  
59 35 include 15 minute units, 24-hour on-call, and other  
60 1 requirements consistent with federal regulations, the \$70  
60 2 monthly cap shall be eliminated and replaced with a quarterly  
60 3 projection of expenditures and reimbursement revisions  
60 4 necessary to maintain expenditures within the amounts budgeted  
60 5 under the appropriations made for the fiscal year for the  
60 6 medical assistance program.

60 7 c. The department shall review projections for state  
60 8 funding expenditures for reimbursement of case management  
60 9 services under the medical assistance elderly waiver on a  
60 10 quarterly basis and shall determine if an adjustment to the

60 11 medical assistance reimbursement rates are necessary to  
60 12 provide reimbursement within the state funding amounts  
60 13 budgeted under the appropriations made for the fiscal year for  
60 14 the medical assistance program. Any temporary enhanced  
60 15 federal financial participation that may become available for  
60 16 the medical assistance program during the fiscal year shall  
60 17 not be used in projecting the medical assistance elderly  
60 18 waiver case management budget. The department shall revise  
60 19 such reimbursement rates as necessary to maintain expenditures  
60 20 for medical assistance elderly waiver case management services  
60 21 within the state funding amounts budgeted under the  
60 22 appropriations made for the fiscal year for the medical  
60 23 assistance program.

60 24 2. Notwithstanding section 249H.7, the department of elder  
60 25 affairs shall distribute funds appropriated in this section in  
60 26 a manner that will supplement and maximize federal funds under  
60 27 the federal Older Americans Act and shall not use the amount  
60 28 distributed for any administrative purposes of either the  
60 29 department of elder affairs or the area agencies on aging.

60 30 3. Of the funds appropriated in this section, \$60,000  
60 31 shall be used to provide dementia-specific education to direct  
60 32 care workers and other providers of long-term care to enhance  
60 33 existing or scheduled efforts through the Iowa caregivers  
60 34 association, the Alzheimer's association, and other  
60 35 organizations identified as appropriate by the department.

61 1 Sec. 40. DEPARTMENT OF INSPECTIONS AND APPEALS. There is  
61 2 appropriated from the senior living trust fund created in  
61 3 section 249H.4 to the department of inspections and appeals  
61 4 for the fiscal year beginning July 1, 2009, and ending June  
61 5 30, 2010, the following amount, or so much thereof as is  
61 6 necessary, to be used for the purpose designated:

61 7 For the inspection and certification of assisted living  
61 8 facilities and adult day care services, including program  
61 9 administration and costs associated with implementation:  
61 10 ..... \$ 1,339,527

61 11 Sec. 41. IOWA FINANCE AUTHORITY. There is appropriated  
61 12 from the senior living trust fund created in section 249H.4 to  
61 13 the Iowa finance authority for the fiscal year beginning July  
61 14 1, 2009, and ending June 30, 2010, the following amount, or so  
61 15 much thereof as is necessary, to be used for the purposes  
61 16 designated:

61 17 For the rent subsidy program, to provide reimbursement for  
61 18 rent expenses to eligible persons:  
61 19 ..... \$ 700,000

61 20 Participation in the rent subsidy program shall be limited  
61 21 to only those persons who meet the requirements for the  
61 22 nursing facility level of care for home and community-based  
61 23 services waiver services as in effect on July 1, 2009, and to  
61 24 those individuals who are eligible for the federal money  
61 25 follows the person grant program under the medical assistance  
61 26 program.

61 27 Sec. 42. DEPARTMENT OF HUMAN SERVICES. Any funds  
61 28 remaining in the senior living trust fund created in section  
61 29 249H.4 following the appropriations from the senior living  
61 30 trust fund made in this division of this Act to the department  
61 31 of elder affairs, the department of inspections and appeals,  
61 32 and the Iowa finance authority, for the fiscal year beginning  
61 33 July 1, 2009, and ending June 30, 2010, are appropriated to  
61 34 the department of human services to supplement the medical  
61 35 assistance program appropriations made in this Act, including  
62 1 program administration and costs associated with  
62 2 implementation. In order to carry out the purposes of this  
62 3 section, the department may transfer funds appropriated in  
62 4 this section to supplement other appropriations made to the  
62 5 department of human services.

62 6 Sec. 43. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
62 7 appropriated from the pharmaceutical settlement account  
62 8 created in section 249A.33 to the department of human services  
62 9 for the fiscal year beginning July 1, 2009, and ending June  
62 10 30, 2010, the following amount, or so much thereof as is  
62 11 necessary, to be used for the purpose designated:

62 12 To supplement the appropriations made for medical contracts  
62 13 under the medical assistance program:  
62 14 ..... \$ 1,323,833

62 15 Sec. 44. APPROPRIATIONS FROM IOWACARE ACCOUNT.  
62 16 1. There is appropriated from the IowaCare account created  
62 17 in section 249J.24 to the state board of regents for  
62 18 distribution to the university of Iowa hospitals and clinics  
62 19 for the fiscal year beginning July 1, 2009, and ending June  
62 20 30, 2010, the following amount, or so much thereof as is  
62 21 necessary, to be used for the purposes designated:

62 22 For salaries, support, maintenance, equipment, and  
62 23 miscellaneous purposes, for the provision of medical and  
62 24 surgical treatment of indigent patients, for provision of  
62 25 services to members of the expansion population pursuant to  
62 26 chapter 249J, and for medical education:  
62 27 ..... \$ 27,284,584  
62 28 a. Funds appropriated in this subsection shall not be used  
62 29 to perform abortions except medically necessary abortions, and  
62 30 shall not be used to operate the early termination of  
62 31 pregnancy clinic except for the performance of medically  
62 32 necessary abortions. For the purpose of this subsection, an  
62 33 abortion is the purposeful interruption of pregnancy with the  
62 34 intention other than to produce a live-born infant or to  
62 35 remove a dead fetus, and a medically necessary abortion is one  
63 1 performed under one of the following conditions:  
63 2 (1) The attending physician certifies that continuing the  
63 3 pregnancy would endanger the life of the pregnant woman.  
63 4 (2) The attending physician certifies that the fetus is  
63 5 physically deformed, mentally deficient, or afflicted with a  
63 6 congenital illness.  
63 7 (3) The pregnancy is the result of a rape which is  
63 8 reported within 45 days of the incident to a law enforcement  
63 9 agency or public or private health agency which may include a  
63 10 family physician.  
63 11 (4) The pregnancy is the result of incest which is  
63 12 reported within 150 days of the incident to a law enforcement  
63 13 agency or public or private health agency which may include a  
63 14 family physician.  
63 15 (5) The abortion is a spontaneous abortion, commonly known  
63 16 as a miscarriage, wherein not all of the products of  
63 17 conception are expelled.  
63 18 b. Notwithstanding any provision of law to the contrary,  
63 19 the amount appropriated in this subsection shall be allocated  
63 20 in twelve equal monthly payments as provided in section  
63 21 249J.24.  
63 22 2. There is appropriated from the IowaCare account created  
63 23 in section 249J.24 to the state board of regents for  
63 24 distribution to the university of Iowa hospitals and clinics  
63 25 for the fiscal year beginning July 1, 2009, and ending June  
63 26 30, 2010, the following amount, or so much thereof as is  
63 27 necessary, to be used for the purposes designated:  
63 28 For salaries, support, maintenance, equipment, and  
63 29 miscellaneous purposes, for the provision of medical and  
63 30 surgical treatment of indigent patients, for provision of  
63 31 services to members of the expansion population pursuant to  
63 32 chapter 249J, and for medical education:  
63 33 ..... \$ 47,020,131  
63 34 The amount appropriated in this subsection shall be  
63 35 distributed only if expansion population claims adjudicated  
64 1 and paid by the Iowa Medicaid enterprise exceed the  
64 2 appropriation to the state board of regents for distribution  
64 3 to the university of Iowa hospitals and clinics provided in  
64 4 subsection 1. The amount appropriated in this subsection  
64 5 shall be distributed monthly for expansion population claims  
64 6 adjudicated and approved for payment by the Iowa Medicaid  
64 7 enterprise using medical assistance program reimbursement  
64 8 rates.  
64 9 3. There is appropriated from the IowaCare account created  
64 10 in section 249J.24 to the department of human services for the  
64 11 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
64 12 the following amount, or so much thereof as is necessary, to  
64 13 be used for the purposes designated:  
64 14 For distribution to a publicly owned acute care teaching  
64 15 hospital located in a county with a population over 350,000  
64 16 for the provision of medical and surgical treatment of  
64 17 indigent patients, for provision of services to members of the  
64 18 expansion population pursuant to chapter 249J, and for medical  
64 19 education:  
64 20 ..... \$ 46,000,000  
64 21 a. Notwithstanding any provision of law to the contrary,  
64 22 the amount appropriated in this subsection shall be allocated  
64 23 in twelve equal monthly payments as provided in section  
64 24 249J.24. Any amount appropriated in this subsection in excess  
64 25 of \$41,000,000 shall be allocated only if federal funds are  
64 26 available to match the amount allocated.  
64 27 b. Notwithstanding the total amount of proceeds  
64 28 distributed pursuant to section 249J.24, subsection 6,  
64 29 paragraph "a", unnumbered paragraph 1, for the fiscal year  
64 30 beginning July 1, 2009, and ending June 30, 2010, the county  
64 31 treasurer of a county with a population of over 350,000 in  
64 32 which a publicly owned acute care teaching hospital is located

64 33 shall distribute the proceeds collected pursuant to section  
64 34 347.7 in a total amount of \$38,000,000, which would otherwise  
64 35 be distributed to the county hospital, to the treasurer of  
65 1 state for deposit in the IowaCare account.

65 2 c. (1) Notwithstanding the amount collected and  
65 3 distributed for deposit in the IowaCare account pursuant to  
65 4 section 249J.24, subsection 6, paragraph "a", subparagraph  
65 5 (1), the first \$19,000,000 in proceeds collected pursuant to  
65 6 section 347.7 between July 1, 2009, and December 31, 2009,  
65 7 shall be distributed to the treasurer of state for deposit in  
65 8 the IowaCare account and collections during this time period  
65 9 in excess of \$19,000,000 shall be distributed to the acute  
65 10 care teaching hospital identified in this subsection.

