

**House Study Bill 736 - Introduced**

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

**A BILL FOR**

1 An Act relating to and making appropriations for health and  
2 human services and including other related provisions and  
3 appropriations, and providing effective, retroactive, and  
4 applicability date provisions.

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

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DIVISION I

DEPARTMENT ON AGING

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,662,988
.....	FTEs	38.5

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.
2. a. Of the funds appropriated in this section, \$1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt

1 rules for case management services provided under the medical  
2 assistance elderly waiver in consultation with the department  
3 on aging.

4 b. The department of human services shall review  
5 projections for state funding expenditures for reimbursement  
6 of case management services under the medical assistance  
7 elderly waiver on a quarterly basis and shall determine if an  
8 adjustment to the medical assistance reimbursement rates are  
9 necessary to provide reimbursement within the state funding  
10 amounts budgeted under the appropriations made for the fiscal  
11 year for the medical assistance program. Any temporary  
12 enhanced federal financial participation that may become  
13 available for the medical assistance program during the fiscal  
14 year shall not be used in projecting the medical assistance  
15 elderly waiver case management budget. The department of human  
16 services shall revise such reimbursement rates as necessary to  
17 maintain expenditures for medical assistance elderly waiver  
18 case management services within the state funding amounts  
19 budgeted under the appropriations made for the fiscal year for  
20 the medical assistance program.

21 3. Of the funds appropriated in this section, \$129,961 shall  
22 be transferred to the department of economic development for  
23 the Iowa commission on volunteer services to be used for the  
24 retired and senior volunteer program.

25 DIVISION II

26 DEPARTMENT OF PUBLIC HEALTH

27 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations  
28 made in this section may include amounts carried forward from  
29 appropriations and allocations made for the same purposes in  
30 the previous fiscal year. There is appropriated from the  
31 general fund of the state to the department of public health  
32 for the fiscal year beginning July 1, 2010, and ending June  
33 30, 2011, the following amounts, or so much thereof as is  
34 necessary, to be used for the purposes designated:

35 1. ADDICTIVE DISORDERS

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

5 ..... \$ 28,974,840  
6 ..... FTEs 17.50

7 a. Of the funds appropriated in this subsection, \$7,595,782  
8 shall be used for the tobacco use prevention and control  
9 initiative, including efforts at the state and local levels, as  
10 provided in chapter 142A.

11 (1) The director of public health shall dedicate sufficient  
12 resources to promote and ensure retailer compliance with  
13 tobacco laws and ordinances relating to persons under 18  
14 years of age, and shall prioritize the state's compliance in  
15 the allocation of available funds to comply with 42 U.S.C.  
16 § 300x-26 and section 453A.2.

17 (2) Of the full-time equivalent positions authorized in  
18 this subsection, 2.00 full-time equivalent positions shall  
19 be utilized to provide for enforcement of tobacco laws,  
20 regulations, and ordinances under a chapter 28D agreement  
21 entered into between the Iowa department of public health and  
22 the alcoholic beverages division of the department of commerce.

23 (3) Of the funds allocated in this lettered paragraph,  
24 \$1,796,508 shall be used for youth programs designed to  
25 achieve the goals of the initiative, that are directed by youth  
26 participants for youth pursuant to section 142A.9.

27 b. Of the funds appropriated in this subsection,  
28 \$17,677,258 shall be used for substance abuse treatment and  
29 prevention.

30 (1) Of the funds allocated in this lettered paragraph,  
31 \$943,813 shall be used for the public purpose of a grant  
32 program to provide substance abuse prevention programming for  
33 children.

34 (a) Of the funds allocated in this subparagraph, \$449,445  
35 shall be utilized for the public purpose of providing grant

1 funding for organizations that provide programming for children  
2 by utilizing mentors. Programs approved for such grants  
3 shall be certified or will be certified within six months of  
4 receiving the grant award by the Iowa commission on volunteer  
5 services as utilizing the standards for effective practice for  
6 mentoring programs.

7 (b) Of the funds allocated in this subparagraph, \$449,445  
8 shall be utilized for the public purpose of providing grant  
9 funding for organizations that provide programming that  
10 includes youth development and leadership. The programs shall  
11 also be recognized as being programs that are scientifically  
12 based with evidence of their effectiveness in reducing  
13 substance abuse in children.

14 (c) The Iowa department of public health shall utilize a  
15 request for proposals process to implement the grant program.

16 (d) All grant recipients shall participate in a program  
17 evaluation as a requirement for receiving grant funds.

18 (e) Of the funds allocated for the grant program, \$44,923  
19 shall be used to administer substance abuse prevention grants  
20 and for program evaluations.

21 (2) It is the intent of the general assembly that from the  
22 moneys allocated in this lettered paragraph persons with a dual  
23 diagnosis of substance abuse and gambling addictions shall be  
24 given priority in treatment services.

25 c. Of the funds appropriated in this subsection, \$300,320  
26 shall be used for culturally competent substance abuse  
27 treatment pilot projects.

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

35 (2) The pilot project requirements shall provide for

1 documentation or other means to ensure access to the cultural  
2 competence approach used by a pilot project so that such  
3 approach can be replicated and improved upon in successor  
4 programs.

5 d. The amount of the appropriation made in this subsection  
6 reflects savings to be realized by the department as a result  
7 of merging the bureau of substance abuse prevention and  
8 treatment and the division of tobacco use prevention and  
9 control. The department shall complete the merger during the  
10 fiscal year beginning July 1, 2010.

11 e. (1) Of the funds appropriated in this subsection,  
12 \$3,716,530 shall be used for funding of gambling treatment,  
13 including administrative costs and to provide programs  
14 which may include but are not limited to outpatient and  
15 follow-up treatment for persons affected by problem gambling,  
16 rehabilitation and residential treatment programs, information  
17 and referral services, education and preventive services, and  
18 financial management services. Of the amount allocated in  
19 this lettered paragraph, up to \$100,000 may be used for the  
20 licensing of gambling treatment programs as provided in section  
21 135.150.

22 (2) (a) Notwithstanding any provision to the contrary,  
23 to standardize the availability, delivery, cost of  
24 delivery, and accountability of gambling and substance abuse  
25 treatment services statewide, the department shall continue  
26 implementation of a process to create a system for delivery  
27 of the treatment services in accordance with the requirements  
28 specified in 2008 Iowa Acts, chapter 1187, section 3,  
29 subsection 4. To ensure the system provides a continuum of  
30 treatment services that best meets the needs of Iowans, the  
31 gambling and substance abuse treatment services in an area may  
32 be provided either by a single agency or by separate agencies  
33 submitting a joint proposal.

34 (b) From the amounts designated for gambling and substance  
35 abuse treatment, the department may use up to \$100,000 for

1 administrative costs to continue developing and implementing  
2 the process in accordance with subparagraph division (a).

3 (3) The requirement of section 123.53, subsection 3, is  
4 met by the appropriations and allocations made in this Act for  
5 purposes of substance abuse treatment and addictive disorders  
6 for the fiscal year beginning July 1, 2010.

7 2. HEALTHY CHILDREN AND FAMILIES

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

12 .....	\$	2,963,467
13 .....	FTEs	14.00

14 a. Of the funds appropriated in this subsection, not more  
15 than \$738,203 shall be used for the healthy opportunities to  
16 experience success (HOPES)-healthy families Iowa (HFI) program  
17 established pursuant to section 135.106. The funding shall  
18 be distributed to renew the grants that were provided to the  
19 grantees that operated the program during the fiscal year  
20 ending June 30, 2010.

21 b. Of the funds appropriated in this subsection, \$311,459  
22 shall be used to continue to address the healthy mental  
23 development of children from birth through five years of age  
24 through local evidence-based strategies that engage both the  
25 public and private sectors in promoting healthy development,  
26 prevention, and treatment for children.

27 c. Of the funds appropriated in this subsection, \$31,597  
28 shall be distributed to a statewide dental carrier to provide  
29 funds to continue the donated dental services program patterned  
30 after the projects developed by the national foundation of  
31 dentistry for the handicapped to provide dental services to  
32 indigent elderly and disabled individuals.

33 d. Of the funds appropriated in this subsection, \$129,279  
34 shall be used for childhood obesity prevention.

35 e. Of the funds appropriated in this subsection, \$171,295

1 shall be used to provide audiological services and hearing  
2 aids for children. The department may enter into a contract  
3 to administer this paragraph.

4 f. It is the intent of the general assembly that the  
5 department of public health shall implement the recommendations  
6 of the postnatal tissue and fluid bank task force created in  
7 2007 Iowa Acts, chapter 147, based upon the report submitted  
8 to the general assembly in November 2007, as funding becomes  
9 available. The department shall notify the Iowa Code editor  
10 and the persons specified in this Act to receive reports when  
11 such funding becomes available.

12 3. CHRONIC CONDITIONS

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

16 .....	\$	3,434,908
17 .....	FTEs	4.50

18 a. Of the funds appropriated in this subsection, \$160,582  
19 shall be used for grants to individual patients who have  
20 phenylketonuria (PKU) to assist with the costs of necessary  
21 special foods.

22 b. Of the funds appropriated in this subsection, \$416,682  
23 is allocated for continuation of the contracts for resource  
24 facilitator services in accordance with section 135.22B,  
25 subsection 9, and for brain injury training services and  
26 recruiting of service providers to increase the capacity within  
27 this state to address the needs of individuals with brain  
28 injuries and such individuals' families.

29 c. Of the funds appropriated in this subsection, \$235,085  
30 shall be used as additional funding to leverage federal funding  
31 through the federal Ryan White Care Act, Tit. II, AIDS drug  
32 assistance program supplemental drug treatment grants.

33 d. Of the funds appropriated in this subsection, \$57,013  
34 shall be used for the public purpose of providing a grant to an  
35 existing national-affiliated organization to provide education,



1 client-centered programs, and client and family support for  
2 people living with epilepsy and their families.

3 e. Of the funds appropriated in this subsection, \$344,944  
4 shall be used for child health specialty clinics.

5 f. Of the funds appropriated in this subsection, \$408,802  
6 shall be used for the comprehensive cancer control program to  
7 reduce the burden of cancer in Iowa through prevention, early  
8 detection, effective treatment, and ensuring quality of life.  
9 The department shall utilize one of the full-time equivalent  
10 positions authorized in this subsection for administration of  
11 the activities related to the comprehensive cancer control  
12 program.

13 g. Of the funds appropriated in this subsection, \$145,550  
14 shall be used for cervical and colon cancer screening.

15 4. COMMUNITY CAPACITY

16 For strengthening the health care delivery system at the  
17 local level, and for not more than the following full-time  
18 equivalent positions:

19 .....	\$	5,503,037
20 .....	FTEs	21.00

21 a. Of the funds appropriated in this subsection, \$63,592  
22 is allocated for a child vision screening program implemented  
23 through the university of Iowa hospitals and clinics in  
24 collaboration with community empowerment areas.

25 b. Of the funds appropriated in this subsection, \$129,741 is  
26 allocated for continuation of an initiative implemented at the  
27 university of Iowa and \$117,142 is allocated for continuation  
28 of an initiative at the state mental health institute at  
29 Cherokee to expand and improve the workforce engaged in  
30 mental health treatment and services. The initiatives shall  
31 receive input from the university of Iowa, the department  
32 of human services, the department of public health, and the  
33 mental health, mental retardation, developmental disabilities,  
34 and brain injury commission to address the focus of the  
35 initiatives.

1 c. Of the funds appropriated in this subsection, \$1,264,812  
2 shall be used for essential public health services that promote  
3 healthy aging throughout the lifespan, contracted through a  
4 formula for local boards of health, to enhance health promotion  
5 and disease prevention services.

6 d. Of the funds appropriated in this section, \$130,214 shall  
7 be deposited in the governmental public health system fund  
8 created in section 135A.8 to be used for the purposes of the  
9 fund.

10 e. Of the funds appropriated in this subsection, \$143,150  
11 shall be used for the mental health professional shortage area  
12 program implemented pursuant to section 135.80.

13 f. Of the funds appropriated in this subsection,  
14 \$40,900 shall be used for a grant to a statewide association  
15 of psychologists that is affiliated with the American  
16 psychological association to be used for continuation of a  
17 program to rotate intern psychologists in placements in urban  
18 and rural mental health professional shortage areas, as defined  
19 in section 135.80.

20 g. Of the funds appropriated in this subsection, the  
21 following amounts shall be allocated to the Iowa collaborative  
22 safety net provider network established pursuant to section  
23 135.153 to be used for the purposes designated:

24 (1) For distribution to the Iowa-Nebraska primary  
25 care association for statewide coordination of the Iowa  
26 collaborative safety net provider network:  
27 ..... \$ 73,620

28 (2) For distribution to the Iowa family planning network  
29 agencies for necessary infrastructure, statewide coordination,  
30 provider recruitment, service delivery, and provision of  
31 assistance to patients in determining an appropriate medical  
32 home:  
33 ..... \$ 74,517

34 (3) For distribution to the local boards of health that  
35 provide direct services for pilot programs in three counties to

1 assist patients in determining an appropriate medical home:  
2 ..... \$ 74,517  
3 (4) For distribution to maternal and child health centers  
4 for pilot programs in three counties to assist patients in  
5 determining an appropriate medical home:  
6 ..... \$ 74,517  
7 (5) For distribution to free clinics for necessary  
8 infrastructure, statewide coordination, provider recruitment,  
9 service delivery, and provision of assistance to patients in  
10 determining an appropriate medical home:  
11 ..... \$ 184,050  
12 (6) For distribution to rural health clinics for necessary  
13 infrastructure, statewide coordination, provider recruitment,  
14 service delivery, and provision of assistance to patients in  
15 determining an appropriate medical home:  
16 ..... \$ 110,430  
17 (7) For continuation of the safety net provider patient  
18 access to specialty health care initiative as described in 2007  
19 Iowa Acts, chapter 218, section 109:  
20 ..... \$ 294,480  
21 (8) For continuation of the pharmaceutical infrastructure  
22 for safety net providers as described in 2007 Iowa Acts,  
23 chapter 218, section 108:  
24 ..... \$ 294,480  
25 The Iowa collaborative safety net provider network may  
26 continue to distribute funds allocated pursuant to this  
27 lettered paragraph through existing contracts or renewal of  
28 existing contracts.  
29 h. (1) Of the funds appropriated in this subsection,  
30 \$180,000 shall be used for continued implementation of  
31 the recommendations of the direct care worker task force  
32 established pursuant to 2005 Iowa Acts, chapter 88, based upon  
33 the report submitted to the governor and the general assembly  
34 in December 2006. The department may use a portion of the  
35 funds allocated in this paragraph for an additional position

1 to assist in the continued implementation. The focus of the  
2 implementation shall be researching and establishing a system  
3 to collect and maintain accurate data on the direct care  
4 workforce; beginning the groundwork to establish a board of  
5 direct care workers within the department of public health by  
6 July 1, 2014; and other recommendations of the task force that  
7 result in the development of a state infrastructure to provide  
8 stability to the direct care workforce.

9 (2) The department of public health shall report to the  
10 persons designated in this Act for submission of reports  
11 regarding use of the funds allocated in this lettered  
12 paragraph, on or before January 15, 2011.

13 i. (1) Of the funds appropriated in this subsection,  
14 \$135,000 shall be used for allocation to an independent  
15 statewide direct care worker association for education,  
16 outreach, leadership development, mentoring, and other  
17 initiatives intended to enhance the recruitment and retention  
18 of direct care workers in health and long-term care.

19 (2) Of the funds appropriated in this subsection, \$63,000  
20 shall be used to provide conference scholarships to direct care  
21 workers.

22 (3) The association specified in this lettered paragraph  
23 shall report to the persons designated in this Act for  
24 submission of reports on or before January 1, 2011, the use of  
25 the funds allocated in this lettered paragraph, any progress  
26 made regarding the initiatives specified and in expanding the  
27 association statewide, and the number of scholarships provided,  
28 and shall include in the report a copy of the association's  
29 internal revenue service form 990.

30 j. The department may utilize one of the full-time  
31 equivalent positions authorized in this subsection for  
32 administration of the activities related to the Iowa  
33 collaborative safety net provider network.

34 k. The department may utilize one of the full-time  
35 equivalent positions authorized in this subsection for

1 administration of the volunteer health care provider program  
2 pursuant to section 135.24.

3 5. HEALTHY AGING

4 To provide public health services that reduce risks and  
5 invest in promoting and protecting good health over the  
6 course of a lifetime with a priority given to older Iowans and  
7 vulnerable populations:

8 ..... \$ 8,045,779

9 a. Of the funds appropriated in this subsection, \$2,209,696  
10 shall be used for local public health nursing services.

11 b. Of the funds appropriated in this subsection, \$5,836,083  
12 shall be used for home care aide services.

13 6. ENVIRONMENTAL HAZARDS

14 For reducing the public's exposure to hazards in the  
15 environment, primarily chemical hazards, and for not more than  
16 the following full-time equivalent positions:

17 ..... \$ 900,352

18 ..... FTEs 4.50

19 a. Of the funds appropriated in this subsection, \$536,033  
20 shall be used for childhood lead poisoning provisions.

21 b. Of the funds appropriated in this subsection, not more  
22 than \$253,135 shall be used for the development of scientific  
23 and medical expertise in environmental epidemiology.

24 7. INFECTIOUS DISEASES

25 For reducing the incidence and prevalence of communicable  
26 diseases, and for not more than the following full-time  
27 equivalent positions:

28 ..... \$ 1,475,095

29 ..... FTEs 5.00

30 8. PUBLIC PROTECTION

31 For protecting the health and safety of the public through  
32 establishing standards and enforcing regulations, and for not  
33 more than the following full-time equivalent positions:

34 ..... \$ 3,212,987

35 ..... FTEs 130.20

1 a. Of the funds appropriated in this subsection, not more  
2 than \$471,690 shall be credited to the emergency medical  
3 services fund created in section 135.25. Moneys in the  
4 emergency medical services fund are appropriated to the  
5 department to be used for the purposes of the fund.

6 b. Of the funds appropriated in this subsection, \$209,229  
7 shall be used for sexual violence prevention programming  
8 through a statewide organization representing programs serving  
9 victims of sexual violence through the department's sexual  
10 violence prevention program. The amount allocated in this  
11 lettered paragraph shall not be used to supplant funding  
12 administered for other sexual violence prevention or victims  
13 assistance programs.

14 c. Of the funds appropriated in this subsection, not more  
15 than \$485,520 shall be used for the state poison control  
16 center.

17 9. RESOURCE MANAGEMENT

18 For establishing and sustaining the overall ability of the  
19 department to deliver services to the public, and for not more  
20 than the following full-time equivalent positions:

21 .....	\$	956,265
22 .....	FTEs	10.00

23 The university of Iowa hospitals and clinics under the  
24 control of the state board of regents shall not receive  
25 indirect costs from the funds appropriated in this section.  
26 The university of Iowa hospitals and clinics billings to the  
27 department shall be on at least a quarterly basis.

28 DIVISION III

29 DEPARTMENT OF VETERANS AFFAIRS

30 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is  
31 appropriated from the general fund of the state to the  
32 department of veterans affairs for the fiscal year beginning  
33 July 1, 2010, and ending June 30, 2011, the following amounts,  
34 or so much thereof as is necessary, to be used for the purposes  
35 designated:

1 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

2 For salaries, support, maintenance, and miscellaneous  
3 purposes, including the war orphans educational assistance fund  
4 created in section 35.8, and for not more than the following  
5 full-time equivalent positions:

6 ..... \$ 960,453  
7 ..... FTEs 15.20

8 2. IOWA VETERANS HOME

9 For salaries, support, maintenance, and miscellaneous  
10 purposes:

11 ..... \$ 9,630,846

12 a. The Iowa veterans home billings involving the department  
13 of human services shall be submitted to the department on at  
14 least a monthly basis.

15 b. If there is a change in the employer of employees  
16 providing services at the Iowa veterans home under a collective  
17 bargaining agreement, such employees and the agreement shall  
18 be continued by the successor employer as though there had not  
19 been a change in employer.

20 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED  
21 VETERANS

22 For provision of educational assistance pursuant to section  
23 35.9:

24 ..... \$ 12,731

25 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS  
26 FUND STANDING APPROPRIATIONS. Notwithstanding the standing  
27 appropriation in the following designated section for the  
28 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
29 the amounts appropriated from the general fund of the state  
30 pursuant to that section for the following designated purposes  
31 shall not exceed the following amount:

32 For the county commissions of veterans affairs fund under  
33 section 35A.16:

34 ..... \$ 900,000

35 Sec. 5. MERCHANT MARINE BONUS FUND — COUNTY GRANTS. There

1 is appropriated from the merchant marine bonus fund created in  
2 section 35A.8 to the department of veterans affairs for the  
3 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
4 the following amount, or so much thereof as is necessary, to be  
5 used for the purposes designated:

6 For the county commissions of veterans affairs fund under  
7 section 35A.16:

8 ..... \$ 90,000

9 DIVISION IV

10 DEPARTMENT OF HUMAN SERVICES

11 Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

12 GRANT. There is appropriated from the fund created in section  
13 8.41 to the department of human services for the fiscal year  
14 beginning July 1, 2010, and ending June 30, 2011, from moneys  
15 received under the federal temporary assistance for needy  
16 families (TANF) block grant pursuant to the federal Personal  
17 Responsibility and Work Opportunity Reconciliation Act of 1996,  
18 Pub. L. No. 104-193, and successor legislation, and from moneys  
19 received under the emergency contingency fund for temporary  
20 assistance for needy families state program established  
21 pursuant to the federal American Recovery and Reinvestment  
22 Act of 2009, Pub. L. No. 111-5 § 2101, which are federally  
23 appropriated for the federal fiscal years beginning October 1,  
24 2009, and ending September 30, 2010, and beginning October 1,  
25 2010, and ending September 30, 2011, the following amounts, or  
26 so much thereof as is necessary, to be used for the purposes  
27 designated:

28 1. To be credited to the family investment program account  
29 and used for assistance under the family investment program  
30 under chapter 239B:

31 ..... \$ 36,733,711

32 2. To be credited to the family investment program account  
33 and used for the job opportunities and basic skills (JOBS)  
34 program and implementing family investment agreements in  
35 accordance with chapter 239B:



1 ..... \$ 12,411,528

2 Notwithstanding section 8.33, not more than 5 percent of  
3 the moneys designated in this subsection that are allocated  
4 by the department for contracted services, other than  
5 family self-sufficiency grant services allocated under this  
6 subsection, that remain unencumbered or unobligated at the  
7 close of the fiscal year shall not revert but shall remain  
8 available for expenditure for the purposes designated until  
9 the close of the succeeding fiscal year. However, unless such  
10 moneys are encumbered or obligated on or before September 30,  
11 2011, the moneys shall revert.

12 3. To be used for the family development and  
13 self-sufficiency grant program in accordance with section  
14 216A.107:

15 ..... \$ 2,898,980

16 Notwithstanding section 8.33, moneys appropriated in this  
17 subsection that remain unencumbered or unobligated at the close  
18 of the fiscal year shall not revert but shall remain available  
19 for expenditure for the purposes designated until the close of  
20 the succeeding fiscal year. However, unless such moneys are  
21 encumbered or obligated on or before September 30, 2011, the  
22 moneys shall revert.

23 4. For field operations:

24 ..... \$ 23,760,474

25 5. For general administration:

26 ..... \$ 3,744,000

27 6. For state child care assistance:

28 ..... \$ 12,382,687

29 a. Of the funds appropriated in this subsection,  
30 \$12,382,687 shall be transferred to the child care and  
31 development block grant appropriation made by the Eighty-third  
32 General Assembly, 2010 Session, for the federal fiscal  
33 year beginning October 1, 2010, and ending September 30,  
34 2011. Of this amount, \$200,000 shall be used for provision  
35 of educational opportunities to registered child care home

1 providers in order to improve services and programs offered  
2 by this category of providers and to increase the number of  
3 providers. The department may contract with institutions  
4 of higher education or child care resource and referral  
5 centers to provide the educational opportunities. Allowable  
6 administrative costs under the contracts shall not exceed 5  
7 percent. The application for a grant shall not exceed two  
8 pages in length.

9 b. Any funds appropriated in this subsection remaining  
10 unallocated shall be used for state child care assistance  
11 payments for individuals enrolled in the family investment  
12 program who are employed.

13 7. For mental health and developmental disabilities  
14 community services:

15 ..... \$ 4,894,052

16 8. For child and family services:

17 ..... \$ 32,084,430

18 9. For child abuse prevention grants:

19 ..... \$ 125,000

20 10. For pregnancy prevention grants on the condition that  
21 family planning services are funded:

22 ..... \$ 1,327,878

23 Pregnancy prevention grants shall be awarded to programs  
24 in existence on or before July 1, 2010, if the programs are  
25 comprehensive in scope and have demonstrated positive outcomes.  
26 Grants shall be awarded to pregnancy prevention programs  
27 which are developed after July 1, 2010, if the programs are  
28 comprehensive in scope and are based on existing models that  
29 have demonstrated positive outcomes. Grants shall comply with  
30 the requirements provided in 1997 Iowa Acts, chapter 208,  
31 section 14, subsections 1 and 2, including the requirement that  
32 grant programs must emphasize sexual abstinence. Priority in  
33 the awarding of grants shall be given to programs that serve  
34 areas of the state which demonstrate the highest percentage of  
35 unplanned pregnancies of females of childbearing age within the

1 geographic area to be served by the grant.

2 11. For technology needs and other resources necessary  
3 to meet federal welfare reform reporting, tracking, and case  
4 management requirements:

5 ..... \$ 1,037,186

6 12. To be credited to the state child care assistance  
7 appropriation made in this section to be used for funding of  
8 community-based early childhood programs targeted to children  
9 from birth through five years of age developed by community  
10 empowerment areas as provided in section 28.9:

11 ..... \$ 6,350,000

12 The department shall transfer TANF block grant funding  
13 appropriated and allocated in this subsection to the child care  
14 and development block grant appropriation in accordance with  
15 federal law as necessary to comply with the provisions of this  
16 subsection.