65 11 (2) Notwithstanding the amount collected and distributed  
65 12 for deposit in the IowaCare account pursuant to section  
65 13 249J.24, subsection 6, paragraph "a", subparagraph (2), the  
65 14 first \$19,000,000 in collections pursuant to section 347.7  
65 15 between January 1, 2010, and June 30, 2010, shall be  
65 16 distributed to the treasurer of state for deposit in the  
65 17 IowaCare account and collections during this time period in  
65 18 excess of \$19,000,000 shall be distributed to the acute care  
65 19 teaching hospital identified in this subsection.

65 20 Sec. 45. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE  
65 21 TRANSFORMATION. Notwithstanding any provision to the  
65 22 contrary, there is appropriated from the account for health  
65 23 care transformation created in section 249J.23 to the  
65 24 department of human services for the fiscal year beginning  
65 25 July 1, 2009, and ending June 30, 2010, the following amounts,  
65 26 or so much thereof as is necessary, to be used for the  
65 27 purposes designated:

65 28 1. For the costs of medical examinations and development  
65 29 of personal health improvement plans for the expansion  
65 30 population pursuant to section 249J.6:

65 31 ..... \$ 556,800

65 32 2. For the provision of a medical information hotline for  
65 33 the expansion population as provided in section 249J.6:

65 34 ..... \$ 100,000

65 35 3. For other health promotion partnership activities  
66 1 pursuant to section 249J.14:

66 2 ..... \$ 600,000

66 3 4. For the costs related to audits, performance  
66 4 evaluations, and studies required pursuant to chapter 249J:

66 5 ..... \$ 125,000

66 6 5. For administrative costs associated with chapter 249J:

66 7 ..... \$ 1,132,412

66 8 6. For planning and development, in cooperation with the  
66 9 department of public health, of a phased-in program to provide  
66 10 a dental home for children in accordance with section 249J.14,  
66 11 subsection 7:

66 12 ..... \$ 1,000,000

66 13 7. For continuation of the establishment of the tuition  
66 14 assistance for individuals serving individuals with  
66 15 disabilities pilot program, as enacted in 2008 Iowa Acts,  
66 16 chapter 1187, section 130:

66 17 ..... \$ 50,000

66 18 8. For payment to the publicly owned acute care teaching  
66 19 hospital located in a county with a population of over 350,000  
66 20 that is a participating provider pursuant to chapter 249J:

66 21 ..... \$ 290,000

66 22 Disbursements under this subsection shall be made monthly.  
66 23 The hospital shall submit a report following the close of the  
66 24 fiscal year regarding use of the funds appropriated in this  
66 25 subsection to the persons specified in this Act to receive  
66 26 reports.

66 27 Notwithstanding section 8.39, subsection 1, without the  
66 28 prior written consent and approval of the governor and the  
66 29 director of the department of management, the director of  
66 30 human services may transfer funds among the appropriations  
66 31 made in this section as necessary to carry out the purposes of  
66 32 the account for health care transformation. The department  
66 33 shall report any transfers made pursuant to this section to  
66 34 the legislative services agency.

66 35 Sec. 46. IOWACARE RENEWAL OF WAIVER. It is the intent of  
67 1 the general assembly that the department of human services  
67 2 apply for renewal of the IowaCare section 1115 demonstration  
67 3 waiver under the medical assistance program. The department  
67 4 shall seek to renew the existing terms of the waiver for an  
67 5 additional five-year period and shall seek maximum expenditure  
67 6 authority for payments to the state's four mental health  
67 7 institutes. The IowaCare section 1115 demonstration waiver  
67 8 renewal shall be amended to remove the limitation on new

67 9 provider taxes and shall transfer the seriously emotionally  
67 10 disturbed children waiver to be approved as a section 1915(c)  
67 11 home and community-based services waiver.  
67 12 Sec. 47. MEDICAL ASSISTANCE PROGRAM == NONREVERSION FOR FY  
67 13 2009=2010. Notwithstanding section 8.33, if moneys  
67 14 appropriated for purposes of the medical assistance program  
67 15 for the fiscal year beginning July 1, 2009, and ending June  
67 16 30, 2010, from the general fund of the state, the senior  
67 17 living trust fund, the health care trust fund, and the  
67 18 property tax relief fund are in excess of actual expenditures  
67 19 for the medical assistance program and remain unencumbered or  
67 20 unobligated at the close of the fiscal year, the excess moneys  
67 21 shall not revert but shall remain available for expenditure  
67 22 for the purposes of the medical assistance program until the  
67 23 close of the succeeding fiscal year.

67 24 DIVISION III  
67 25 MH/MR/DD SERVICES  
67 26 ALLOWED GROWTH FUNDING  
67 27 FY 2009=2010

67 28 Sec. 48. 2008 Iowa Acts, chapter 1191, section 1, is  
67 29 amended to read as follows:

67 30 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND  
67 31 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND  
67 32 ALLOCATIONS == FISCAL YEAR 2009=2010.

67 33 ~~1-~~ There is appropriated from the general fund of the  
67 34 state to the department of human services for the fiscal year  
67 35 beginning July 1, 2009, and ending June 30, 2010, the  
68 1 following amount, or so much thereof as is necessary, to be  
68 2 used for the purpose designated:

68 3 For distribution to counties of the county mental health,  
68 4 mental retardation, and developmental disabilities allowed  
68 5 growth factor adjustment for fiscal year 2009=2010 as provided  
68 6 in this section in lieu of the allowed growth factor  
68 7 provisions of section 331.438, subsection 2, and section  
68 8 331.439, subsection 3, and chapter 426B:

68 9 ..... \$ ~~69,949,069~~  
68 10 54,108,770

68 11 ~~2. The amount appropriated in this section shall be~~  
68 12 ~~allocated as provided in a later enactment of the general~~  
68 13 ~~assembly.~~

68 14 Sec. 49. 2008 Iowa Acts, chapter 1191, section 1, as  
68 15 amended by this division of this Act, is amended by adding the  
68 16 following new subsections:

68 17 NEW SUBSECTION. 2. Of the amount appropriated in  
68 18 subsection 1, \$12,000,000 shall be distributed as provided in  
68 19 this subsection.

68 20 a. To be eligible to receive a distribution under this  
68 21 subsection, a county must meet the following requirements:

68 22 (1) The county is levying for the maximum amount allowed  
68 23 for the county's mental health, mental retardation, and  
68 24 developmental disabilities services fund under section  
68 25 331.424A for taxes due and payable in the fiscal year  
68 26 beginning July 1, 2009, or the county is levying for at least  
68 27 90 percent of the maximum amount allowed for the county's  
68 28 services fund and that levy rate is more than \$2 per \$1,000 of  
68 29 the assessed value of all taxable property in the county.

68 30 (2) In the fiscal year beginning July 1, 2007, the  
68 31 county's mental health, mental retardation, and developmental  
68 32 disabilities services fund ending balance under generally  
68 33 accepted accounting principles was equal to or less than 15  
68 34 percent of the county's actual gross expenditures for that  
68 35 fiscal year.

69 1 b. A county's allocation of the amount appropriated in  
69 2 this subsection shall be determined based upon the county's  
69 3 proportion of the general population of the counties eligible  
69 4 to receive an allocation under this subsection. The most  
69 5 recent population estimates issued by the United States bureau  
69 6 of the census shall be applied in determining population for  
69 7 the purposes of this paragraph.

69 8 c. The allocations made pursuant to this subsection are  
69 9 subject to the distribution provisions and withholding  
69 10 requirements established in this section for the county mental  
69 11 health, mental retardation, and developmental disabilities  
69 12 allowed growth factor adjustment for the fiscal year beginning  
69 13 July 1, 2009.

69 14 NEW SUBSECTION. 3. The funding appropriated in this  
69 15 section is the allowed growth factor adjustment for fiscal  
69 16 year 2009=2010, and shall be credited to the allowed growth  
69 17 funding pool created in the property tax relief fund and for  
69 18 distribution in accordance with section 426B.5, subsection 1:  
69 19 ..... \$ 42,108,770

69 20 NEW SUBSECTION. 4. The following formula amounts shall be  
69 21 utilized only to calculate preliminary distribution amounts  
69 22 for fiscal year 2009=2010 under this section by applying the  
69 23 indicated formula provisions to the formula amounts and  
69 24 producing a preliminary distribution total for each county:  
69 25 a. For calculation of a distribution amount for eligible  
69 26 counties from the allowed growth funding pool created in the  
69 27 property tax relief fund in accordance with the requirements  
69 28 in section 426B.5, subsection 1:

69 29 ..... \$ 52,056,760

69 30 b. For calculation of a distribution amount for counties  
69 31 from the mental health and developmental disabilities (MH/DD)  
69 32 community services fund in accordance with the formula  
69 33 provided in the appropriation made for the MH/DD community  
69 34 services fund for the fiscal year beginning July 1, 2009:

69 35 ..... \$ 15,790,111

70 1 NEW SUBSECTION. 5. After applying the applicable  
70 2 statutory distribution formulas to the amounts indicated in  
70 3 subsection 4 for purposes of producing preliminary  
70 4 distribution totals, the department of human services shall  
70 5 apply a withholding factor to adjust an eligible individual  
70 6 county's preliminary distribution total. In order to be  
70 7 eligible for a distribution under this section, a county must  
70 8 be levying 90 percent or more of the maximum amount allowed  
70 9 for the county's mental health, mental retardation, and  
70 10 developmental disabilities services fund under section  
70 11 331.424A for taxes due and payable in the fiscal year for  
70 12 which the distribution is payable. An ending balance  
70 13 percentage for each county shall be determined by expressing  
70 14 the county's ending balance on a modified accrual basis under  
70 15 generally accepted accounting principles for the fiscal year  
70 16 beginning July 1, 2007, in the county's mental health, mental  
70 17 retardation, and developmental disabilities services fund  
70 18 created under section 331.424A, as a percentage of the  
70 19 county's gross expenditures from that fund for that fiscal  
70 20 year. If a county borrowed moneys for purposes of providing  
70 21 services from the county's services fund on or before July 1,  
70 22 2007, and the county's services fund ending balance for that  
70 23 fiscal year includes the loan proceeds or an amount designated  
70 24 in the county budget to service the loan for the borrowed  
70 25 moneys, those amounts shall not be considered to be part of  
70 26 the county's ending balance for purposes of calculating an  
70 27 ending balance percentage under this subsection. The  
70 28 withholding factor for a county shall be the following  
70 29 applicable percent:

70 30 a. For an ending balance percentage of less than 5  
70 31 percent, a withholding factor of 0 percent. In addition, a  
70 32 county that is subject to this lettered paragraph shall  
70 33 receive an inflation adjustment equal to 3 percent of the  
70 34 gross expenditures reported for the county's services fund for  
70 35 the fiscal year.