17 13. Notwithstanding any provision to the contrary,  
18 including but not limited to requirements in section 8.41 or  
19 provisions in 2009 or 2010 Iowa Acts regarding the receipt  
20 and appropriation of federal block grants, federal funds  
21 from the emergency contingency fund for temporary assistance  
22 for needy families state program established pursuant to the  
23 federal American Recovery and Reinvestment Act of 2009, Pub.  
24 L. No. 111-5 § 2101, received by the state during the fiscal  
25 year beginning July 1, 2009, and ending June 30, 2010, not  
26 otherwise appropriated in this section and remaining available  
27 as of July 1, 2010, and received by the state during the fiscal  
28 year beginning July 1, 2010, and ending June 30, 2011, are  
29 appropriated to the extent as may be necessary to fully fund  
30 the family investment program during the fiscal year beginning  
31 July 1, 2010, and ending June 30, 2011.

32 a. The federal funds appropriated in this subsection  
33 shall be expended only after all other funds appropriated in  
34 subsection 1 for assistance under the family investment program  
35 under chapter 239B have been expended.

1 b. The department shall, on a quarterly basis, advise the  
2 legislative services agency and department of management of  
3 the amount of funds appropriated in this subsection that was  
4 expended in the prior quarter.

5 14. Of the amounts appropriated in this section,  
6 \$12,962,008 for the fiscal year beginning July 1, 2010, shall  
7 be transferred to the appropriation of the federal social  
8 services block grant made for that fiscal year.

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

16 Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

17 1. Moneys credited to the family investment program (FIP)  
18 account for the fiscal year beginning July 1, 2010, and  
19 ending June 30, 2011, shall be used to provide assistance in  
20 accordance with chapter 239B.

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

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

31 4. Moneys appropriated in this division of this Act and  
32 credited to the FIP account for the fiscal year beginning July  
33 1, 2010, and ending June 30, 2011, are allocated as follows:

34 a. To be retained by the department of human services to  
35 be used for coordinating with the department of human rights

1 to more effectively serve participants in the FIP program and  
2 other shared clients and to meet federal reporting requirements  
3 under the federal temporary assistance for needy families block  
4 grant:

5 ..... \$ 20,000

6 b. To the department of human rights for staffing,  
7 administration, and implementation of the family development  
8 and self-sufficiency grant program in accordance with section  
9 216A.107:

10 ..... \$ 5,397,251

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

15 (2) The department of human rights may continue to implement  
16 the family development and self-sufficiency grant program  
17 statewide during fiscal year 2010-2011.

18 c. For the diversion subaccount of the FIP account:

19 ..... \$ 1,634,400

20 A portion of the moneys allocated for the subaccount may  
21 be used for field operations salaries, data management system  
22 development, and implementation costs and support deemed  
23 necessary by the director of human services in order to  
24 administer the FIP diversion program.

25 d. For the food stamp employment and training program:

26 ..... \$ 68,059

27 (1) The department shall amend the food stamp employment and  
28 training state plan in order to maximize to the fullest extent  
29 permitted by federal law the use of the 50-50 match provisions  
30 for the claiming of allowable federal matching funds from the  
31 United States department of agriculture pursuant to the federal  
32 food stamp employment and training program for providing  
33 education, employment, and training services for eligible food  
34 assistance program participants, including but not limited to  
35 related dependent care and transportation expenses.

1 (2) The department shall implement measures to expand usage  
2 of the federal food assistance programs administered by the  
3 department and to appropriately determine eligibility for the  
4 programs by raising the income limit to the extent allowed  
5 under federal requirements and eliminating the asset test. The  
6 eligibility determination measures shall include but are not  
7 limited to checking applications to identify persons convicted  
8 of crimes who are incarcerated in correctional facilities and  
9 jails or are otherwise ineligible for food assistance programs  
10 under federal requirements for having committed a crime.

11 e. For the JOBS program:

12 ..... \$ 20,652,993

13 5. Of the child support collections assigned under FIP,  
14 an amount equal to the federal share of support collections  
15 shall be credited to the child support recovery appropriation  
16 made in this division of this Act. Of the remainder of the  
17 assigned child support collections received by the child  
18 support recovery unit, a portion shall be credited to the FIP  
19 account, a portion may be used to increase recoveries, and a  
20 portion may be used to sustain cash flow in the child support  
21 payments account. If as a consequence of the appropriations  
22 and allocations made in this section the resulting amounts  
23 are insufficient to sustain cash assistance payments and meet  
24 federal maintenance of effort requirements, the department  
25 shall seek supplemental funding. If child support collections  
26 assigned under FIP are greater than estimated or are otherwise  
27 determined not to be required for maintenance of effort, the  
28 state share of either amount may be transferred to or retained  
29 in the child support payment account.

30 6. The department may adopt emergency rules for the family  
31 investment, JOBS, food stamp, and medical assistance programs  
32 if necessary to comply with federal requirements.

33 Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There  
34 is appropriated from the general fund of the state to the  
35 department of human services for the fiscal year beginning July

1 1, 2010, and ending June 30, 2011, the following amount, or  
2 so much thereof as is necessary, to be used for the purpose  
3 designated:

4 To be credited to the family investment program (FIP)  
5 account and used for family investment program assistance under  
6 chapter 239B:

7 ..... \$ 31,735,539

8 1. Of the funds appropriated in this section, \$8,241,465 is  
9 allocated for the JOBS program.

10 2. Of the funds appropriated in this section, \$2,518,271 is  
11 allocated for the family development and self-sufficiency grant  
12 program.

13 3. Notwithstanding section 8.39, for the fiscal year  
14 beginning July 1, 2010, if necessary to meet federal  
15 maintenance of effort requirements or to transfer federal  
16 temporary assistance for needy families block grant funding  
17 to be used for purposes of the federal social services block  
18 grant or to meet cash flow needs resulting from delays in  
19 receiving federal funding or to implement, in accordance with  
20 this division of this Act, activities currently funded with  
21 juvenile court services, county, or community moneys and state  
22 moneys used in combination with such moneys, the department  
23 of human services may transfer funds within or between any  
24 of the appropriations made in this division of this Act and  
25 appropriations in law for the federal social services block  
26 grant to the department for the following purposes, provided  
27 that the combined amount of state and federal temporary  
28 assistance for needy families block grant funding for each  
29 appropriation remains the same before and after the transfer:

- 30 a. For the family investment program.
- 31 b. For child care assistance.
- 32 c. For child and family services.
- 33 d. For field operations.
- 34 e. For general administration.
- 35 f. MH/MR/DD/BI community services (local purchase).

1 This subsection shall not be construed to prohibit the use  
2 of existing state transfer authority for other purposes. The  
3 department shall report any transfers made pursuant to this  
4 subsection to the legislative services agency.

5 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated  
6 from the general fund of the state to the department of human  
7 services for the fiscal year beginning July 1, 2010, and ending  
8 June 30, 2011, the following amount, or so much thereof as is  
9 necessary, to be used for the purposes designated:

10 For child support recovery, including salaries, support,  
11 maintenance, and miscellaneous purposes, and for not more than  
12 the following full-time equivalent positions:

13 .....	\$ 11,827,414
14 .....	FTEs 520.00

15 1. The department shall expend up to \$24,329, including  
16 federal financial participation, for the fiscal year beginning  
17 July 1, 2010, for a child support public awareness campaign.  
18 The department and the office of the attorney general shall  
19 cooperate in continuation of the campaign. The public  
20 awareness campaign shall emphasize, through a variety of  
21 media activities, the importance of maximum involvement of  
22 both parents in the lives of their children as well as the  
23 importance of payment of child support obligations.

24 2. Federal access and visitation grant moneys shall be  
25 issued directly to private not-for-profit agencies that provide  
26 services designed to increase compliance with the child access  
27 provisions of court orders, including but not limited to  
28 neutral visitation sites and mediation services.

29 3. The appropriation made to the department for child  
30 support recovery may be used throughout the fiscal year in the  
31 manner necessary for purposes of cash flow management, and for  
32 cash flow management purposes the department may temporarily  
33 draw more than the amount appropriated, provided the amount  
34 appropriated is not exceeded at the close of the fiscal year.

35 4. With the exception of the funding amount specified,



1 the requirements established under 2001 Iowa Acts, chapter  
2 191, section 3, subsection 5, paragraph "c", subparagraph (3),  
3 shall be applicable to parental obligation pilot projects for  
4 the fiscal year beginning July 1, 2010, and ending June 30,  
5 2011. Notwithstanding 441 IAC 100.8, as in effect on June 30,  
6 2009, providing for termination of rules relating to the pilot  
7 projects the earlier of October 1, 2006, or when legislative  
8 authority is discontinued, the rules relating to the pilot  
9 projects, as in effect on June 30, 2009, shall remain in effect  
10 until June 30, 2011.

11 Sec. 10. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. In  
12 addition to any other appropriation made in this Act for  
13 the purposes of the medical assistance program, there is  
14 appropriated from the health care trust fund created in section  
15 453A.35A to the department of human services for the fiscal  
16 year beginning July 1, 2010, and ending June 30, 2011, the  
17 following amount, or so much thereof as is necessary, for the  
18 purpose designated:

19 For medical assistance reimbursement and associated costs:  
20 ..... \$106,916,532

21 Sec. 11. MEDICAL ASSISTANCE. There is appropriated from the  
22 general fund of the state to the department of human services  
23 for the fiscal year beginning July 1, 2010, and ending June 30,  
24 2011, the following amount, or so much thereof as is necessary,  
25 to be used for the purpose designated:

26 For medical assistance reimbursement and associated costs  
27 as specifically provided in the reimbursement methodologies  
28 in effect on June 30, 2010, except as otherwise expressly  
29 authorized by law, including reimbursement for abortion  
30 services which shall be available under the medical assistance  
31 program only for those abortions which are medically necessary:  
32 ..... \$421,959,417

- 33 1. Medically necessary abortions are those performed under  
34 any of the following conditions:  
35 a. The attending physician certifies that continuing the

1 pregnancy would endanger the life of the pregnant woman.

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

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

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

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

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

23 3. Of the funds appropriated in this Act to the department  
24 of public health for addictive disorders, \$950,000 for the  
25 fiscal year beginning July 1, 2010, shall be transferred to  
26 the department of human services for an integrated substance  
27 abuse managed care system. The department shall not assume  
28 management of the substance abuse system in place of the  
29 managed care contractor unless such a change in approach is  
30 specifically authorized in law. The departments of human  
31 services and public health shall work together to maintain  
32 the level of mental health and substance abuse services  
33 provided by the managed care contractor through the Iowa plan  
34 for behavioral health. Each department shall take the steps  
35 necessary to continue the federal waivers as necessary to

1 maintain the level of services.

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

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

25 5. Of the funds appropriated in this section, up to  
26 \$3,050,082 may be transferred to the field operations  
27 or general administration appropriations in this Act for  
28 operational costs associated with Part D of the federal  
29 Medicare Prescription Drug Improvement and Modernization Act  
30 of 2003, Pub. L. No. 108-173.

31 6. Of the funds appropriated in this section, not more  
32 than \$166,600 shall be used to enhance outreach efforts. The  
33 department may transfer funds allocated in this subsection to  
34 the appropriations in this division of this Act for general  
35 administration, the children's health insurance program, or

1 medical contracts, as necessary, to implement the outreach  
2 efforts.

3 7. Of the funds appropriated in this section, up to \$442,100  
4 may be transferred to the appropriation in this Act for medical  
5 contracts to be used for clinical assessment services related  
6 to remedial services in accordance with federal law.

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

18 9. It is the intent of the general assembly that the  
19 department continue to implement the recommendations of  
20 the assuring better child health and development initiative  
21 II (ABCDII) clinical panel to the Iowa early and periodic  
22 screening, diagnostic, and treatment services healthy mental  
23 development collaborative board regarding changes to billing  
24 procedures, codes, and eligible service providers.

25 10. Of the funds appropriated in this section, a sufficient  
26 amount is allocated to supplement the incomes of residents of  
27 nursing facilities, intermediate care facilities for persons  
28 with mental illness, and intermediate care facilities for  
29 persons with mental retardation, with incomes of less than \$50  
30 in the amount necessary for the residents to receive a personal  
31 needs allowance of \$50 per month pursuant to section 249A.30A.

32 11. Of the funds appropriated in this section, the following  
33 amounts shall be transferred to the appropriations made in this  
34 division of this Act for the state mental health institutes:

35 a. Cherokee mental health institute ..... \$ 9,098,425

- 1     b. Clarinda mental health institute ..... \$ 1,977,305
- 2     c. Independence mental health institute ..... \$ 9,045,894
- 3     d. Mount Pleasant mental health institute .... \$ 5,752,587

4     12. a. Of the funds appropriated in this section,  
5 \$7,108,069 is allocated for state match for disproportionate  
6 share hospital payment of \$19,133,430 to hospitals that meet  
7 both of the following conditions:

8       (1) The hospital qualifies for disproportionate share and  
9 graduate medical education payments.

10      (2) The hospital is an Iowa state-owned hospital with more  
11 than 500 beds and eight or more distinct residency specialty  
12 or subspecialty programs recognized by the American college of  
13 graduate medical education.

14     b. Distribution of the disproportionate share payment  
15 shall be made on a monthly basis. The total amount of  
16 disproportionate share payments including graduate medical  
17 education, enhanced disproportionate share, and Iowa  
18 state-owned teaching hospital payments shall not exceed the  
19 amount of the state's allotment under Pub. L. No. 102-234.  
20 In addition, the total amount of all disproportionate  
21 share payments shall not exceed the hospital-specific  
22 disproportionate share limits under Pub. L. No. 103-66.

23     13. Of the funds appropriated in this section, up to  
24 \$4,601,848 may be transferred to the IowaCare account created  
25 in section 249J.24.

26     14. Of the funds appropriated in this section, \$200,000  
27 shall be used for the Iowa chronic care consortium pursuant to  
28 2003 Iowa Acts, chapter 112, section 12, as amended by 2003  
29 Iowa Acts, chapter 179, sections 166 and 167.

30     15. One hundred percent of the nonfederal share of payments  
31 to area education agencies that are medical assistance  
32 providers for medical assistance-covered services provided to  
33 medical assistance-covered children, shall be made from the  
34 appropriation made in this section.

35     16. Any new or renewed contract entered into by the

1 department with a third party to administer behavioral health  
2 services under the medical assistance program shall provide  
3 that any interest earned on payments from the state during  
4 the state fiscal year shall be remitted to the department  
5 and treated as recoveries to offset the costs of the medical  
6 assistance program.

7 17. The department shall continue to implement the  
8 provisions in 2007 Iowa Acts, chapter 218, section 124 and  
9 section 126, as amended by 2008 Iowa Acts, chapter 1188,  
10 section 55, relating to eligibility for certain persons with  
11 disabilities under the medical assistance program in accordance  
12 with the federal family opportunity Act.

13 18. A portion of the funds appropriated in this section  
14 may be transferred to the appropriation in this division of  
15 this Act for medical contracts to be used for administrative  
16 activities associated with the money follows the person  
17 demonstration project.

18 19. Notwithstanding section 8.33, the portion of the  
19 funds appropriated in this section that is the result of the  
20 application of the increased federal medical assistance match  
21 percentage under the federal American Recovery and Reinvestment  
22 Act of 2009, to the amount the state pays the federal  
23 government as required under the federal Medicare Prescription  
24 Drug Improvement and Modernization Act of 2003, known as  
25 clawback payments, for the period October 1, 2008, through  
26 December 31, 2010, that remains unobligated or unencumbered at  
27 the close of the fiscal year, shall not revert to any fund but  
28 shall remain available for expenditure for the purposes of the  
29 medical assistance program until the close of the succeeding  
30 fiscal year.

31 20. The department may transfer any savings generated  
32 due to medical assistance program cost containment efforts  
33 initiated pursuant to 2010 Iowa Acts, Senate File 2088, if  
34 enacted, or executive order 20, issued December 16, 2009, to  
35 the medical contracts appropriation made in this division of

1 this Act to defray the increased contract costs associated with  
2 implementing such efforts.

3 Sec. 12. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There  
4 is appropriated from the general fund of the state to the  
5 department of human services for the fiscal year beginning July  
6 1, 2010, and ending June 30, 2011, the following amount, or  
7 so much thereof as is necessary, to be used for the purpose  
8 designated:

9 For administration of the health insurance premium payment  
10 program, including salaries, support, maintenance, and  
11 miscellaneous purposes, and for not more than the following  
12 full-time equivalent positions:

13 .....	\$	457,210
14 .....	FTEs	17.00

15 Sec. 13. MEDICAL CONTRACTS. There is appropriated from the  
16 general fund of the state to the department of human services  
17 for the fiscal year beginning July 1, 2010, and ending June 30,  
18 2011, the following amount, or so much thereof as is necessary,  
19 to be used for the purpose designated:

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

23 .....	\$	10,413,090
24 .....	FTEs	6.00

25 The department of inspections and appeals shall provide all  
26 state matching funds for survey and certification activities  
27 performed by the department of inspections and appeals.

28 The department of human services is solely responsible for  
29 distributing the federal matching funds for such activities.

30 Sec. 14. STATE SUPPLEMENTARY ASSISTANCE.

31 1. There is appropriated from the general fund of the  
32 state to the department of human services for the fiscal year  
33 beginning July 1, 2010, and ending June 30, 2011, the following  
34 amount, or so much thereof as is necessary, to be used for the  
35 purpose designated:

1 For the state supplementary assistance program:  
2 ..... \$ 18,259,235

3 2. The department shall increase the personal needs  
4 allowance for residents of residential care facilities by the  
5 same percentage and at the same time as federal supplemental  
6 security income and federal social security benefits are  
7 increased due to a recognized increase in the cost of living.  
8 The department may adopt emergency rules to implement this  
9 subsection.

10 3. If during the fiscal year beginning July 1, 2010,  
11 the department projects that state supplementary assistance  
12 expenditures for a calendar year will not meet the federal  
13 pass-through requirement specified in Tit. XVI of the federal  
14 Social Security Act, section 1618, as codified in 42 U.S.C.  
15 § 1382g, the department may take actions including but not  
16 limited to increasing the personal needs allowance for  
17 residential care facility residents and making programmatic  
18 adjustments or upward adjustments of the residential care  
19 facility or in-home health-related care reimbursement rates  
20 prescribed in this division of this Act to ensure that federal  
21 requirements are met. In addition, the department may make  
22 other programmatic and rate adjustments necessary to remain  
23 within the amount appropriated in this section while ensuring  
24 compliance with federal requirements. The department may adopt  
25 emergency rules to implement the provisions of this subsection.

26 Sec. 15. CHILDREN'S HEALTH INSURANCE PROGRAM.

27 1. There is appropriated from the general fund of the  
28 state to the department of human services for the fiscal year  
29 beginning July 1, 2010, and ending June 30, 2011, the following  
30 amount, or so much thereof as is necessary, to be used for the  
31 purpose designated:

32 For maintenance of the healthy and well kids in Iowa (hawk-i)  
33 program pursuant to chapter 514I, including supplemental dental  
34 services, for receipt of federal financial participation under  
35 Tit. XXI of the federal Social Security Act, which creates the



1 children's health insurance program:

2 ..... \$ 23,637,040

3 2. Of the funds appropriated in this section, \$128,950 is  
4 allocated for continuation of the contract for advertising and  
5 outreach with the department of public health and \$90,050 is  
6 allocated for other advertising and outreach.

7 3. If the funds appropriated in this section are  
8 insufficient to cover the costs of both full coverage services  
9 and supplemental dental services, priority in expenditure of  
10 funds shall be given to covering the costs of full coverage  
11 services.

12 Sec. 16. CHILD CARE ASSISTANCE. There is appropriated  
13 from the general fund of the state to the department of human  
14 services for the fiscal year beginning July 1, 2010, and ending  
15 June 30, 2011, the following amount, or so much thereof as is  
16 necessary, to be used for the purpose designated:

17 For child care programs:

18 ..... \$ 32,325,964

19 1. Of the funds appropriated in this section, \$30,956,537  
20 shall be used for state child care assistance in accordance  
21 with section 237A.13. It is the intent of the general assembly  
22 to appropriate sufficient funding for the state child care  
23 assistance program for the fiscal year beginning July 1, 2010,  
24 in order to avoid establishment of waiting list requirements  
25 by the department in the preceding fiscal year in anticipation  
26 that enhanced funding under the federal American Recovery and  
27 Reinvestment Act of 2009 will not be replaced for the fiscal  
28 year beginning July 1, 2010.

29 2. Nothing in this section shall be construed or is  
30 intended as or shall imply a grant of entitlement for services  
31 to persons who are eligible for assistance due to an income  
32 level consistent with the waiting list requirements of section  
33 237A.13. Any state obligation to provide services pursuant to  
34 this section is limited to the extent of the funds appropriated  
35 in this section.

1 3. Of the funds appropriated in this section, \$432,453 is  
2 allocated for the statewide program for child care resource  
3 and referral services under section 237A.26. A list of the  
4 registered and licensed child care facilities operating in the  
5 area served by a child care resource and referral service shall  
6 be made available to the families receiving state child care  
7 assistance in that area.

8 4. Of the funds appropriated in this section, \$936,974  
9 is allocated for child care quality improvement initiatives  
10 including but not limited to the voluntary quality rating  
11 system in accordance with section 237A.30.

12 5. The department may use any of the funds appropriated  
13 in this section as a match to obtain federal funds for use in  
14 expanding child care assistance and related programs. For  
15 the purpose of expenditures of state and federal child care  
16 funding, funds shall be considered obligated at the time  
17 expenditures are projected or are allocated to the department's  
18 service areas. Projections shall be based on current and  
19 projected caseload growth, current and projected provider  
20 rates, staffing requirements for eligibility determination  
21 and management of program requirements including data systems  
22 management, staffing requirements for administration of the  
23 program, contractual and grant obligations and any transfers  
24 to other state agencies, and obligations for decategorization  
25 or innovation projects.

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

31 7. If a uniform reduction ordered by the governor under  
32 section 8.31 or other operation of law, transfer, or federal  
33 funding reduction reduces the appropriation made in this  
34 section for the fiscal year, the percentage reduction in the  
35 amount paid out to or on behalf of the families participating

1 in the state child care assistance program shall be equal to or  
2 less than the percentage reduction made for any other purpose  
3 payable from the appropriation made in this section and the  
4 federal funding relating to it. If there is an unanticipated  
5 increase in federal funding provided for state child care  
6 assistance, the entire amount of the increase shall be used for  
7 state child care assistance payments. If the appropriations  
8 made for purposes of the state child care assistance program  
9 for the fiscal year are determined to be insufficient, it is  
10 the intent of the general assembly to appropriate sufficient  
11 funding for the fiscal year in order to avoid establishment of  
12 waiting list requirements.

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

20 Sec. 17. JUVENILE INSTITUTIONS. There is appropriated  
21 from the general fund of the state to the department of human  
22 services for the fiscal year beginning July 1, 2010, and ending  
23 June 30, 2011, the following amounts, or so much thereof as is  
24 necessary, to be used for the purposes designated:

25 1. For operation of the Iowa juvenile home at Toledo and for  
26 salaries, support, maintenance, and miscellaneous purposes, and  
27 for not more than the following full-time equivalent positions:  
28 ..... \$ 6,137,599  
29 ..... FTEs 112.10

30 2. For operation of the state training school at Eldora and  
31 for salaries, support, maintenance, and miscellaneous purposes,  
32 and for not more than the following full-time equivalent  
33 positions:  
34 ..... \$ 9,451,062  
35 ..... FTEs 188.90

1 3. A portion of the moneys appropriated in this section  
2 shall be used by the state training school and by the Iowa  
3 juvenile home for grants for adolescent pregnancy prevention  
4 activities at the institutions in the fiscal year beginning  
5 July 1, 2010.

6 Sec. 18. CHILD AND FAMILY SERVICES.

7 1. There is appropriated from the general fund of the  
8 state to the department of human services for the fiscal year  
9 beginning July 1, 2010, and ending June 30, 2011, the following  
10 amount, or so much thereof as is necessary, to be used for the  
11 purpose designated:

12 For child and family services:

13 ..... \$ 79,593,023

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

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

32 4. a. Of the funds appropriated in this section, up to  
33 \$29,233,006 is allocated as the statewide expenditure target  
34 under section 232.143 for group foster care maintenance and  
35 services. If the department projects that such expenditures

1 for the fiscal year will be less than the target amount  
2 allocated in this lettered paragraph, the department may  
3 reallocate the excess to provide additional funding for shelter  
4 care or the child welfare emergency services addressed with the  
5 allocation for shelter care.

6 b. If at any time after September 30, 2010, annualization  
7 of a service area's current expenditures indicates a service  
8 area is at risk of exceeding its group foster care expenditure  
9 target under section 232.143 by more than 5 percent, the  
10 department and juvenile court services shall examine all  
11 group foster care placements in that service area in order to  
12 identify those which might be appropriate for termination.  
13 In addition, any aftercare services believed to be needed  
14 for the children whose placements may be terminated shall be  
15 identified. The department and juvenile court services shall  
16 initiate action to set dispositional review hearings for the  
17 placements identified. In such a dispositional review hearing,  
18 the juvenile court shall determine whether needed aftercare  
19 services are available and whether termination of the placement  
20 is in the best interest of the child and the community.

21 5. In accordance with the provisions of section 232.188,  
22 the department shall continue the child welfare and juvenile  
23 justice funding initiative during fiscal year 2010-2011. Of  
24 the funds appropriated in this section, \$1,717,753 is allocated  
25 specifically for expenditure for fiscal year 2010-2011 through  
26 the decategorization service funding pools and governance  
27 boards established pursuant to section 232.188.

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

33 7. a. Notwithstanding section 234.35 or any other provision  
34 of law to the contrary, state funding for shelter care shall be  
35 limited to \$7,894,147. The department may continue or amend

1 shelter care provider contracts to include the child welfare  
2 emergency services for children who might otherwise be served  
3 in shelter care that were implemented pursuant to 2008 Iowa  
4 Acts, chapter 1187, section 16, subsection 7.

5 b. Of the amount allocated for shelter care services, not  
6 more than \$200,000 shall be used for the costs of transporting  
7 juveniles needing shelter care services from a local area where  
8 there is not a bed available to a location in which a bed is  
9 available. In addition, an appropriate amount may be used  
10 for wraparound and emergency services to prevent the need for  
11 shelter care services, including such services for children  
12 who have an immediate need for shelter care services but are  
13 ineligible due to income, status, or other requirement. The  
14 department shall dispense the funding in a manner that does not  
15 impinge upon the availability of beds for eligible children.