71 1 b. For an ending balance percentage of 5 percent or more  
71 2 but less than 10 percent, a withholding factor of 0 percent.  
71 3 In addition, a county that is subject to this lettered  
71 4 paragraph shall receive an inflation adjustment equal to 2  
71 5 percent of the gross expenditures reported for the county's  
71 6 services fund for the fiscal year.

71 7 c. For an ending balance percentage of 10 percent or more  
71 8 but less than 25 percent, a withholding factor of 25 percent.  
71 9 However, for counties with an ending balance percentage of 10  
71 10 percent or more but less than 15 percent, the amount withheld  
71 11 shall be limited to the amount by which the county's ending  
71 12 balance was in excess of the ending balance percentage of 10  
71 13 percent.

71 14 d. For an ending balance percentage of 25 percent or more,  
71 15 a withholding percentage of 100 percent.

71 16 NEW SUBSECTION. 6. The total withholding amounts applied  
71 17 pursuant to subsection 5 shall be equal to a withholding  
71 18 target amount of \$5,947,990. If the department of human  
71 19 services determines that the amount to be withheld in  
71 20 accordance with subsection 6 is not equal to the target  
71 21 withholding amount, the department shall adjust the  
71 22 withholding factors listed in subsection 6 as necessary to  
71 23 achieve the target withholding amount. However, in making  
71 24 such adjustments to the withholding factors, the department  
71 25 shall strive to minimize changes to the withholding factors  
71 26 for those ending balance percentage ranges that are lower than  
71 27 others and shall not adjust the zero withholding factor or the  
71 28 inflation adjustment percentage specified in subsection 5,  
71 29 paragraph "a".

71 30 Sec. 50. ADULT MENTAL HEALTH AND DEVELOPMENTAL

71 31 DISABILITIES SERVICES SYSTEM TASK FORCE. The co-chairpersons  
71 32 of the joint appropriations subcommittee on health and human  
71 33 services shall appoint a task force of stakeholders for the  
71 34 2009 legislative interim to address the service system  
71 35 administered by counties for adult mental health and  
72 1 developmental disabilities services. The task force shall  
72 2 address both funding and service issues and may utilize a  
72 3 facilitator to assist the process. The task force shall  
72 4 submit a final report with recommendations to the governor and  
72 5 general assembly for action during the 2010 legislative  
72 6 session.

72 7 Sec. 51. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL  
72 8 DISABILITIES, AND BRAIN INJURY COMMISSION AND MENTAL HEALTH  
72 9 PLANNING COUNCIL. During the fiscal year beginning July 1,  
72 10 2009, the mental health, mental retardation, developmental  
72 11 disabilities, and brain injury commission and the Iowa mental  
72 12 health planning council established by the department of human  
72 13 services pursuant to federal requirements for the community  
72 14 mental health services block grant, or the officers of such  
72 15 bodies, shall meet at least quarterly to coordinate the  
72 16 efforts of the bodies.

72 17 DIVISION IV

72 18 HEALTH CARE TRUST FUND APPROPRIATIONS ==

72 19 HEALTH CARE ACTIVITIES

72 20 Sec. 52. DEPARTMENT OF PUBLIC HEALTH. In addition to any  
72 21 other appropriation made in this Act for the purposes  
72 22 designated, there is appropriated from the health care trust  
72 23 fund created in section 453A.35A to the department of public  
72 24 health for the fiscal year beginning July 1, 2009, and ending  
72 25 June 30, 2010, the following amounts, or so much thereof as is  
72 26 necessary, for the purposes designated:

72 27 1. ADDICTIVE DISORDERS

72 28 ..... \$ 2,748,692

72 29 a. Of the funds appropriated in this subsection, \$357,871  
72 30 shall be used for culturally competent substance abuse  
72 31 treatment pilot projects.

72 32 (1) The department shall utilize the amount allocated in  
72 33 this lettered paragraph for at least three pilot projects to  
72 34 provide culturally competent substance abuse treatment in  
72 35 various areas of the state. Each pilot project shall target a  
73 1 particular ethnic minority population. The populations  
73 2 targeted shall include but are not limited to  
73 3 African-American, Asian, and Latino.

73 4 (2) The pilot project requirements shall provide for  
73 5 documentation or other means to ensure access to the cultural  
73 6 competence approach used by a pilot project so that such  
73 7 approach can be replicated and improved upon in successor  
73 8 programs.

73 9 b. Of the funds appropriated in this subsection,  
73 10 \$1,597,656 shall be used for tobacco use prevention,  
73 11 cessation, and treatment. The department shall utilize the  
73 12 funds to provide for a variety of activities related to  
73 13 tobacco use prevention, cessation, and treatment including to  
73 14 support Quitline Iowa, QuitNet cessation counseling and  
73 15 education, grants to school districts and community  
73 16 organizations to support Just Eliminate Lies youth chapters  
73 17 and youth tobacco prevention activities, the Just Eliminate  
73 18 Lies tobacco prevention media campaign, nicotine replacement  
73 19 therapy, and other prevention and cessation materials and  
73 20 media promotion.

73 21 c. Of the funds appropriated in this subsection, \$793,166  
73 22 shall be used for substance abuse treatment activities.

73 23 2. HEALTHY CHILDREN AND FAMILIES

73 24 ..... \$ 493,574

73 25 a. Of the funds appropriated in this subsection, \$159,603  
73 26 shall be used to address the healthy mental development of  
73 27 children from birth through five years of age through local  
73 28 evidence-based strategies that engage both the public and  
73 29 private sectors in promoting healthy development, prevention,  
73 30 and treatment for children.

73 31 b. Of the funds appropriated in this subsection, \$143,643  
73 32 shall be used for childhood obesity prevention.

73 33 c. Of the funds appropriated in this subsection, \$190,328  
73 34 shall be used to provide audiological services and hearing  
73 35 aids for children. The department may enter into a contract  
74 1 to administer this paragraph.

74 2 d. It is the intent of the general assembly that the  
74 3 department of public health shall implement the  
74 4 recommendations of the postnatal tissue and fluid bank task  
74 5 force created in 2007 Iowa Acts, chapter 147, based upon the  
74 6 report submitted to the general assembly in November 2007, as



74 7 funding becomes available. The department shall notify the  
74 8 Iowa Code editor and the persons specified in this Act to  
74 9 receive reports when such funding becomes available.

74 10 3. CHRONIC CONDITIONS

74 11 ..... \$ 891,219

74 12 a. Of the funds appropriated in this subsection, \$383,271  
74 13 shall be used for child health specialty clinics.

74 14 b. Of the funds appropriated in this subsection, \$346,224  
74 15 shall be used for the comprehensive cancer control program to  
74 16 reduce the burden of cancer in Iowa through prevention, early  
74 17 detection, effective treatment, and ensuring quality of life.  
74 18 The department shall utilize one of the full-time equivalent  
74 19 positions authorized in this subsection for administration of  
74 20 the activities related to the comprehensive cancer control  
74 21 program.

74 22 c. Of the funds appropriated in this subsection, \$161,724  
74 23 shall be used for cervical and colon cancer screening.

74 24 4. COMMUNITY CAPACITY

74 25 ..... \$ 2,253,507

74 26 a. Of the funds appropriated in this subsection, \$61,349  
74 27 shall be used to further develop and implement at the state  
74 28 level, and pilot at the local level, the Iowa public health  
74 29 standards approved by the department.

74 30 b. Of the funds appropriated in this subsection, \$163,600  
74 31 shall be used for the mental health professional shortage area  
74 32 program implemented pursuant to section 135.80.

74 33 c. Of the funds appropriated in this subsection, \$40,900  
74 34 shall be used for a grant to a statewide association of  
74 35 psychologists that is affiliated with the American  
75 1 psychological association to be used for continuation of a  
75 2 program to rotate intern psychologists in placements in urban  
75 3 and rural mental health professional shortage areas, as  
75 4 defined in section 135.80.

75 5 d. Of the funds appropriated in this subsection, the  
75 6 following amounts shall be allocated to the Iowa collaborative  
75 7 safety net provider network established pursuant to section  
75 8 135.153 to be used for the purposes designated:

75 9 (1) For distribution to the Iowa-Nebraska primary care  
75 10 association for statewide coordination of the Iowa  
75 11 collaborative safety net provider network:

75 12 ..... \$ 81,800

75 13 (2) For distribution to the Iowa family planning network  
75 14 agencies for necessary infrastructure, statewide coordination,  
75 15 provider recruitment, service delivery, and provision of  
75 16 assistance to patients in determining an appropriate medical  
75 17 home:

75 18 ..... \$ 82,796

75 19 (3) For distribution to the local boards of health that  
75 20 provide direct services for pilot programs in three counties  
75 21 to assist patients in determining an appropriate medical home:

75 22 ..... \$ 82,796

75 23 (4) For distribution to maternal and child health centers  
75 24 for pilot programs in three counties to assist patients in  
75 25 determining an appropriate medical home:

75 26 ..... \$ 82,796

75 27 (5) For distribution to free clinics for necessary  
75 28 infrastructure, statewide coordination, provider recruitment,  
75 29 service delivery, and provision of assistance to patients in  
75 30 determining an appropriate medical home:

75 31 ..... \$ 204,500

75 32 (6) For distribution to rural health clinics for necessary  
75 33 infrastructure, statewide coordination, provider recruitment,  
75 34 service delivery, and provision of assistance to patients in  
75 35 determining an appropriate medical home:

76 1 ..... \$ 122,700

76 2 (7) For continuation of the safety net provider patient  
76 3 access to specialty health care initiative as described in  
76 4 2007 Iowa Acts, ch. 218, section 109:

76 5 ..... \$ 327,200

76 6 (8) For continuation of the pharmaceutical infrastructure  
76 7 for safety net providers as described in 2007 Iowa Acts, ch.  
76 8 218, section 108:

76 9 ..... \$ 327,200

76 10 The Iowa collaborative safety net provider network may  
76 11 continue to distribute funds allocated pursuant to this  
76 12 lettered paragraph through existing contracts or renewal of  
76 13 existing contracts.

76 14 e. Of the funds appropriated in this subsection, \$500,000  
76 15 shall be used for the incubation grant program to community  
76 16 health centers that receive a total score of 85 based on the  
76 17 evaluation criteria of the health resources and services

76 18 administration of the United States department of health and  
76 19 human services.

76 20 f. The department may utilize one of the full-time  
76 21 equivalent positions authorized in this subsection for  
76 22 administration of the activities related to the Iowa  
76 23 collaborative safety net provider network.

76 24 g. The department may utilize one of the full-time  
76 25 equivalent positions authorized in this subsection for  
76 26 administration of the volunteer health care provider program  
76 27 pursuant to section 135.24.

76 28 Sec. 53. DEPARTMENT OF HUMAN SERVICES. In addition to any  
76 29 other appropriation made in this Act for the purposes  
76 30 designated, there is appropriated from the health care trust  
76 31 fund created in section 453A.35A to the department of human  
76 32 services for the fiscal year beginning July 1, 2009, and  
76 33 ending June 30, 2010, the following amount, or so much thereof  
76 34 as is necessary, for the purpose designated:

76 35 MEDICAL ASSISTANCE  
77 1 ..... \$111,409,156

77 2 Sec. 54. Section 453A.35, subsection 1, Code 2009, is  
77 3 amended to read as follows:

77 4 1. The proceeds derived from the sale of stamps and the  
77 5 payment of taxes, fees, and penalties provided for under this  
77 6 chapter, and the permit fees received from all permits issued  
77 7 by the department, shall be credited to the general fund of  
77 8 the state. However, ~~beginning July 1, 2007,~~ of the revenues  
77 9 generated from the tax on cigarettes pursuant to section  
77 10 453A.6, subsection 1, and from the tax on tobacco products as  
77 11 specified in section 453A.43, subsections 1, 2, 3, and 4, and  
77 12 credited to the general fund of the state under this  
77 13 subsection, there is appropriated, annually, to the health  
77 14 care trust fund created in section 453A.35A, the first one  
77 15 hundred ~~twenty-seven~~ sixteen million ~~six~~ seventy hundred  
77 16 ~~ninety-six~~ thousand dollars.

77 17 DIVISION V  
77 18 IOWACARE

77 19 Sec. 55. 2008 Iowa Acts, chapter 1187, section 44,  
77 20 subsection 3, is amended to read as follows:

77 21 3. There is appropriated from the IowaCare account created  
77 22 in section 249J.24 to the department of human services for the  
77 23 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
77 24 the following amount, or so much thereof as is necessary, to  
77 25 be used for the purposes designated:

77 26 For distribution to a publicly owned acute care teaching  
77 27 hospital located in a county with a population over three  
77 28 hundred fifty thousand for the provision of medical and  
77 29 surgical treatment of indigent patients, for provision of  
77 30 services to members of the expansion population pursuant to  
77 31 chapter 249J, and for medical education:

77 32 ..... \$ ~~40,000,000~~  
77 33 46,000,000

77 34 Notwithstanding any provision of law to the contrary, the  
77 35 amount appropriated in this subsection shall be allocated in  
78 1 twelve equal monthly payments as provided in section 249J.24.

78 2 Any amount appropriated in this subsection in excess of  
78 3 ~~\$37,000,000~~ 41,000,000 shall be allocated only if federal  
78 4 funds are available to match the amount allocated.

78 5 Sec. 56. IOWACARE ACCOUNT == DISTRIBUTION AND DEPOSIT OF  
78 6 PROCEEDS OF HOSPITAL TAX LEVY.

78 7 1. Notwithstanding the total amount of proceeds  
78 8 distributed pursuant to section 249J.24, subsection 6,  
78 9 paragraph "a", unnumbered paragraph 1, for the fiscal period  
78 10 beginning July 1, 2008, and ending June 30, 2009, the county  
78 11 treasurer of a county with a population over 350,000 in which  
78 12 a publicly owned acute care teaching hospital is located shall  
78 13 distribute the proceeds collected pursuant to section 347.7 in  
78 14 a total amount of \$38,000,000, which would otherwise be  
78 15 distributed to the county hospital, to the treasurer of state  
78 16 for deposit in the IowaCare account.

78 17 2. Notwithstanding the amount collected and distributed  
78 18 for deposit in the IowaCare account pursuant to section  
78 19 249J.24, subsection 6, paragraph "a", subparagraph (2), the  
78 20 first \$21,000,000 in proceeds collected pursuant to section  
78 21 347.7 between January 1, 2009, and June 30, 2009, shall be  
78 22 distributed to the treasurer of state for deposit in the  
78 23 IowaCare account and collections during this time period in  
78 24 excess of \$21,000,000 shall be distributed to the acute care  
78 25 teaching hospital identified in section 249J.24, subsection 6.

78 26 Sec. 57. EFFECTIVE DATE == RETROACTIVITY. This division  
78 27 of this Act, being deemed of immediate importance, takes  
78 28 effect upon enactment and is retroactively applicable to July

78 29 1, 2008.

78 30 DIVISION VI

78 31 APPROPRIATIONS == RELATED CHANGES

78 32 ADDICTIVE DISORDERS == GENERAL FUND

78 33 Sec. 58. 2008 Iowa Acts, chapter 1187, section 2,  
78 34 subsection 1, is amended by adding the following new  
78 35 paragraph:

79 1 NEW PARAGRAPH. c. Notwithstanding section 8.33, moneys  
79 2 appropriated in this subsection that remain unencumbered or  
79 3 unobligated at the close of the fiscal year shall not revert  
79 4 but shall remain available for expenditure for the purposes  
79 5 designated until the close of the succeeding fiscal year.

79 6 GAMBLING TREATMENT FUND

79 7 Sec. 59. 2008 Iowa Acts, chapter 1187, section 3, is  
79 8 amended by adding the following new subsection:

79 9 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys  
79 10 appropriated in this section that remain unencumbered or  
79 11 unobligated at the close of the fiscal year shall not revert  
79 12 but shall remain available for expenditure for the purposes  
79 13 designated until the close of the succeeding fiscal year.

79 14 IOWA VETERANS HOME FTES

79 15 Sec. 60. 2008 Iowa Acts, chapter 1187, section 4,  
79 16 subsection 2, is amended to read as follows:

79 17 2. IOWA VETERANS HOME

79 18 For salaries, support, maintenance, and miscellaneous  
79 19 purposes, ~~and for not more than the following full-time~~  
79 20 ~~equivalent positions:~~

79 21 ..... \$ 12,694,154  
79 22 ..... ~~FTEs~~ ~~951.95~~

79 23 a. The Iowa veterans home billings involving the  
79 24 department of human services shall be submitted to the  
79 25 department on at least a monthly basis.

79 26 b. If there is a change in the employer of employees  
79 27 providing services at the Iowa veterans home under a  
79 28 collective bargaining agreement, such employees and the  
79 29 agreement shall be continued by the successor employer as  
79 30 though there had not been a change in employer.

79 31 MEDICAL ASSISTANCE

79 32 Sec. 61. 2008 Iowa Acts, chapter 1187, section 9,  
79 33 unnumbered paragraph 2, is amended to read as follows:

79 34 For medical assistance reimbursement and associated costs  
79 35 as specifically provided in the reimbursement methodologies in  
80 1 effect on June 30, 2008, except as otherwise expressly  
80 2 authorized by law, including reimbursement for abortion  
80 3 services which shall be available under the medical assistance  
80 4 program only for those abortions which are medically  
80 5 necessary:

80 6 ..... ~~\$649,629,269~~  
80 7 ..... 593,302,330

80 8 EMERGENCY AND CHILDRENS MENTAL HEALTH SERVICE

80 9 Sec. 62. 2008 Iowa Acts, chapter 1187, section 9,  
80 10 subsection 20, is amended by adding the following new  
80 11 paragraph:

80 12 NEW PARAGRAPH. cc. The department shall revise the  
80 13 provisions for the projects to implement an emergency mental  
80 14 health crisis services system and a mental health services  
80 15 system for children and youth under paragraph "c",  
80 16 subparagraphs (1) and (2), in order for services to be  
80 17 provided under both of the projects for a period of at least  
80 18 24 months. Notwithstanding section 8.33, moneys allocated for  
80 19 the projects in paragraph "c" of this subsection that remain  
80 20 unencumbered or unobligated at the close of the fiscal year  
80 21 shall not revert but shall remain available for expenditure  
80 22 for the purposes designated until the close of the fiscal year  
80 23 that begins July 1, 2010.

80 24 STATE SUPPLEMENTARY ASSISTANCE

80 25 Sec. 63. 2008 Iowa Acts, chapter 1187, section 12, is  
80 26 amended by adding the following new subsection:

80 27 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
80 28 appropriated in this section that remain unencumbered or  
80 29 unobligated at the close of the fiscal year shall remain  
80 30 available for expenditure for the state supplementary  
80 31 assistance program until the close of the succeeding fiscal  
80 32 year.

80 33 NURSING FACILITIES

80 34 Sec. 64. 2008 Iowa Acts, chapter 1187, section 32,  
80 35 subsection 1, paragraph a, subparagraph (1), is amended to  
81 1 read as follows:

81 2 (1) For the fiscal year beginning July 1, 2008, the total  
81 3 state funding amount for the nursing facility budget shall not  
81 4 exceed ~~\$183,367,323~~ \$158,482,025.

81 5 DEPARTMENT OF ELDER AFFAIRS == MATCHING FUNDS  
81 6 Sec. 65. 2008 Iowa Acts, chapter 1187, section 39, is  
81 7 amended by adding the following new subsection:  
81 8 NEW SUBSECTION. 4. Notwithstanding section 8.33, of the  
81 9 funds appropriated in this section, \$216,242 shall not revert  
81 10 at the close of the fiscal year, but shall remain available to  
81 11 provide matching funds for the senior nutrition programs  
81 12 funded through the federal American Reinvestment and Recovery  
81 13 Act of 2009 for the period during which federal funding is  
81 14 available under the Act.