16 8. Except for federal funds provided by the federal American  
17 Recovery and Reinvestment Act of 2009, federal funds received  
18 by the state during the fiscal year beginning July 1, 2010,  
19 as the result of the expenditure of state funds appropriated  
20 during a previous state fiscal year for a service or activity  
21 funded under this section are appropriated to the department  
22 to be used as additional funding for services and purposes  
23 provided for under this section. Notwithstanding section 8.33,  
24 moneys received in accordance with this subsection that remain  
25 unencumbered or unobligated at the close of the fiscal year  
26 shall not revert to any fund but shall remain available for the  
27 purposes designated until the close of the succeeding fiscal  
28 year.

29 9. Of the funds appropriated in this section, at least  
30 \$3,696,285 shall be used for protective child care assistance.

31 10. a. Of the funds appropriated in this section, up to  
32 \$2,062,488 is allocated for the payment of the expenses of  
33 court-ordered services provided to juveniles who are under the  
34 supervision of juvenile court services, which expenses are a  
35 charge upon the state pursuant to section 232.141, subsection

1 4. Of the amount allocated in this lettered paragraph, up to  
2 \$1,556,287 shall be made available to provide school-based  
3 supervision of children adjudicated under chapter 232, of which  
4 not more than \$15,000 may be used for the purpose of training.  
5 A portion of the cost of each school-based liaison officer  
6 shall be paid by the school district or other funding source as  
7 approved by the chief juvenile court officer.

8 b. Of the funds appropriated in this section, up to \$748,985  
9 is allocated for the payment of the expenses of court-ordered  
10 services provided to children who are under the supervision  
11 of the department, which expenses are a charge upon the state  
12 pursuant to section 232.141, subsection 4.

13 c. Notwithstanding section 232.141 or any other provision  
14 of law to the contrary, the amounts allocated in this  
15 subsection shall be distributed to the judicial districts  
16 as determined by the state court administrator and to the  
17 department's service areas as determined by the administrator  
18 of the department's division of child and family services. The  
19 state court administrator and the division administrator shall  
20 make the determination of the distribution amounts on or before  
21 June 15, 2010.

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

1 funds between the judicial districts' or departmental service  
2 areas' distribution amounts as prudent.

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

8 f. Of the funds allocated in this subsection, not more than  
9 \$83,000 may be used by the judicial branch for administration  
10 of the requirements under this subsection.

11 g. Of the funds allocated in this subsection, \$17,000  
12 shall be used by the department of human services to support  
13 the interstate commission for juveniles in accordance with  
14 the interstate compact for juveniles as provided in section  
15 232.173, as enacted by this Act.

16 11. Of the funds appropriated in this section, \$4,522,602 is  
17 allocated for juvenile delinquent graduated sanctions services.  
18 Any state funds saved as a result of efforts by juvenile court  
19 services to earn federal Tit. IV-E match for juvenile court  
20 services administration may be used for the juvenile delinquent  
21 graduated sanctions services.

22 12. Of the funds appropriated in this section, \$988,285  
23 shall be transferred to the department of public health to  
24 be used for the child protection center grant program in  
25 accordance with section 135.118.

26 13. If the department receives federal approval to  
27 implement a waiver under Tit. IV-E of the federal Social  
28 Security Act to enable providers to serve children who remain  
29 in the children's families and communities, for purposes of  
30 eligibility under the medical assistance program, children who  
31 participate in the waiver shall be considered to be placed in  
32 foster care.

33 14. Of the funds appropriated in this section, \$2,875,281 is  
34 allocated for the preparation for adult living program pursuant  
35 to section 234.46.



1 15. Of the funds appropriated in this section, \$520,150  
2 shall be used for juvenile drug courts. The amount allocated  
3 in this subsection shall be distributed as follows:

4 To the judicial branch for salaries to assist with the  
5 operation of juvenile drug court programs operated in the  
6 following jurisdictions:

7	a. Marshall county:	
8	.....	\$ 62,708
9	b. Woodbury county:	
10	.....	\$ 125,682
11	c. Polk county:	
12	.....	\$ 195,892
13	d. The third judicial district:	
14	.....	\$ 67,934
15	e. The eighth judicial district:	
16	.....	\$ 67,934

17 16. Of the funds appropriated in this section, \$227,306  
18 shall be used for the public purpose of providing a grant to  
19 a nonprofit human services organization providing services to  
20 individuals and families in multiple locations in southwest  
21 Iowa and Nebraska for support of a project providing immediate,  
22 sensitive support and forensic interviews, medical exams, needs  
23 assessments, and referrals for victims of child abuse and their  
24 nonoffending family members.

25 17. Of the funds appropriated in this section, \$125,590  
26 is allocated for the elevate approach of providing a support  
27 network to children placed in foster care.

28 18. Of the funds appropriated in this section, \$202,000 is  
29 allocated for use pursuant to section 235A.1 for continuation  
30 of the initiative to address child sexual abuse implemented  
31 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection  
32 21.

33 19. Of the funds appropriated in this section, \$630,240 is  
34 allocated for the community partnership for child protection  
35 sites.

1 20. Of the funds appropriated in this section, \$371,250  
2 is allocated for the department's minority youth and family  
3 projects under the redesign of the child welfare system.

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

8 Sec. 19. ADOPTION SUBSIDY.

9 1. There is appropriated from the general fund of the  
10 state to the department of human services for the fiscal year  
11 beginning July 1, 2010, and ending June 30, 2011, the following  
12 amount, or so much thereof as is necessary, to be used for the  
13 purpose designated:

14 For adoption subsidy payments and services:

15 ..... \$ 32,256,896

16 2. The department may transfer funds appropriated in this  
17 section to the appropriation made in this Act for general  
18 administration for costs paid from the appropriation relating  
19 to adoption subsidy.

20 3. Except for federal funds provided by the federal American  
21 Recovery and Reinvestment Act of 2009, federal funds received  
22 by the state during the fiscal year beginning July 1, 2010, as  
23 the result of the expenditure of state funds during a previous  
24 state fiscal year for a service or activity funded under this  
25 section are appropriated to the department to be used as  
26 additional funding for the services and activities funded under  
27 this section. Notwithstanding section 8.33, moneys received  
28 in accordance with this subsection that remain unencumbered or  
29 unobligated at the close of the fiscal year shall not revert  
30 to any fund but shall remain available for expenditure for the  
31 purposes designated until the close of the succeeding fiscal  
32 year.

33 Sec. 20. JUVENILE DETENTION HOME FUND. Moneys deposited  
34 in the juvenile detention home fund created in section 232.142  
35 during the fiscal year beginning July 1, 2010, and ending June

1 30, 2011, are appropriated to the department of human services  
2 for the fiscal year beginning July 1, 2010, and ending June 30,  
3 2011, for distribution of an amount equal to a percentage of  
4 the costs of the establishment, improvement, operation, and  
5 maintenance of county or multicounty juvenile detention homes  
6 in the fiscal year beginning July 1, 2009. Moneys appropriated  
7 for distribution in accordance with this section shall be  
8 allocated among eligible detention homes, prorated on the basis  
9 of an eligible detention home's proportion of the costs of all  
10 eligible detention homes in the fiscal year beginning July  
11 1, 2009. The percentage figure shall be determined by the  
12 department based on the amount available for distribution for  
13 the fund. Notwithstanding section 232.142, subsection 3, the  
14 financial aid payable by the state under that provision for the  
15 fiscal year beginning July 1, 2010, shall be limited to the  
16 amount appropriated for the purposes of this section.

17 Sec. 21. FAMILY SUPPORT SUBSIDY PROGRAM.

18 1. There is appropriated from the general fund of the  
19 state to the department of human services for the fiscal year  
20 beginning July 1, 2010, and ending June 30, 2011, the following  
21 amount, or so much thereof as is necessary, to be used for the  
22 purpose designated:

23 For the family support subsidy program:

24 ..... \$ 1,167,998

25 2. The department shall use at least \$289,444 of the moneys  
26 appropriated in this section for the family support center  
27 component of the comprehensive family support program under  
28 section 225C.47. Not more than \$25,000 of the amount allocated  
29 in this subsection shall be used for administrative costs.

30 3. If at any time during the fiscal year, the amount of  
31 funding available for the family support subsidy program  
32 is reduced from the amount initially used to establish the  
33 figure for the number of family members for whom a subsidy  
34 is to be provided at any one time during the fiscal year,  
35 notwithstanding section 225C.38, subsection 2, the department

1 shall revise the figure as necessary to conform to the amount  
2 of funding available.

3 Sec. 22. CONNER DECREE. There is appropriated from the  
4 general fund of the state to the department of human services  
5 for the fiscal year beginning July 1, 2010, and ending June 30,  
6 2011, the following amount, or so much thereof as is necessary,  
7 to be used for the purpose designated:

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

12 ..... \$ 33,622

13 Sec. 23. MENTAL HEALTH INSTITUTES.

14 1. There is appropriated from the general fund of the  
15 state to the department of human services for the fiscal year  
16 beginning July 1, 2010, and ending June 30, 2011, the following  
17 amounts, or so much thereof as is necessary, to be used for the  
18 purposes designated:

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

22 ..... \$ 4,796,979

23 ..... FTEs 202.66

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

27 ..... \$ 5,554,698

28 ..... FTEs 106.73

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

32 ..... \$ 8,425,653

33 ..... FTEs 265.47

34 d. For the state mental health institute at Mount Pleasant  
35 for salaries, support, maintenance, and miscellaneous purposes,

1 and for not more than the following full-time equivalent  
2 positions:

3 ..... \$ 1,563,175  
4 ..... FTEs 111.64

5 2. The department, as part of efforts to develop and  
6 implement the comprehensive mental health and disability  
7 services plan as provided in section 225C.6B, shall review  
8 services provided by or offered at the state mental health  
9 institutes and may modify such services to further the plan and  
10 provide cost-effective and necessary services.

11 Sec. 24. STATE RESOURCE CENTERS.

12 1. There is appropriated from the general fund of the  
13 state to the department of human services for the fiscal year  
14 beginning July 1, 2010, and ending June 30, 2011, the following  
15 amounts, or so much thereof as is necessary, to be used for the  
16 purposes designated:

17 a. For the state resource center at Glenwood for salaries,  
18 support, maintenance, and miscellaneous purposes:  
19 ..... \$ 14,982,839

20 b. For the state resource center at Woodward for salaries,  
21 support, maintenance, and miscellaneous purposes:  
22 ..... \$ 9,312,271

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

28 3. The state resource centers may expand the time-limited  
29 assessment and respite services during the fiscal year.

30 4. If the department's administration and the department  
31 of management concur with a finding by a state resource  
32 center's superintendent that projected revenues can reasonably  
33 be expected to pay the salary and support costs for a new  
34 employee position, or that such costs for adding a particular  
35 number of new positions for the fiscal year would be less

1 than the overtime costs if new positions would not be added,  
2 the superintendent may add the new position or positions. If  
3 the vacant positions available to a resource center do not  
4 include the position classification desired to be filled, the  
5 state resource center's superintendent may reclassify any  
6 vacant position as necessary to fill the desired position. The  
7 superintendents of the state resource centers may, by mutual  
8 agreement, pool vacant positions and position classifications  
9 during the course of the fiscal year in order to assist one  
10 another in filling necessary positions.

11 5. If existing capacity limitations are reached in  
12 operating units, a waiting list is in effect for a service or  
13 a special need for which a payment source or other funding  
14 is available for the service or to address the special need,  
15 and facilities for the service or to address the special need  
16 can be provided within the available payment source or other  
17 funding, the superintendent of a state resource center may  
18 authorize opening not more than two units or other facilities  
19 and begin implementing the service or addressing the special  
20 need during fiscal year 2010-2011.

21 Sec. 25. MI/MR/DD STATE CASES.

22 1. There is appropriated from the general fund of the  
23 state to the department of human services for the fiscal year  
24 beginning July 1, 2010, and ending June 30, 2011, the following  
25 amount, or so much thereof as is necessary, to be used for the  
26 purpose designated:

27 For distribution to counties for state case services  
28 for persons with mental illness, mental retardation, and  
29 developmental disabilities in accordance with section 331.440:  
30 ..... \$ 10,295,207

31 2. For the fiscal year beginning July 1, 2010, and ending  
32 June 30, 2011, \$200,000 is allocated for state case services  
33 from the amounts appropriated from the fund created in section  
34 8.41 to the department of human services from the funds  
35 received from the federal government under 42 U.S.C. ch. 6A,

1 subch. XVII, relating to the community mental health center  
2 block grant, for the federal fiscal years beginning October  
3 1, 2008, and ending September 30, 2009, beginning October 1,  
4 2009, and ending September 30, 2010, and beginning October 1,  
5 2010, and ending September 30, 2011. The allocation made in  
6 this subsection shall be made prior to any other distribution  
7 allocation of the appropriated federal funds.

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

13 Sec. 26. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES —  
14 COMMUNITY SERVICES FUND. There is appropriated from  
15 the general fund of the state to the mental health and  
16 developmental disabilities community services fund created in  
17 section 225C.7 for the fiscal year beginning July 1, 2010, and  
18 ending June 30, 2011, the following amount, or so much thereof  
19 as is necessary, to be used for the purpose designated:

20 For mental health and developmental disabilities community  
21 services in accordance with this division of this Act:  
22 ..... \$ 14,211,100

23 1. Of the funds appropriated in this section, \$14,187,556  
24 shall be allocated to counties for funding of community-based  
25 mental health and developmental disabilities services. The  
26 moneys shall be allocated to a county as follows:

27 a. Fifty percent based upon the county's proportion of the  
28 state's population of persons with an annual income which is  
29 equal to or less than the poverty guideline established by the  
30 federal office of management and budget.

31 b. Fifty percent based upon the county's proportion of the  
32 state's general population.

33 2. a. A county shall utilize the funding the county  
34 receives pursuant to subsection 1 for services provided to  
35 persons with a disability, as defined in section 225C.2.

1 However, no more than 50 percent of the funding shall be used  
2 for services provided to any one of the service populations.

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

7 3. Of the funds appropriated in this section, \$23,544  
8 shall be used to support the Iowa compass program providing  
9 computerized information and referral services for Iowans with  
10 disabilities and their families.

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

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

21 c. The funds provided by this subsection shall be allocated  
22 to each county as follows:

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

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

30 5. A county is eligible for funds under this section if the  
31 county qualifies for a state payment as described in section  
32 331.439.

33 6. The most recent population estimates issued by the United  
34 States bureau of the census shall be applied for the population  
35 factors utilized in this section.





1 and eligibility determination for low-income families.

2 Sec. 29. GENERAL ADMINISTRATION. There is appropriated  
3 from the general fund of the state to the department of human  
4 services for the fiscal year beginning July 1, 2010, and ending  
5 June 30, 2011, the following amount, or so much thereof as is  
6 necessary, to be used for the purpose designated:

7 For general administration, including salaries, support,  
8 maintenance, and miscellaneous purposes, and for not more than  
9 the following full-time equivalent positions:

10 .....	\$ 14,227,271
11 .....	FTEs 363.00

12 1. Of the funds appropriated in this section, \$43,700  
13 allocated for the prevention of disabilities policy council  
14 established in section 225B.3.

15 2. The department shall report at least monthly to the  
16 legislative services agency concerning the department's  
17 operational and program expenditures.

18 Sec. 30. CHILDREN'S MENTAL HEALTH AND CHILD WELFARE  
19 SERVICES.

20 1. It is the intent of the general assembly to improve  
21 coordination and integration of mental health services and  
22 outcomes for children, as well as alignment of the services  
23 and outcomes with the child welfare system. The department  
24 of human services, in collaboration with providers, shall  
25 develop a plan for transitioning administration of the remedial  
26 services program from fee-for-service approach to the Iowa  
27 plan, behavioral health managed care plan. The transition  
28 plan shall address specific strategies for improving service  
29 coordination for children and adults; establish vendor  
30 performance standards; provide a process for ongoing monitoring  
31 of quality of care, performance, and quality improvement  
32 technical assistance for providers; identify methods and  
33 standards for credentialing remedial providers; and provide  
34 implementation timeframes.

35 2. The department shall establish a transition committee

1 that includes representatives from departmental staff for  
2 Medicaid, child welfare, field, and mental health services,  
3 the director of the Iowa plan, the executive director of an  
4 organization representing the majority of remedial services  
5 providers, and three remedial services providers designated  
6 by the executive director of the provider organization. The  
7 committee shall develop the plan and manage the transition,  
8 if the plan is implemented. The plan shall be developed  
9 by December 31, 2010. The department may proceed with  
10 implementing the plan over the six month period following  
11 December 31, 2010, if the department determines that the plan  
12 meets the legislative intent identified in subsection 1.

13 Sec. 31. VOLUNTEERS. There is appropriated from the general  
14 fund of the state to the department of human services for the  
15 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
16 the following amount, or so much thereof as is necessary, to be  
17 used for the purpose designated:

18 For development and coordination of volunteer services:  
19 ..... \$ 84,660

20 Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY  
21 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE  
22 DEPARTMENT OF HUMAN SERVICES.

23 1. a. (1) For the fiscal year beginning July 1, 2010,  
24 the total state funding amount for the nursing facility budget  
25 shall not exceed \$153,126,081.

26 (2) The department, in cooperation with nursing facility  
27 representatives, shall review projections for state funding  
28 expenditures for reimbursement of nursing facilities on a  
29 quarterly basis and the department shall determine if an  
30 adjustment to the medical assistance reimbursement rate is  
31 necessary in order to provide reimbursement within the state  
32 funding amount. Any temporary enhanced federal financial  
33 participation that may become available to the Iowa medical  
34 assistance program during the fiscal year shall not be used  
35 in projecting the nursing facility budget. Notwithstanding

1 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph  
2 "c", and subsection 3, paragraph "a", subparagraph (2),  
3 if the state funding expenditures for the nursing facility  
4 budget for the fiscal year beginning July 1, 2010, are  
5 projected to exceed the amount specified in subparagraph (1),  
6 the department shall adjust the reimbursement for nursing  
7 facilities reimbursed under the case-mix reimbursement system  
8 to maintain expenditures of the nursing facility budget  
9 within the specified amount. The department shall revise such  
10 reimbursement as necessary to adjust the annual accountability  
11 measures payment in accordance with 2001 Iowa Acts, chapter  
12 192, section 4, subsection 4, as amended by 2008 Iowa Acts,  
13 chapter 1187, section 33, and as amended by 2009 Iowa Acts,  
14 chapter 182, section 33, to implement a pay-for-performance  
15 payment.

16 (3) For the fiscal year beginning July 1, 2010, special  
17 population nursing facilities shall be reimbursed at the rates  
18 in effect on November 30, 2009.

19 b. For the fiscal year beginning July 1, 2010, the  
20 department shall reimburse pharmacy dispensing fees using a  
21 single rate of \$4.34 per prescription or the pharmacy's usual  
22 and customary fee, whichever is lower.

23 c. (1) For the fiscal year beginning July 1, 2010,  
24 reimbursement rates for outpatient hospital services shall  
25 remain at the rates in effect on June 30, 2010.

26 (2) For the fiscal year beginning July 1, 2010,  
27 reimbursement rates for inpatient hospital services shall  
28 remain at the rates in effect on June 30, 2010. The Iowa  
29 hospital association shall submit information to the general  
30 assembly's standing committees on government oversight during  
31 the 2011 session of the general assembly regarding actions  
32 taken to increase compensation and other costs of employment  
33 for hospital staff who provide direct care to patients.

34 (3) For the fiscal year beginning July 1, 2010, the graduate  
35 medical education and disproportionate share hospital fund

1 shall remain at the amount in effect on June 30, 2010.

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

8 d. For the fiscal year beginning July 1, 2010, reimbursement  
9 rates for rural health clinics, hospices, independent  
10 laboratories, rehabilitation agencies, and acute mental  
11 hospitals shall be increased in accordance with increases under  
12 the federal Medicare program or as supported by their Medicare  
13 audited costs.

14 e. For the fiscal year beginning July 1, 2010, reimbursement  
15 rates for home health agencies shall remain at the rates in  
16 effect on June 30, 2010, not to exceed a home health agency's  
17 actual allowable cost.

18 f. For the fiscal year beginning July 1, 2010, federally  
19 qualified health centers shall receive cost-based reimbursement  
20 for 100 percent of the reasonable costs for the provision of  
21 services to recipients of medical assistance.

22 g. For the fiscal year beginning July 1, 2010, the  
23 reimbursement rates for dental services shall remain at the  
24 rates in effect on June 30, 2010.

25 h. For the fiscal year beginning July 1, 2010, state-owned  
26 psychiatric medical institutions for children shall receive  
27 cost-based reimbursement for 100 percent of the actual and  
28 allowable costs for the provision of services to recipients of  
29 medical assistance. For nonstate-owned psychiatric medical  
30 institutions for children, reimbursement shall be determined in  
31 accordance with section 249A.31.

32 i. For the fiscal year beginning July 1, 2010, unless  
33 otherwise specified in this Act, all noninstitutional medical  
34 assistance provider reimbursement rates shall remain at the  
35 rates in effect on June 30, 2010, except for area education

1 agencies, local education agencies, infant and toddler services  
2 providers, targeted case management, and those providers  
3 whose rates are required to be determined pursuant to section  
4 249A.20.

5 j. Notwithstanding any provision to the contrary, for the  
6 fiscal year beginning July 1, 2010, the reimbursement rate for  
7 anesthesiologists shall remain at the rate in effect on June  
8 30, 2010.

9 k. Notwithstanding section 249A.20, for the fiscal year  
10 beginning July 1, 2010, the average reimbursement rate for  
11 health care providers eligible for use of the federal Medicare  
12 resource-based relative value scale reimbursement methodology  
13 under that section shall remain at the rate in effect on June  
14 30, 2010; however, this rate shall not exceed the maximum level  
15 authorized by the federal government.

16 l. For the fiscal year beginning July 1, 2010, the  
17 reimbursement rate for residential care facilities shall not  
18 be less than the minimum payment level as established by the  
19 federal government to meet the federally mandated maintenance  
20 of effort requirement. The flat reimbursement rate for  
21 facilities electing not to file semiannual cost reports shall  
22 not be less than the minimum payment level as established  
23 by the federal government to meet the federally mandated  
24 maintenance of effort requirement.

25 m. For the fiscal year beginning July 1, 2010, inpatient  
26 mental health services provided at hospitals shall remain at  
27 the rates in effect on June 30, 2010, subject to Medicaid  
28 program upper payment limit rules; community mental health  
29 centers and providers of mental health services to county  
30 residents pursuant to a waiver approved under section 225C.7,  
31 subsection 3, shall be reimbursed at 100 percent of the  
32 reasonable costs for the provision of services to recipients of  
33 medical assistance; and psychiatrists shall be reimbursed at  
34 the medical assistance program fee for service rate.

35 n. For the fiscal year beginning July 1, 2010, the

1 reimbursement rate for consumer-directed attendant care shall  
2 remain at the rates in effect on June 30, 2010.

3 o. For the fiscal year beginning July 1, 2010, the  
4 reimbursement rate for providers of family planning services  
5 that are eligible to receive a 90 percent federal match shall  
6 remain at the rates in effect on January 31, 2010.

7 p. Unless otherwise provided in this section, the  
8 department shall continue the reduction in payments to medical  
9 assistance program providers for the fiscal year beginning  
10 July 1, 2010, and ending June 30, 2011, in the percentage  
11 amount applicable to the respective provider as specified under  
12 Executive Order 19.

13 2. For the fiscal year beginning July 1, 2010, the  
14 reimbursement rate for providers reimbursed under the  
15 in-home-related care program shall not be less than the minimum  
16 payment level as established by the federal government to meet  
17 the federally mandated maintenance of effort requirement.

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

24 4. For the fiscal year beginning July 1, 2010,  
25 notwithstanding section 234.38, the foster family basic daily  
26 maintenance rate, the maximum adoption subsidy rate, and the  
27 maximum supervised apartment living foster care rate, and the  
28 preparation for adult living program maintenance rate for  
29 children ages 0 through 5 years shall be \$15.54, the rate for  
30 children ages 6 through 11 years shall be \$16.16, the rate for  
31 children ages 12 through 15 years shall be \$17.69, and the  
32 rate for children and young adults ages 16 and older shall be  
33 \$18.87.

34 5. For the fiscal year beginning July 1, 2010, the maximum  
35 reimbursement rates for social services providers reimbursed

1 under a purchase of social services contract shall remain at  
2 the rates in effect on June 30, 2010, or the provider's actual  
3 and allowable cost plus inflation for each service, whichever  
4 is less. However, the rates may be adjusted under any of the  
5 following circumstances:

6 a. If a new service was added after June 30, 2010, the  
7 initial reimbursement rate for the service shall be based upon  
8 actual and allowable costs.

9 b. If a social service provider loses a source of income  
10 used to determine the reimbursement rate for the provider,  
11 the provider's reimbursement rate may be adjusted to reflect  
12 the loss of income, provided that the lost income was used to  
13 support actual and allowable costs of a service purchased under  
14 a purchase of service contract.

15 6. For the fiscal year beginning July 1, 2010, the  
16 reimbursement rates for family-centered service providers,  
17 family foster care service providers, group foster care service  
18 providers, and the resource family recruitment and retention  
19 contractor shall remain at the rates in effect on June 30,  
20 2010.

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

29 8. For the fiscal year beginning July 1, 2010, remedial  
30 service providers shall receive the same level of reimbursement  
31 under the same methodology in effect on June 30, 2010.

32 9. a. For the fiscal year beginning July 1, 2010,  
33 the combined service and maintenance components of the  
34 reimbursement rate paid for shelter care services and  
35 alternative child welfare emergency services purchased under



1 a contract shall be based on the financial and statistical  
2 report submitted to the department. The maximum reimbursement  
3 rate shall be \$92.36 per day. The department shall reimburse  
4 a shelter care provider at the provider's actual and  
5 allowable unit cost, plus inflation, not to exceed the maximum  
6 reimbursement rate.

7 b. Notwithstanding section 232.141, subsection 8, for the  
8 fiscal year beginning July 1, 2010, the amount of the statewide  
9 average of the actual and allowable rates for reimbursement of  
10 juvenile shelter care homes that is utilized for the limitation  
11 on recovery of unpaid costs shall remain at the amount in  
12 effect for this purpose in the preceding fiscal year.