81 15 MEDICAL ASSISTANCE PROGRAM NONREVERSION  
81 16 Sec. 66. 2008 Iowa Acts, chapter 1187, section 50, is  
81 17 amended to read as follows:

~~81 18 SEC. 50. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR  
81 19 LIVING TRUST FUND NONREVERSION FOR FY 2008=2009.~~

81 20 Notwithstanding section 8.33, if moneys appropriated for  
81 21 purposes of the medical assistance program for the fiscal year  
81 22 beginning July 1, 2008, and ending June 30, 2009, from the  
81 23 general fund of the state, the senior living trust fund, the  
81 24 healthy Iowans tobacco trust fund, the health care trust fund,  
81 25 and the property tax relief fund are in excess of actual  
81 26 expenditures for the medical assistance program and remain  
81 27 unencumbered or unobligated at the close of the fiscal year,  
81 28 the excess moneys shall not revert but shall ~~be transferred to~~  
~~81 29 the senior living trust fund created in section 249H.4 remain~~  
~~81 30 available for expenditure for the purposes of the medical~~  
~~81 31 assistance program until the close of the fiscal year~~  
81 32 beginning July 1, 2009.

81 33 ADDICTIVE DISORDERS == HEALTH CARE TRUST FUND

81 34 Sec. 67. 2008 Iowa Acts, chapter 1187, section 62,  
81 35 subsection 1, is amended by adding the following new  
82 1 paragraph:

82 2 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys  
82 3 appropriated in this subsection that remain unencumbered or  
82 4 unobligated at the close of the fiscal year shall not revert  
82 5 but shall remain available for expenditure for the purposes  
82 6 designated until the close of the succeeding fiscal year.

82 7 VIETNAM CONFLICT VETERANS BONUS FUND

82 8 Sec. 68. 2007 Iowa Acts, chapter 176, section 3,  
82 9 unnumbered paragraph 3, as enacted by 2008 Iowa Acts, chapter  
82 10 1187, section 68, is amended to read as follows:

82 11 Notwithstanding section 8.33, moneys appropriated in this  
82 12 section that remain unencumbered or unobligated at the close  
82 13 of the fiscal year shall not revert but shall remain available  
82 14 for expenditure for the purposes designated until the close of  
82 15 the ~~succeeding~~ fiscal year beginning July 1, 2009.

82 16 INJURED VETERANS GRANT PROGRAM

82 17 Sec. 69. 2006 Iowa Acts, chapter 1184, section 5, as  
82 18 enacted by 2007 Iowa Acts, chapter 203, section 1, subsection  
82 19 4, unnumbered paragraph 2, and amended by 2008 Iowa Acts,  
82 20 chapter 1187, section 69, is amended to read as follows:

82 21 Notwithstanding section 8.33, moneys appropriated in this  
82 22 subsection that remain unencumbered or unobligated at the  
82 23 close of the fiscal year shall not revert but shall remain  
82 24 available for expenditure for the purposes designated until  
82 25 the close of the fiscal year beginning July 1, ~~2008~~ 2009.

82 26 Sec. 70. 2008 Iowa Acts, chapter 1188, section 16, is  
82 27 amended to read as follows:

82 28 SEC. 16. MEDICAL ASSISTANCE, HAWK=I, AND HAWK=I EXPANSION  
82 29 PROGRAMS == COVERING CHILDREN == APPROPRIATION. There is  
82 30 appropriated from the general fund of the state to the  
82 31 department of human services for the designated fiscal years,  
82 32 the following amounts, or so much thereof as is necessary, for  
82 33 the purpose designated:

82 34 To cover children as provided in this Act under the medical  
82 35 assistance, hawk=i, and hawk=i expansion programs and outreach  
83 1 under the current structure of the programs:  
83 2 FY 2008=2009 ..... \$ 4,800,000  
83 3 FY 2009=2010 ..... \$ ~~14,800,000~~  
83 4 4,207,001  
83 5 FY 2010=2011 ..... \$ 24,800,000

83 6 Sec. 71. CHILD CARE CREDIT FUND BALANCE TRANSFERRED.

83 7 Moneys in the child care credit fund that remain unencumbered  
83 8 or unobligated at the close of the fiscal year beginning July  
83 9 1, 2008, are transferred to the general fund of the state.

83 10 Sec. 72. ADDICTIVE DISORDERS NONREVERSION DIRECTIVE. The  
83 11 authority provided in this division of this Act for  
83 12 nonreversion of the appropriations for addictive disorder  
83 13 conditions referenced in this section is limited to \$1,000,000  
83 14 and shall be realized by applying the authority to such  
83 15 appropriations in the following order until the limitation

83 16 amount is reached:

83 17 1. The appropriation made from the gambling treatment fund  
83 18 in 2008 Iowa Acts, chapter 1187, section 3.

83 19 2. The appropriation made from the health care trust fund  
83 20 in 2008 Iowa Acts, chapter 1187, section 62, subsection 1.

83 21 3. The appropriation made from the general fund of the  
83 22 state in 2008 Iowa Acts, chapter 1187, section 2, subsection  
83 23 1.

83 24 Sec. 73. EFFECTIVE DATE. This division of this Act, being  
83 25 deemed of immediate importance, takes effect upon enactment.

83 26 DIVISION VII

83 27 HEPATITIS AWARENESS

83 28 Sec. 74. Section 135.19, Code 2009, is amended to read as  
83 29 follows:

83 30 135.19 VIRAL HEPATITIS PROGRAM == AWARENESS, VACCINATIONS,  
83 31 AND TESTING == STUDY.

83 32 1. If sufficient funds are appropriated by the general  
83 33 assembly, the department shall establish and administer a  
83 34 viral hepatitis program. The goal of the program shall be to  
83 35 distribute information to citizens of this state who are at an  
84 1 increased risk for exposure to viral hepatitis regarding the  
84 2 higher incidence of hepatitis C exposure and infection among  
84 3 these populations, the dangers presented by the disease, and  
84 4 contacts for additional information and referrals. The  
84 5 program shall also make available hepatitis A and hepatitis B  
84 6 vaccinations, and hepatitis C testing.

84 7 2. The department shall establish by rule a list of  
84 8 individuals by category who are at increased risk for viral  
84 9 hepatitis exposure. The list shall be consistent with  
84 10 recommendations developed by the centers for disease control,  
84 11 and shall be developed in consultation with the Iowa viral  
84 12 hepatitis task force and the Iowa department of veterans  
84 13 affairs. The department shall also establish by rule what  
84 14 information is to be distributed and the form and manner of  
84 15 distribution. The rules shall also establish a vaccination  
84 16 and testing program, to be coordinated by the department  
84 17 through local health departments and clinics and other  
84 18 appropriate locations.

~~84 19 3. The department shall conduct a study to provide an  
84 20 epidemiological profile of hepatitis C and to assess its  
84 21 current and future impact on the state. The department shall  
84 22 submit a report to the members of the general assembly by  
84 23 January 1, 2008, regarding the results of the study, and shall  
84 24 include a status report regarding the development and  
84 25 distribution of viral hepatitis information, and the results  
84 26 of the vaccination and testing program.~~

84 27 Sec. 75. Section 135.20, Code 2009, is repealed.

84 28 DIVISION VIII

84 29 SENIOR LIVING COORDINATING UNIT

84 30 Sec. 76. Section 231.14, Code 2009, is amended to read as  
84 31 follows:

84 32 231.14 COMMISSION DUTIES AND AUTHORITY.

84 33 The commission is the policymaking body of the sole state  
84 34 agency responsible for administration of the federal Act. The  
84 35 commission shall adopt administrative rules pursuant to

85 1 chapter 17A to administer the duties specified in this chapter  
85 2 and in all other chapters under the department's jurisdiction.

85 3 The commission shall:

85 4 1. Approve state and area plans on aging.

85 5 2. Adopt policies to coordinate state activities related  
85 6 to the purposes of this chapter.

85 7 3. Serve as an effective and visible advocate for elders  
85 8 by establishing policies for reviewing and commenting upon all  
85 9 state plans, budgets, and policies which affect elders and for  
85 10 providing technical assistance to any agency, organization,  
85 11 association, or individual representing the needs of elders.

85 12 4. Divide the state into distinct planning and service  
85 13 areas after considering the geographical distribution of  
85 14 elders in the state, the incidence of the need for supportive  
85 15 services, nutrition services, multipurpose senior centers, and  
85 16 legal services, the distribution of elders who have low  
85 17 incomes residing in such areas, the distribution of resources  
85 18 available to provide such services or centers, the boundaries  
85 19 of existing areas within the state which are drawn for the  
85 20 planning or administration of supportive services programs,  
85 21 the location of units of general purpose, local government  
85 22 within the state, and any other relevant factors.

85 23 5. Designate for each planning and service area a public  
85 24 or private nonprofit agency or organization as the area agency  
85 25 on aging for that area.

85 26 6. Adopt policies to assure that the department will take

85 27 into account the views of elders in the development of policy.  
85 28 7. Adopt a formula for the distribution of federal Act,  
85 29 state elder services, and senior living program funds taking  
85 30 into account, to the maximum extent feasible, the best  
85 31 available data on the geographic distribution of elders in the  
85 32 state, and publish the formula for review and comment.

85 33 8. Adopt policies and measures to assure that preference  
85 34 will be given to providing services to elders with the  
85 35 greatest economic or social needs, with particular attention  
86 1 to low-income minority elders.

86 2 9. Adopt policies to administer state programs authorized  
86 3 by this chapter.

86 4 10. Work in collaboration with the director of human  
86 5 services, the director of public health, and the director of  
86 6 the department of inspections and appeals to do all of the  
86 7 following:

86 8 a. Develop, for legislative review, the mechanisms and  
86 9 procedures necessary to implement a case-managed system of  
86 10 long-term care based on a uniform comprehensive assessment  
86 11 tool.

86 12 b. Develop common intake and release procedures for the  
86 13 purpose of determining eligibility at one point of intake and  
86 14 determining eligibility for programs administered by the  
86 15 departments of human services, public health, and elder  
86 16 affairs, such as the medical assistance program, federal food  
86 17 assistance programs, homemaker-home health aide programs, and  
86 18 the case management program for frail elders administered by  
86 19 the department of elder affairs.

86 20 c. Develop common definitions for long-term care services.

86 21 d. Develop procedures for coordination at the local and  
86 22 state level among the providers of long-term care.

86 23 e. Prepare a long-range plan for the provision of  
86 24 long-term care services within the state.