13 10. For the fiscal year beginning July 1, 2010, the  
14 department shall calculate reimbursement rates for intermediate  
15 care facilities for persons with mental retardation at the  
16 80th percentile. Beginning July 1, 2010, the rate calculation  
17 methodology shall utilize the consumer price index inflation  
18 factor applicable to the fiscal year beginning July 1, 2010.

19 11. For the fiscal year beginning July 1, 2010, for child  
20 care providers reimbursed under the state child care assistance  
21 program, the department shall set provider reimbursement  
22 rates based on the rate reimbursement survey completed in  
23 December 2004. Effective July 1, 2010, the child care provider  
24 reimbursement rates shall remain at the rates in effect on June  
25 30, 2010. The department shall set rates in a manner so as  
26 to provide incentives for a nonregistered provider to become  
27 registered by applying the increase only to registered and  
28 licensed providers.

29 12. For the fiscal year beginning July 1, 2010,  
30 reimbursements for providers reimbursed by the department of  
31 human services may be modified if appropriated funding is  
32 allocated for that purpose from the senior living trust fund  
33 created in section 249H.4.

34 13. The department may adopt emergency rules to implement  
35 this section.

1     Sec. 33. EMERGENCY RULES.

2     1. If specifically authorized by a provision of this  
3 division of this Act, the department of human services or the  
4 mental health, mental retardation, developmental disabilities,  
5 and brain injury commission may adopt administrative rules  
6 under section 17A.4, subsection 3, and section 17A.5,  
7 subsection 2, paragraph "b", to implement the provisions and  
8 the rules shall become effective immediately upon filing or  
9 on a later effective date specified in the rules, unless the  
10 effective date is delayed by the administrative rules review  
11 committee. Any rules adopted in accordance with this section  
12 shall not take effect before the rules are reviewed by the  
13 administrative rules review committee. The delay authority  
14 provided to the administrative rules review committee under  
15 section 17A.4, subsection 7, and section 17A.8, subsection 9,  
16 shall be applicable to a delay imposed under this section,  
17 notwithstanding a provision in those sections making them  
18 inapplicable to section 17A.5, subsection 2, paragraph "b".  
19 Any rules adopted in accordance with the provisions of this  
20 section shall also be published as notice of intended action  
21 as provided in section 17A.4.

22     2. If during the fiscal year beginning July 1, 2010, the  
23 department of human services is adopting rules in accordance  
24 with this section or as otherwise directed or authorized by  
25 state law, and the rules will result in an expenditure increase  
26 beyond the amount anticipated in the budget process or if the  
27 expenditure was not addressed in the budget process for the  
28 fiscal year, the department shall notify the persons designated  
29 by this division of this Act for submission of reports,  
30 the chairpersons and ranking members of the committees on  
31 appropriations, and the department of management concerning the  
32 rules and the expenditure increase. The notification shall be  
33 provided at least 30 calendar days prior to the date notice of  
34 the rules is submitted to the administrative rules coordinator  
35 and the administrative code editor.



1     b. The department of human services shall review  
2 projections for state funding expenditures for reimbursement  
3 of case management services under the medical assistance  
4 elderly waiver on a quarterly basis and shall determine if an  
5 adjustment to the medical assistance reimbursement rates are  
6 necessary to provide reimbursement within the state funding  
7 amounts budgeted under the appropriations made for the fiscal  
8 year for the medical assistance program. Any temporary  
9 enhanced federal financial participation that may become  
10 available for the medical assistance program during the fiscal  
11 year shall not be used in projecting the medical assistance  
12 elderly waiver case management budget. The department of human  
13 services shall revise such reimbursement rates as necessary to  
14 maintain expenditures for medical assistance elderly waiver  
15 case management services within the state funding amounts  
16 budgeted under the appropriations made for the fiscal year for  
17 the medical assistance program.

18     2. Notwithstanding section 249H.7, the department on aging  
19 shall distribute funds appropriated in this section in a  
20 manner that will supplement and maximize federal funds under  
21 the federal Older Americans Act and shall not use the amount  
22 distributed for any administrative purposes of either the  
23 department on aging or the area agencies on aging.

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

30     4. Of the funds appropriated in this section, \$51,000 shall  
31 be used to provide funding for the legal hotline for older  
32 Iowans.

33     5. Of the funds appropriated in this section, \$193,000  
34 shall be used to provide state matching funds for the senior  
35 community services employment program.

1     Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS. There  
2 is appropriated from the senior living trust fund created in  
3 section 249H.4 to the department of inspections and appeals for  
4 the fiscal year beginning July 1, 2010, and ending June 30,  
5 2011, the following amount, or so much thereof as is necessary,  
6 to be used for the purpose designated:

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

11    Sec. 38. IOWA FINANCE AUTHORITY. There is appropriated  
12 from the senior living trust fund created in section 249H.4 to  
13 the Iowa finance authority for the fiscal year beginning July  
14 1, 2010, and ending June 30, 2011, the following amount, or  
15 so much thereof as is necessary, to be used for the purposes  
16 designated:

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

20    Participation in the rent subsidy program shall be limited  
21 to only those persons who meet the requirements for the nursing  
22 facility level of care for home and community-based services  
23 waiver services as in effect on July 1, 2010, and to those  
24 individuals who are eligible for the federal money follows the  
25 person grant program under the medical assistance program. Of  
26 the funds appropriated in this section, not more than \$35,000  
27 may be used for administrative costs.

28    Sec. 39. DEPARTMENT OF HUMAN SERVICES. Any funds remaining  
29 in the senior living trust fund created in section 249H.4  
30 following the appropriations from the senior living trust  
31 fund made in this division of this Act to the department on  
32 aging, the department of inspections and appeals, and the Iowa  
33 finance authority, for the fiscal year beginning July 1, 2010,  
34 and ending June 30, 2011, are appropriated to the department  
35 of human services to supplement the medical assistance

1 program appropriations made in this Act, including program  
2 administration and costs associated with implementation. In  
3 order to carry out the purposes of this section, the department  
4 may transfer funds appropriated in this section to supplement  
5 other appropriations made to the department of human services.

6 Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
7 appropriated from the pharmaceutical settlement account created  
8 in section 249A.33 to the department of human services for the  
9 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
10 the following amount, or so much thereof as is necessary, to be  
11 used for the purpose designated:

12 To supplement the appropriations made for medical contracts  
13 under the medical assistance program:  
14 ..... \$ 3,298,191

15 Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.

16 1. There is appropriated from the IowaCare account  
17 created in section 249J.24 to the state board of regents for  
18 distribution to the university of Iowa hospitals and clinics  
19 for the fiscal year beginning July 1, 2010, and ending June 30,  
20 2011, the following amount, or so much thereof as is necessary,  
21 to be used for the purposes designated:

22 For salaries, support, maintenance, equipment, and  
23 miscellaneous purposes, for the provision of medical and  
24 surgical treatment of indigent patients, for provision of  
25 services to members of the expansion population pursuant to  
26 chapter 249J, and for medical education:  
27 ..... \$ 27,284,584

28 a. Funds appropriated in this subsection shall not be used  
29 to perform abortions except medically necessary abortions, and  
30 shall not be used to operate the early termination of pregnancy  
31 clinic except for the performance of medically necessary  
32 abortions. For the purpose of this subsection, an abortion is  
33 the purposeful interruption of pregnancy with the intention  
34 other than to produce a live-born infant or to remove a dead  
35 fetus, and a medically necessary abortion is one performed

1 under one of the following conditions:

2 (1) The attending physician certifies that continuing the  
3 pregnancy would endanger the life of the pregnant woman.

4 (2) The attending physician certifies that the fetus is  
5 physically deformed, mentally deficient, or afflicted with a  
6 congenital illness.

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

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

15 (5) The abortion is a spontaneous abortion, commonly known  
16 as a miscarriage, wherein not all of the products of conception  
17 are expelled.

18 b. Notwithstanding any provision of law to the contrary, the  
19 amount appropriated in this subsection shall be allocated in  
20 twelve equal monthly payments as provided in section 249J.24.

21 2. There is appropriated from the IowaCare account  
22 created in section 249J.24 to the state board of regents for  
23 distribution to the university of Iowa hospitals and clinics  
24 for the fiscal year beginning July 1, 2010, and ending June 30,  
25 2011, the following amount, or so much thereof as is necessary,  
26 to be used for the purposes designated:

27 For salaries, support, maintenance, equipment, and  
28 miscellaneous purposes, for the provision of medical and  
29 surgical treatment of indigent patients, for provision of  
30 services to members of the expansion population pursuant to  
31 chapter 249J, and for medical education:  
32 ..... \$ 49,020,031

33 Notwithstanding any provision of law to the contrary, the  
34 amount appropriated in this subsection shall be distributed  
35 based on claims submitted, adjudicated, and paid by the Iowa

1 Medicaid enterprise.

2 3. There is appropriated from the IowaCare account created  
3 in section 249J.24 to the department of human services for the  
4 fiscal year beginning July 1, 2010, and ending June 30, 2011,  
5 the following amount, or so much thereof as is necessary, to be  
6 used for the purposes designated:

7 For distribution to a publicly owned acute care teaching  
8 hospital located in a county with a population over 350,000 for  
9 the provision of medical and surgical treatment of indigent  
10 patients, for provision of services to members of the expansion  
11 population pursuant to chapter 249J, and for medical education:  
12 ..... \$ 51,000,000

13 a. Notwithstanding any provision of law to the contrary,  
14 the amount appropriated in this subsection shall be distributed  
15 based on claims submitted, adjudicated, and paid by the Iowa  
16 Medicaid enterprise plus a monthly disproportionate share  
17 hospital payment. Any amount appropriated in this subsection  
18 in excess of \$48,000,000 shall be distributed only if the sum  
19 of the expansion population claims adjudicated and paid by the  
20 Iowa Medicaid enterprise plus the estimated disproportionate  
21 share hospital payments exceeds \$48,000,000. The amount paid  
22 in excess of \$48,000,000 shall not adjust the original monthly  
23 payment amount but shall be distributed monthly based on actual  
24 claims adjudicated and paid by the Iowa Medicaid enterprise  
25 plus the estimated disproportionate share hospital amount. Any  
26 amount appropriated in this subsection in excess of \$48,000,000  
27 shall be allocated only if federal funds are available to match  
28 the amount allocated.

29 b. Notwithstanding the total amount of proceeds distributed  
30 pursuant to section 249J.24, subsection 6, paragraph "a",  
31 unnumbered paragraph 1, for the fiscal year beginning July  
32 1, 2010, and ending June 30, 2011, the county treasurer of a  
33 county with a population of over 350,000 in which a publicly  
34 owned acute care teaching hospital is located shall distribute  
35 the proceeds collected pursuant to section 347.7 in a total



1 amount of \$38,000,000, which would otherwise be distributed to  
2 the county hospital, to the treasurer of state for deposit in  
3 the IowaCare account.

4 c. (1) Notwithstanding the amount collected and  
5 distributed for deposit in the IowaCare account pursuant to  
6 section 249J.24, subsection 6, paragraph "a", subparagraph  
7 (1), the first \$19,000,000 in proceeds collected pursuant to  
8 section 347.7 between July 1, 2010, and December 31, 2010,  
9 shall be distributed to the treasurer of state for deposit in  
10 the IowaCare account and collections during this time period in  
11 excess of \$19,000,000 shall be distributed to the acute care  
12 teaching hospital identified in this subsection.

13 (2) Notwithstanding the amount collected and distributed  
14 for deposit in the IowaCare account pursuant to section  
15 249J.24, subsection 6, paragraph "a", subparagraph (2),  
16 the first \$19,000,000 in collections pursuant to section  
17 347.7 between January 1, 2011, and June 30, 2011, shall be  
18 distributed to the treasurer of state for deposit in the  
19 IowaCare account and collections during this time period in  
20 excess of \$19,000,000 shall be distributed to the acute care  
21 teaching hospital identified in this subsection.

22 Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE  
23 TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

24 Notwithstanding any provision to the contrary, there is  
25 appropriated from the account for health care transformation  
26 created in section 249J.23 to the department of human services  
27 for the fiscal year beginning July 1, 2010, and ending June  
28 30, 2011, the following amounts, or so much thereof as is  
29 necessary, to be used for the purposes designated:

- 30 1. For the costs of medical examinations for the expansion  
31 population pursuant to section 249J.6:  
32 ..... \$ 556,800
- 33 2. For the provision of an IowaCare nurse helpline for the  
34 expansion population as provided in section 249J.6:  
35 ..... \$ 100,000

1 3. For other health promotion partnership activities  
2 pursuant to section 249J.14:  
3 ..... \$ 600,000  
4 4. For the costs related to audits, performance  
5 evaluations, and studies required pursuant to chapter 249J:  
6 ..... \$ 125,000  
7 5. For administrative costs associated with chapter 249J:  
8 ..... \$ 1,132,412  
9 6. For planning and development, in cooperation with the  
10 department of public health, of a phased-in program to provide  
11 a dental home for children in accordance with section 249J.14:  
12 ..... \$ 1,000,000  
13 7. For continuation of the establishment of the tuition  
14 assistance for individuals serving individuals with  
15 disabilities pilot program, as enacted in 2008 Iowa Acts,  
16 chapter 1187, section 130:  
17 ..... \$ 50,000  
18 8. For medical contracts:  
19 ..... \$ 1,300,000  
20 9. For payment to the publicly owned acute care teaching  
21 hospital located in a county with a population of over 350,000  
22 that is a participating provider pursuant to chapter 249J:  
23 ..... \$ 290,000  
24 Disbursements under this subsection shall be made monthly.  
25 The hospital shall submit a report following the close of the  
26 fiscal year regarding use of the funds appropriated in this  
27 subsection to the persons specified in this Act to receive  
28 reports.  
29 Notwithstanding section 8.39, subsection 1, without the  
30 prior written consent and approval of the governor and the  
31 director of the department of management, the director of human  
32 services may transfer funds among the appropriations made in  
33 this section as necessary to carry out the purposes of the  
34 account for health care transformation. The department shall  
35 report any transfers made pursuant to this section to the

1 legislative services agency.