86 25 f. Propose rules and procedures for the development of a  
86 26 comprehensive long-term care system.

86 27 g. Submit a report of its activities under this subsection  
86 28 to the governor and general assembly on January 15 of each  
86 29 year.

86 30 h. Provide direction and oversight for disbursement of  
86 31 moneys from the senior living trust fund created in section  
86 32 249H.4.

86 33 i. Consult with the state universities and other  
86 34 institutions with expertise in the area of elder issues and  
86 35 the long-term care continua.

~~87 1 The commission shall adopt administrative rules pursuant to~~  
~~87 2 chapter 17A to administer the duties specified in this chapter~~  
~~87 3 and in all other chapters under the department's jurisdiction.~~

87 4 Sec. 77. Section 249H.3, Code 2009, is amended by adding  
87 5 the following new subsection:

87 6 NEW SUBSECTION. 3A. "Commission" means the commission of  
87 7 elder affairs.

87 8 Sec. 78. Section 249H.3, subsection 6, paragraph b, Code  
87 9 2009, is amended to read as follows:

87 10 b. New construction for long-term care alternatives,  
87 11 excluding new construction of assisted-living programs or  
87 12 elder group homes, if the ~~senior living coordinating unit~~  
87 13 commission determines that new construction is more  
87 14 cost-effective than the conversion of existing space.

87 15 Sec. 79. Section 249H.3, subsection 8, paragraph b, Code  
87 16 2009, is amended to read as follows:

87 17 b. New construction of an assisted-living program if  
87 18 existing nursing facility beds are no longer licensed and the  
87 19 ~~senior living coordinating unit~~ commission determines that new  
87 20 construction is more cost-effective than the conversion of  
87 21 existing space.

87 22 Sec. 80. Section 249H.3, subsection 12, Code 2009, is  
87 23 amended by striking the subsection.

87 24 Sec. 81. Section 249H.4, subsection 6, Code 2009, is  
87 25 amended to read as follows:

87 26 6. The treasurer of state shall provide a quarterly report  
87 27 of trust fund activities and balances to the ~~senior living~~  
~~87 28 coordinating unit commission.~~

87 29 Sec. 82. Section 249H.7, subsection 1, Code 2009, is  
87 30 amended to read as follows:

87 31 1. Beginning October 1, 2000, the department of elder  
87 32 affairs, in consultation with the ~~senior living coordinating~~  
~~87 33 unit commission~~, shall use funds appropriated from the senior  
87 34 living trust fund for activities related to the design,  
87 35 maintenance, or expansion of home and community-based services  
88 1 for seniors, including but not limited to adult day services,  
88 2 personal care, respite, homemaker, chore, and transportation

88 3 services designed to promote the independence of and to delay  
88 4 the use of institutional care by seniors with low and moderate  
88 5 incomes. At any time that moneys are appropriated, the  
88 6 department of elder affairs, in consultation with the ~~senior~~  
~~88 7 living coordinating unit~~ commission, shall disburse the funds  
88 8 to the area agencies on aging.

88 9 Sec. 83. Section 249H.7, subsection 2, unnumbered  
88 10 paragraph 1, Code 2009, is amended to read as follows:  
88 11 The department of elder affairs shall adopt rules, in  
88 12 consultation with the ~~senior living coordinating unit~~  
88 13 commission and the area agencies on aging, pursuant to chapter  
88 14 17A, to provide all of the following:

88 15 Sec. 84. Section 249H.7, subsection 2, paragraph c, Code  
88 16 2009, is amended to read as follows:

88 17 c. Other procedures the department of elder affairs deems  
88 18 necessary for the proper administration of this section,  
88 19 including but not limited to the submission of progress  
88 20 reports, on a bimonthly basis, to the ~~senior living~~  
~~88 21 coordinating unit~~ commission.

88 22 Sec. 85. Section 249H.9, subsection 1, Code 2009, is  
88 23 amended to read as follows:

88 24 1. The department of elder affairs and the area agencies  
88 25 on aging, in consultation with the ~~senior living coordinating~~  
~~88 26 unit~~ commission, shall create, on a county basis, a database  
88 27 directory of all health care and support services available to  
88 28 seniors. The department of elder affairs shall make the  
88 29 database electronically available to the public, and shall  
88 30 update the database on at least a monthly basis.

88 31 Sec. 86. Section 249H.10, Code 2009, is amended to read as  
88 32 follows:

88 33 249H.10 CAREGIVER SUPPORT == ACCESS AND EDUCATION  
88 34 PROGRAMS.

88 35 The department of human services and the department of  
89 1 elder affairs, in consultation with the ~~senior living~~  
~~89 2 coordinating unit~~ commission, shall implement a caregiver  
89 3 support program to provide access to respite care and to  
89 4 provide education to caregivers in providing appropriate care  
89 5 to seniors and persons with disabilities. The program shall  
89 6 be provided through the area agencies on aging or other  
89 7 appropriate agencies.

89 8 Sec. 87. Section 231.58, Code 2009, is repealed.

89 9 DIVISION IX

89 10 GAMBLING TREATMENT FUND ELIMINATION

89 11 Sec. 88. Section 99D.7, subsection 22, Code 2009, is  
89 12 amended to read as follows:

89 13 22. To require licensees to establish a process to allow a  
89 14 person to be voluntarily excluded for life from a racetrack  
89 15 enclosure and all other licensed facilities under this chapter  
89 16 and chapter 99F. The process established shall require that a  
89 17 licensee disseminate information regarding persons voluntarily  
89 18 excluded to all licensees under this chapter and chapter 99F.  
89 19 The state and any licensee under this chapter or chapter 99F  
89 20 shall not be liable to any person for any claim which may  
89 21 arise from this process. In addition to any other penalty  
89 22 provided by law, any money or thing of value that has been  
89 23 obtained by, or is owed to, a voluntarily excluded person by a  
89 24 licensee as a result of wagers made by the person after the  
89 25 person has been voluntarily excluded shall not be paid to the  
89 26 person but shall be ~~deposited into~~ credited to the gambling  
~~89 27 treatment general fund created in section 135.150 of the~~  
89 28 state.

89 29 Sec. 89. Section 99D.15, subsection 5, Code 2009, is  
89 30 amended by striking the subsection.

89 31 Sec. 90. Section 99F.4, subsection 22, Code 2009, is  
89 32 amended to read as follows:

89 33 22. To require licensees to establish a process to allow a  
89 34 person to be voluntarily excluded for life from an excursion  
89 35 gambling boat and all other licensed facilities under this  
90 1 chapter and chapter 99D. The process established shall  
90 2 require that a licensee disseminate information regarding  
90 3 persons voluntarily excluded to all licensees under this  
90 4 chapter and chapter 99D. The state and any licensee under  
90 5 this chapter or chapter 99D shall not be liable to any person  
90 6 for any claim which may arise from this process. In addition  
90 7 to any other penalty provided by law, any money or thing of  
90 8 value that has been obtained by, or is owed to, a voluntarily  
90 9 excluded person by a licensee as a result of wagers made by  
90 10 the person after the person has been voluntarily excluded  
90 11 shall not be paid to the person but shall be ~~deposited into~~  
90 12 credited to the gambling treatment general fund created in  
~~90 13 section 135.150 of the state~~.

90 14 Sec. 91. Section 99F.11, subsection 3, paragraph c, Code  
90 15 2009, is amended by striking the paragraph.  
90 16 Sec. 92. Section 99G.39, subsection 1, Code 2009, is  
90 17 amended to read as follows:  
90 18 1. Upon receipt of any revenue, the chief executive  
90 19 officer shall deposit the moneys in the lottery fund created  
90 20 pursuant to section 99G.40. At least fifty percent of the  
90 21 projected annual revenue accruing from the sale of tickets or  
90 22 shares shall be allocated for payment of prizes to the holders  
90 23 of winning tickets. After the payment of prizes, the  
90 24 following shall be deducted from the authority's revenue prior  
90 25 to disbursement:

90 26 a. ~~An amount equal to one-half of one percent of the gross~~  
90 27 ~~lottery revenue for the year shall be deposited in the~~  
90 28 ~~gambling treatment fund created in section 135.150.~~  
90 29 b. ~~The expenses of conducting the lottery shall be~~  
90 30 ~~deducted from the authority's revenue prior to disbursement.~~  
90 31 Expenses for advertising production and media purchases shall  
90 32 not exceed four percent of the authority's gross revenue for  
90 33 the year.

90 34 Sec. 93. Section 135.150, Code 2009, is amended to read as  
90 35 follows:

91 1 135.150 GAMBLING TREATMENT FUND == PROGRAM == STANDARDS  
91 2 AND LICENSING.

91 3 1. ~~A gambling treatment fund is created in the state~~  
91 4 ~~treasury under the control of the department. The fund~~  
91 5 ~~consists of all moneys appropriated to the fund. However, if~~  
91 6 ~~moneys appropriated to the fund in a fiscal year exceed six~~  
91 7 ~~million dollars, the amount exceeding six million dollars~~  
91 8 ~~shall be transferred to the rebuild Iowa infrastructure fund~~  
91 9 ~~created in section 8.57. Moneys in the fund are appropriated~~  
91 10 ~~to the department for the purposes described in this section.~~

91 11 2. 1. a. ~~Moneys appropriated to the department under~~  
91 12 ~~this section shall be for the purpose of operating The~~  
91 13 ~~department shall operate a gambling treatment program and~~  
91 14 ~~shall be used for funding of administrative costs and to~~  
91 15 ~~provide programs which may include, but are not limited to,~~  
91 16 ~~outpatient and follow-up treatment for persons affected by~~  
91 17 ~~problem gambling, rehabilitation and residential treatment~~  
91 18 ~~programs, information and referral services, crisis call~~  
91 19 ~~access, education and preventive services, and financial~~  
91 20 ~~management and credit counseling services.~~

91 21 b. A person shall not maintain or conduct a gambling  
91 22 treatment program funded ~~under this section through the~~  
91 23 ~~department unless the person has obtained a license for the~~  
91 24 ~~program from the department. The department shall adopt rules~~  
91 25 ~~to establish standards for the licensing and operation of~~  
91 26 ~~gambling treatment programs under this section. The rules~~  
91 27 ~~shall specify, but are not limited to specifying, the~~  
91 28 ~~qualifications for persons providing gambling treatment~~  
91 29 ~~services, standards for the organization and administration of~~  
91 30 ~~gambling treatment programs, and a mechanism to monitor~~  
91 31 ~~compliance with this section and the rules adopted under this~~  
91 32 ~~section.~~

91 33 3. ~~Notwithstanding section 12C.7, subsection 2, interest~~  
91 34 ~~or earnings on moneys deposited in the gambling treatment fund~~  
91 35 ~~shall be credited to the gambling treatment fund.~~

92 1 ~~Notwithstanding section 8.33, moneys credited to the gambling~~  
92 2 ~~treatment fund shall not revert to the fund from which~~  
92 3 ~~appropriated at the close of a fiscal year.~~

92 4 4. 2. The department shall report semiannually to the  
92 5 legislative government oversight committees regarding the  
92 6 operation of the gambling treatment fund and program. The  
92 7 report shall include, but is not limited to, information on  
92 8 ~~revenues and expenses related to the fund for the previous~~  
92 9 ~~period, fund balances for the period, and the moneys expended~~  
92 10 ~~and grants awarded for operation of the gambling treatment~~  
92 11 ~~program.~~

92 12 Sec. 94. GAMBLING TREATMENT FUND BALANCE TRANSFERRED ==  
92 13 EFFECTIVE DATE.

92 14 1. Moneys in the gambling treatment fund that remain  
92 15 unencumbered or unobligated at the close of the fiscal year  
92 16 beginning July 1, 2008, are transferred to the general fund of  
92 17 the state.

92 18 2. This section of this Act, being deemed of immediate  
92 19 importance, takes effect upon enactment.

92 20 DIVISION X  
92 21 CHILD DEATH REVIEW TEAM

92 22 Sec. 95. Section 135.43, subsection 1, Code 2009, is  
92 23 amended to read as follows:

92 24 1. An Iowa child death review team is established as an



~~92 25 independent agency of state government part of the office of~~  
~~92 26 the state medical examiner.~~ The Iowa department of public  
~~92 27 health office of the state medical examiner~~ shall provide  
92 28 staffing and administrative support to the team.  
92 29 Sec. 96. Section 135.43, subsection 2, unnumbered  
92 30 paragraph 1, Code 2009, is amended to read as follows:  
92 31 The membership of the review team is subject to the  
92 32 provisions of sections 69.16 and 69.16A, relating to political  
92 33 affiliation and gender balance. Review team members who are  
92 34 not designated by another appointing authority shall be  
92 35 appointed by the ~~director of public health state medical~~  
93 1 ~~examiner~~. Membership terms shall be for three years. A  
93 2 membership vacancy shall be filled in the same manner as the  
93 3 original appointment. The review team shall elect a  
93 4 chairperson and other officers as deemed necessary by the  
93 5 review team. The review team shall meet upon the call of the  
93 6 chairperson, upon the request of a state agency, or as  
93 7 determined by the review team. The members of the team are  
93 8 eligible for reimbursement of actual and necessary expenses  
93 9 incurred in the performance of their official duties. The  
93 10 review team shall include the following:  
93 11 Sec. 97. Section 135.43, subsection 4, unnumbered  
93 12 paragraph 1, Code 2009, is amended to read as follows:  
93 13 The review team shall develop protocols for a child  
93 14 fatality review committee, to be appointed by the ~~director~~  
93 15 ~~state medical examiner~~ on an ad hoc basis, to immediately  
93 16 review the child abuse assessments which involve the fatality  
93 17 of a child under age eighteen. The ~~director state medical~~  
93 18 ~~examiner~~ shall appoint a medical examiner, a pediatrician, and  
93 19 a person involved with law enforcement to the committee.  
93 20 Sec. 98. Section 135.43, subsections 7 and 8, Code 2009,  
93 21 are amended to read as follows:  
93 22 7. a. The ~~state medical examiner, the~~ Iowa department of  
93 23 public health, and the department of human services shall  
93 24 adopt rules providing for disclosure of information which is  
93 25 confidential under chapter 22 or any other provision of state  
93 26 law, to the review team for purposes of performing its child  
93 27 death and child abuse review responsibilities.  
93 28 b. A person in possession or control of medical,  
93 29 investigative, assessment, or other information pertaining to  
93 30 a child death and child abuse review shall allow the  
93 31 inspection and reproduction of the information by the  
93 32 ~~department office of the state medical examiner~~ upon the  
93 33 request of the ~~department office~~, to be used only in the  
93 34 administration and for the duties of the Iowa child death  
93 35 review team. Except as provided for a report on a child  
94 1 fatality by an ad hoc child fatality review committee under  
94 2 subsection 4, information and records produced under this  
94 3 section which are confidential under section 22.7 and chapter  
94 4 235A, and information or records received from the  
94 5 confidential records, remain confidential under this section.  
94 6 A person does not incur legal liability by reason of releasing  
94 7 information to the department as required under and in  
94 8 compliance with this section.  
94 9 8. Review team members and their agents are immune from  
94 10 any liability, civil or criminal, which might otherwise be  
94 11 incurred or imposed as a result of any act, omission,  
94 12 proceeding, decision, or determination undertaken or  
94 13 performed, or recommendation made as a review team member or  
94 14 agent provided that the review team members or agents acted in  
94 15 good faith and without malice in carrying out their official  
94 16 duties in their official capacity. The ~~department state~~  
94 17 ~~medical examiner~~ shall adopt rules pursuant to chapter 17A to  
94 18 administer this subsection. A complainant bears the burden of  
94 19 proof in establishing malice or lack of good faith in an  
94 20 action brought against review team members involving the  
94 21 performance of their duties and powers under this section.  
94 22 Sec. 99. Section 691.6, Code 2009, is amended by adding  
94 23 the following new subsection:  
94 24 NEW SUBSECTION. 10. To provide staffing and support for  
94 25 the child death review team and any child fatality review  
94 26 committee under section 135.43.  
94 27 Sec. 100. CHILD DEATH REVIEW TEAM RULES. The rules  
94 28 adopted by the department of public health for purposes of the  
94 29 child death review team under section 135.43 shall remain in  
94 30 effect until replaced by rules adopted for purposes of that  
94 31 section by the state medical examiner. Until replacement  
94 32 rules are adopted, the office of the state medical examiner  
94 33 shall fulfill the duties assigned to the department of public  
94 34 health under the rules being replaced.

MISCELLANEOUS STATUTORY CHANGES

95 1  
95 2 Sec. 101. Section 123.53, subsections 3 and 4, Code 2009,  
95 3 are amended to read as follows:

~~95 4 3. The treasurer of state shall transfer into a special  
95 5 revenue account in the general fund of the state, a sum of  
95 6 money at least equal to seven percent of the gross amount of  
95 7 sales made by the division from the beer and liquor control  
95 8 fund on a monthly basis but not less than nine million dollars  
95 9 annually. Of the amounts transferred, two million dollars,  
95 10 plus an additional amount determined by the general assembly,  
95 11 shall be appropriated to the Iowa department of public health  
95 12 for use by the staff who administer the comprehensive  
95 13 substance abuse program under chapter 125 for substance abuse  
95 14 treatment and prevention programs. Any amounts received in  
95 15 excess of the amounts appropriated to the Iowa department of  
95 16 public health for use by the staff who administer the  
95 17 comprehensive substance abuse program under chapter 125 shall  
95 18 be considered part of the general fund balance.~~

~~95 19 4. The treasurer of state, after making the transfer  
95 20 provided for in subsection 3, shall transfer to the division  
95 21 from the beer and liquor control fund and before any other  
95 22 transfer to the general fund, an amount sufficient to pay the  
95 23 costs incurred by the division for collecting and properly  
95 24 disposing of the liquor containers.~~

95 25 Sec. 102. Section 234.12A, subsection 1, Code 2009, is  
95 26 amended to read as follows:

95 27 1. The department of human services shall maintain an  
95 28 electronic benefits transfer program utilizing electronic  
95 29 funds transfer systems for the food assistance program. The  
95 30 electronic benefits transfer program implemented under this  
95 31 section shall at a minimum provide for all of the following:  
95 32 a. A retailer shall not be required require a retailer to  
95 33 make cash disbursements or to provide, purchase, or upgrade  
95 34 electronic funds transfer system equipment as a condition of  
95 35 participation in the program.

~~96 1 b. A retailer providing electronic funds transfer system  
96 2 equipment for transactions pursuant to the program shall be  
96 3 reimbursed seven cents for each approved transaction pursuant  
96 4 to the program utilizing the retailer's equipment.~~

~~96 5 c. A retailer that provides electronic funds transfer  
96 6 system equipment for transactions pursuant to the program and  
96 7 who makes cash disbursements pursuant to the program utilizing  
96 8 the retailer's equipment shall be paid a fee of seven cents by  
96 9 the department for each cash disbursement transaction by the  
96 10 retailer.~~

96 11 Sec. 103. Section 237B.1, subsection 3, Code 2009, is  
96 12 amended to read as follows:

96 13 3. In establishing the initial and subsequent standards,  
96 14 the department of human services shall review other  
96 15 certification and licensing standards applicable to the  
96 16 centers. The standards established by the department shall be  
96 17 broad facility standards for the protection of children's  
96 18 safety. The department shall also apply criminal and abuse  
96 19 registry background check requirements for the persons who  
96 20 own, operate, staff, participate in, or otherwise have contact  
96 21 with the children receiving services from a children's center.  
96 22 The background check requirements shall be substantially  
96 23 equivalent to those applied under chapter 237 for a child  
96 24 foster care facility provider. The department of human  
96 25 services shall not establish program standards or other  
96 26 requirements under this section involving program development  
96 27 or oversight of the programs provided to the children served  
96 28 by children's centers.

EXPLANATION

96 29  
96 30 This bill relates to and makes appropriations for health  
96 31 and human services for fiscal year 2009=2010 to the department  
96 32 of veterans affairs, the Iowa veterans home, the department of  
96 33 elder affairs, the department of public health, Iowa finance  
96 34 authority, state board of regents, department of inspections  
96 35 and appeals, and the department of human services.

97 1 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division  
97 2 appropriates funding from the general fund of the state for  
97 3 the department of elder affairs, the department of public  
97 4 health, and the department of veterans affairs.

97 5 The division appropriates funding from the general fund of  
97 6 the state and the federal temporary assistance for needy  
97 7 families block grant to the department of human services. The  
97 8 allocation for the family development and self-sufficiency  
97 9 grant program is made directly to the department of human  
97 10 rights.

97 11 The reimbursement section addresses reimbursement for

97 12 providers reimbursed by the department of human services.  
97 13 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT  
97 14 ACCOUNT, IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION ACCOUNT,  
97 15 AND PROPERTY TAX RELIEF FUND. This division makes  
97 16 appropriations for fiscal year 2009=2010 from the senior  
97 17 living trust fund to the department of elder affairs, the  
97 18 department of human services, the department of inspections  
97 19 and appeals, and the Iowa finance authority.

97 20 Nursing facility accountability measure and payment  
97 21 language originally enacted in 2001 and amended in 2008 Iowa  
97 22 Acts, chapter 1187, section 33, is amended to provide a  
97 23 pay-for-performance methodology commencing July 1, 2009.

97 24 The division makes an appropriation from the pharmaceutical  
97 25 settlement account to the department of human services to  
97 26 supplement the medical contracts appropriation.

97 27 The division makes appropriations from the IowaCare account  
97 28 to the state board of regents for distribution to the  
97 29 university of Iowa hospitals and clinics and to the department  
97 30 of human services for distribution to a publicly owned acute  
97 31 care teaching hospital in a county with a population over  
97 32 350,000 related to the IowaCare program and indigent care.

97 33 The division makes an appropriation to the department of human  
97 34 services from the health care transformation account for  
97 35 various health care reform initiatives. The division includes  
98 1 a directive to the department of human services regarding  
98 2 renewal of the IowaCare waiver.

98 3 The division provides that if the total amount appropriated  
98 4 from all sources for the medical assistance program for fiscal  
98 5 year 2009=2010 exceeds the amount needed, the excess remains  
98 6 available to be used for the program in the succeeding fiscal  
98 7 year.

98 8 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FISCAL YEAR  
98 9 2009=2010. This division allocates and reduces the  
98 10 appropriation made in 2008 Iowa Acts, chapter 1191, for mental  
98 11 health, mental retardation, and developmental disabilities  
98 12 (MH/MR/DD) services allowed growth factor adjustment funding  
98 13 for fiscal year 2009=2010.

98 14 The co-chairpersons of the joint appropriations  
98 15 subcommittee on human services are required to appoint a task  
98 16 force of stakeholders to review MH/MR/DD funding and services  
98 17 during the 2009 legislative interim.

98 18 During the FY 2009=2010 fiscal year, the mental health,  
98 19 mental retardation, developmental disabilities, and brain  
98 20 injury commission and the Iowa mental health planning council  
98 21 established by the department of human services pursuant to  
98 22 federal requirements for the community mental health services  
98 23 block grant, or the officers of the bodies, are required to  
98 24 meet at least quarterly to coordinate the efforts of the  
98 25 bodies.

98 26 HEALTH CARE TRUST FUND. This division includes provisions  
98 27 relating to health care and makes appropriations from the  
98 28 health care trust fund.

98 29 Appropriations are made from the health care trust fund to  
98 30 the department of public health for addictive disorders,  
98 31 healthy children and families, chronic conditions, and  
98 32 community capacity.

98 33 Funds are appropriated from the health care trust fund to  
98 34 the department of human services for medical assistance.

98 35 The amount of the standing appropriation of tobacco product  
99 1 related proceeds in Code section 453A.35 that is annually  
99 2 transferred from the general fund of the state to the health  
99 3 care trust fund is reduced to reflect the governor's 2008  
99 4 uniform appropriation reduction and other reductions.

99 5 IOWACARE. This division relates to the appropriations made  
99 6 for and county property tax levies relating to the IowaCare  
99 7 program for FY 2008=2009. The division increases from a total  
99 8 of \$34 million to a total of \$38 million the amount of the  
99 9 Polk county hospital levy being distributed to the treasurer  
99 10 of state for deposit in the IowaCare account. The division  
99 11 only affects the second portion of the levy proceeds for the  
99 12 period beginning January 1, 2009, and ending June 30, 2009.

99 13 The first portion collected \$17 million and the second portion  
99 14 collected under the bill is \$21 million, thereby providing for  
99 15 the annual total amount of \$38 million. The division, in  
99 16 turn, provides for an increase in the amount of funds  
99 17 distributed to Broadlawns Medical Center from the IowaCare  
99 18 account from \$40 million to \$46 million, with any amount over  
99 19 \$41 million only being allocated if federal funds are  
99 20 available to match the amount. This division takes effect  
99 21 upon enactment and is retroactively applicable to July 1,  
99 22 2008.

99 23 APPROPRIATION=RELATED CHANGES. This division provides  
99 24 appropriation=related changes and takes effect upon enactment.  
99 25 2008 Iowa Acts, chapter 1187, is amended to provide for FY  
99 26 2008=2009 appropriations made for various types of addictive  
99 27 disorders from the general fund, the gambling treatment fund,  
99 28 and health care trust fund, to remain available to be used for  
99 29 addictive disorders in the succeeding fiscal year. This  
99 30 authorization is limited to \$1 million in accordance with a  
99 31 specified priority order.  
99 32 2008 Iowa Acts, chapter 1187, section 4, making the annual  
99 33 appropriation and relating to employee positions authorized  
99 34 for the Iowa veterans home, is amended by removing the  
99 35 limitation on the number of full-time equivalent positions in  
100 1 the appropriation to the home for FY 2008=2009.  
100 2 2008 Iowa Acts, chapter 1187, section 9 providing an  
100 3 appropriation from the general fund for FY 2008=2009 for  
100 4 medical assistance, is amended by reducing the total amount of  
100 5 the appropriation.  
100 6 2008 Iowa Acts, chapter 1187, section 9, relating to an  
100 7 allocation of certain moneys for implementation of an  
100 8 emergency mental health crisis services system and a mental  
100 9 health services system for children and youth, is amended to  
100 10 allow the allocations to remain available for those purposes  
100 11 until the close of FY 2010=2011. In addition, the department  
100 12 of human services is required to revise the project provisions  
100 13 to be available for at least 24 months.  
100 14 2008 Iowa Acts, chapter 1187, section 12, providing an  
100 15 appropriation from the general fund for FY 2008=2009 for state  
100 16 supplementary assistance, is amended to allow the  
100 17 appropriation to remain available to be used for that purpose  
100 18 in the succeeding fiscal year.  
100 19 2008 Iowa Acts, chapter 1187, section 32, relating to the  
100 20 total maximum state funding amount for the nursing facility  
100 21 budget, is amended by reducing the maximum amount.  
100 22 2008 Iowa Acts, chapter 1187, section 39, relating to an  
100 23 appropriation to the department of elder affairs from the  
100 24 senior living trust fund for FY 2008=2009, is amended to allow  
100 25 a portion to remain available in succeeding fiscal years to  
100 26 match federal funding for the senior nutrition programs.  
100 27 2008 Iowa Acts, chapter 1187, section 50, relating to  
100 28 appropriations made from various funds for FY 2008=2009 for  
100 29 the medical assistance program by providing for transfer of  
100 30 unused funds to the senior living trust fund, is amended to  
100 31 provide for the funds to instead remain available to be used  
100 32 for the medical assistance program in the succeeding fiscal  
100 33 year.  
100 34 An amendment of prior session law made in 2008 Iowa Acts,  
100 35 chapter 1187, section 68, providing for an appropriation made  
101 1 for the Vietnam veterans bonus fund to remain available until  
101 2 the close of FY 2008=2009, is further amended for the  
101 3 appropriation to remain available for an additional fiscal  
101 4 year.  
101 5 An amendment of prior session law made in 2008 Iowa Acts,  
101 6 chapter 1187, section 69, providing for an appropriation made  
101 7 for the injured veterans grant program, to remain available  
101 8 until the close of FY 2008=2009, is further amended for the  
101 9 appropriation to remain available for an additional fiscal  
101 10 year.  
101 11 2008 Iowa Acts, chapter 1188, section 16, providing  
101 12 appropriations over a three-year period for health coverage of  
101 13 children under the medical assistance and hawk=i programs, is  
101 14 amended to reduce the FY 2008=2009 appropriation by  
101 15 approximately \$10.6 million.  
101 16 HEPATITIS AWARENESS. This division combines two existing  
101 17 programs, the viral hepatitis program and the hepatitis  
101 18 awareness program for veterans in Code sections 135.19 and  
101 19 135.20. The program specifically for veterans is incorporated  
101 20 into the Code section 135.19 program by including the input of  
101 21 the Iowa department of veterans affairs.  
101 22 SENIOR LIVING COORDINATING UNIT. This division eliminates  
101 23 the senior living coordinating unit and places its duties  
101 24 under the purview of the commission of elder affairs.  
101 25 GAMBLING TREATMENT FUND ELIMINATION. This division  
101 26 eliminates the gambling treatment fund and the percentage of  
101 27 gambling revenues designated for the fund. These revenues  
101 28 will instead be credited to the general fund of the state.  
101 29 A transition section provides for the unobligated revenues  
101 30 remaining in the gambling treatment fund at the close of FY  
101 31 2008=2009 to be transferred to the general fund of the state.  
101 32 This section takes effect upon enactment.  
101 33 CHILD DEATH REVIEW TEAM. This division shifts the staffing

101 34 responsibility for the child death review team under Code  
101 35 section 135.43, from the department of public health to the  
102 1 office of the state medical examiner.  
102 2 MISCELLANEOUS STATUTORY CHANGES. This division amends  
102 3 various Code provisions.  
102 4 Code section 123.53, relating to the proceeds from the sale  
102 5 of alcoholic beverages, is amended to eliminate language  
102 6 providing for at least \$2 million to be appropriated for  
102 7 substance abuse treatment. Typically, the annual  
102 8 appropriations legislation superseded the language being  
102 9 eliminated.  
102 10 Code section 234.12A relating to the electronic benefits  
102 11 transfer program for the food assistance program, is amended  
102 12 to eliminate fees paid to retailers for certain transactions.  
102 13 Code section 237B.1, relating to regulation of children's  
102 14 centers by the department of human services, is amended to  
102 15 require the licensing standards to apply criminal and abuse  
102 16 registry check requirements that are substantially equivalent  
102 17 to those applied to child foster care facility providers.  
102 18 LSB 1004HV 83  
102 19 pf/jp/14