2 Sec. 43. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR  
3 FY 2011-2012. Notwithstanding any section 8.33, if moneys  
4 appropriated for purposes of the medical assistance program for  
5 the fiscal year beginning July 1, 2010, and ending June 30,  
6 2011, from the general fund of the state, the senior living  
7 trust fund, and the health care trust fund, are in excess of  
8 actual expenditures for the medical assistance program and  
9 remain unencumbered or unobligated at the close of the fiscal  
10 year, the excess moneys shall not revert but shall remain  
11 available for expenditure for the purposes of the medical  
12 assistance program until the close of the succeeding fiscal  
13 year.

14 DIVISION VI  
15 MH/MR/DD SERVICES  
16 ALLOWED GROWTH FUNDING  
17 FY 2010-2011

18 Sec. 44. 2009 Iowa Acts, chapter 179, section 1, is amended  
19 to read as follows:

20 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND  
21 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND  
22 ALLOCATIONS — FISCAL YEAR 2010-2011.

23 ~~1-~~ There is appropriated from the general fund of the  
24 state to the department of human services for the fiscal year  
25 beginning July 1, 2010, and ending June 30, 2011, the following  
26 amount, or so much thereof as is necessary, to be used for the  
27 purpose designated:

28 For distribution to counties of the county mental health,  
29 mental retardation, and developmental disabilities allowed  
30 growth factor adjustment for fiscal year 2010-2011 as provided  
31 in this section in lieu of the allowed growth factor provisions  
32 of section 331.438, subsection 2, and section 331.439,  
33 subsection 3, and chapter 426B:

34 ..... \$ ~~62,157,491~~  
35 48,697,893

1 ~~2. The amount appropriated in this section shall be~~  
2 ~~allocated as provided in a later enactment of the general~~  
3 ~~assembly.~~

4 Sec. 45. 2009 Iowa Acts, chapter 179, section 1, as  
5 amended by this division of this Act, is amended by adding the  
6 following new subsections:

7 NEW SUBSECTION. 1. Of the amount appropriated in this  
8 section, \$146,750 shall be used for assistance to the counties  
9 with limited county mental health, mental retardation, and  
10 developmental disabilities services fund balances which were  
11 selected in accordance with 2000 Iowa Acts, chapter 1221,  
12 section 3, to receive such assistance, in the same amount  
13 provided during the fiscal year beginning July 1, 2000,  
14 and ending June 30, 2001, to pay reimbursement increases in  
15 accordance with 2000 Iowa Acts, chapter 1221, section 3.

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

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

21 (1) The county is levying for the maximum amount allowed  
22 for the county's mental health, mental retardation, and  
23 developmental disabilities services fund under section 331.424A  
24 for taxes due and payable in the fiscal year beginning July 1,  
25 2010, or the county is levying for at least 90 percent of the  
26 maximum amount allowed for the county's services fund and that  
27 levy rate is more than \$2 per \$1,000 of the assessed value of  
28 all taxable property in the county.

29 (2) In the fiscal year beginning July 1, 2008, the  
30 county's mental health, mental retardation, and developmental  
31 disabilities services fund ending balance under generally  
32 accepted accounting principles was equal to or less than 15  
33 percent of the county's actual gross expenditures for that  
34 fiscal year.

35 b. A county's allocation of the amount appropriated in

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

7 c. The allocations made pursuant to this subsection  
8 are subject to the distribution provisions and withholding  
9 requirements established in this section for the county mental  
10 health, mental retardation, and developmental disabilities  
11 allowed growth factor adjustment for the fiscal year beginning  
12 July 1, 2010.

13 NEW SUBSECTION. 3. The following amount of the funding  
14 appropriated in this section is the allowed growth factor  
15 adjustment for fiscal year 2010-2011, and shall be credited to  
16 the allowed growth funding pool created in the property tax  
17 relief fund and for distribution in accordance with section  
18 426B.5, subsection 1:

19 ..... \$ 36,551,143

20 NEW SUBSECTION. 4. The following formula amounts shall be  
21 utilized only to calculate preliminary distribution amounts for  
22 the allowed growth factor adjustment for fiscal year 2010-2011  
23 under this section by applying the indicated formula provisions  
24 to the formula amounts and producing a preliminary distribution  
25 total for each county:

26 a. For calculation of a distribution amount for eligible  
27 counties from the allowed growth funding pool created in the  
28 property tax relief fund in accordance with the requirements in  
29 section 426B.5, subsection 1:

30 ..... \$ 49,626,596

31 b. For calculation of a distribution amount for counties  
32 from the mental health and developmental disabilities (MH/DD)  
33 community services fund in accordance with the formula provided  
34 in the appropriation made for the MH/DD community services fund  
35 for the fiscal year beginning July 1, 2010:

1 ..... \$ 14,187,556

2 NEW SUBSECTION. 5. a. After applying the applicable  
3 statutory distribution formulas to the amounts indicated in  
4 subsection 4 for purposes of producing preliminary distribution  
5 totals, the department of human services shall apply a  
6 withholding factor to adjust an eligible individual county's  
7 preliminary distribution total. In order to be eligible for  
8 a distribution under this section, a county must be levying  
9 90 percent or more of the maximum amount allowed for the  
10 county's mental health, mental retardation, and developmental  
11 disabilities services fund under section 331.424A for taxes due  
12 and payable in the fiscal year for which the distribution is  
13 payable.

14 b. An ending balance percentage for each county shall  
15 be determined by expressing the county's ending balance on a  
16 modified accrual basis under generally accepted accounting  
17 principles for the fiscal year beginning July 1, 2008, in the  
18 county's mental health, mental retardation, and developmental  
19 disabilities services fund created under section 331.424A, as a  
20 percentage of the county's gross expenditures from that fund  
21 for that fiscal year. If a county borrowed moneys for purposes  
22 of providing services from the county's services fund on or  
23 before July 1, 2008, and the county's services fund ending  
24 balance for that fiscal year includes the loan proceeds or an  
25 amount designated in the county budget to service the loan for  
26 the borrowed moneys, those amounts shall not be considered  
27 to be part of the county's ending balance for purposes of  
28 calculating an ending balance percentage under this subsection.

29 c. For purposes of calculating withholding factors and for  
30 ending balance amounts used for other purposes under law, the  
31 county ending balances shall be adjusted, using forms developed  
32 for this purpose by the county finance committee, to disregard  
33 the temporary funding increase provided to the counties for  
34 the fiscal year through the federal American Recovery and  
35 Reinvestment Act of 2009, Pub. L. No. 111-5. In addition,

1 a county may adjust the ending balance amount by rebating to  
2 the department all or a portion of the allowed growth and  
3 MH/DD services fund moneys the county received for the fiscal  
4 year beginning July 1, 2009, in accordance with 2008 Iowa  
5 Acts, chapter 1191, as amended by 2009 Iowa Acts, chapter 182,  
6 section 55, or from any other services fund moneys available  
7 to the county. The rebate must be remitted to the department  
8 on or before June 1, 2009, in order to be counted. The amount  
9 rebated by a county shall be subtracted dollar-for-dollar  
10 from the county's ending balance amount for the fiscal year  
11 beginning July 1, 2008, for purposes of calculating the  
12 withholding factor and for other ending balance purposes for  
13 the fiscal year beginning July 1, 2010. The rebates received  
14 by the department shall be credited to the risk pool in the  
15 property tax relief fund.

16 d. The withholding factor for a county shall be the  
17 following applicable percent:

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

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

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

1 percent.

2 (4) For an ending balance percentage of 25 percent or more,  
3 a withholding percentage of 100 percent.

4 NEW SUBSECTION. 6. The total withholding amounts applied  
5 pursuant to subsection 5 shall be equal to a withholding target  
6 amount of \$13,075,453. If the department of human services  
7 determines that the amount to be withheld in accordance with  
8 subsection 6 is not equal to the target withholding amount,  
9 the department shall adjust the withholding factors listed in  
10 subsection 6 as necessary to achieve the target withholding  
11 amount. However, in making such adjustments to the withholding  
12 factors, the department shall strive to minimize changes to  
13 the withholding factors for those ending balance percentage  
14 ranges that are lower than others and shall not adjust the  
15 zero withholding factor or the inflation adjustment percentage  
16 specified in subsection 5, paragraph "a".

17 DIVISION VII

18 PRIOR APPROPRIATIONS AND

19 RELATED CHANGES

20 CERTIFIED RETIREMENT COMMUNITIES

21 Sec. 46. Section 231.24, subsection 9, Code Supplement  
22 2009, is amended to read as follows:

23 9. *Program administration deferral.* ~~If in the fiscal~~  
24 ~~year beginning July 1, 2009, the department on aging's~~  
25 ~~appropriations or authorized full-time equivalent positions are~~  
26 ~~reduced, the~~ The department may defer the implementation of  
27 the certified retirement communities program until such time  
28 as the department has the resources to administer the program,  
29 as determined by the director.

30 AREA AGENCY ON AGING

31 BOARD TRAINING

32 Sec. 47. Section 231.33, subsection 19, Code Supplement  
33 2009, is amended by striking the subsection.

34 DEMENTIA TRAINING

35 Sec. 48. 2008 Iowa Acts, chapter 1040, section 3, is amended



1 to read as follows:

2 SEC. 3. IMPLEMENTATION — CONTINGENCY. The department  
3 ~~of elder affairs on aging~~ shall implement ~~on or before July~~  
4 ~~1, 2010,~~ the initial provisions for expanding and improving  
5 training and education of those who regularly deal with persons  
6 with Alzheimer's disease and similar forms of irreversible  
7 dementia and for providing funding for public awareness efforts  
8 and educational efforts in accordance with section 231.62,  
9 as enacted by this Act, contingent upon the availability of  
10 funding as determined by the director.

11 REGIONAL SERVICE NETWORK

12 PILOT PROJECT

13 Sec. 49. 2008 Iowa Acts, chapter 1187, section 59,  
14 subsection 9, paragraph a, is amended to read as follows:

15 a. The department of human services may implement a pilot  
16 project for a regional service network established for mental  
17 health, mental retardation, and developmental disabilities  
18 services paid from the services funds under section 331.424A.  
19 The initial term of the pilot project is limited to the  
20 ~~two-year~~ period beginning July 1, 2008, and ending June 30,  
21 ~~2010~~ 2011.

22 HEALTH CARE COVERAGE

23 EXPANSION

24 Sec. 50. 2008 Iowa Acts, chapter 1188, section 16, as  
25 amended by 2009 Iowa Acts, chapter 182, section 84, is amended  
26 to read as follows:

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

33 To cover children as provided in this Act under the medical  
34 assistance, hawk-i, and hawk-i expansion programs and outreach  
35 under the current structure of the programs:

1	FY 2008-2009 .....	\$ 4,800,000
2	FY 2009-2010 .....	\$ 4,207,001
3	FY 2010-2011 .....	\$ <del>24,800,000</del>
4		<u>10,049,532</u>

PATIENT DECISION

MAKING — PILOT PROJECT

7 Sec. 51. 2008 Iowa Acts, chapter 1188, section 36,  
8 subsection 1, is amended to read as follows:

9 1. The department of public health shall establish a  
10 ~~two-year~~ community coalition for patient treatment wishes  
11 across the health care continuum pilot project, beginning  
12 July 1, 2008, and ending June 30, ~~2010~~ 2011, in a county  
13 with a population of between fifty thousand and one hundred  
14 thousand. The pilot project shall utilize the process based  
15 upon the national physicians orders for life sustaining  
16 treatment program initiative, including use of a standardized  
17 physician order for scope of treatment form. The process  
18 shall require validation of the physician order for scope of  
19 treatment form by the signature of an individual other than  
20 the patient or the patient's legal representative who is not  
21 an employee of the patient's physician. The pilot project may  
22 include applicability to chronically ill, frail, and elderly or  
23 terminally ill individuals in hospitals licensed pursuant to  
24 chapter 135B, nursing facilities or residential care facilities  
25 licensed pursuant to chapter 135C, or hospice programs as  
26 defined in section 135J.1.

MEDICAID PROGRAMS — PROCESS

REQUIREMENTS

29 Sec. 52. 2009 Iowa Acts, chapter 118, section 38, subsection  
30 3, is amended by striking the subsection.

IOWA VETERANS HOME

32 Sec. 53. 2009 Iowa Acts, chapter 182, section 3, subsection  
33 2, is amended by adding the following new paragraph:

34 NEW PARAGRAPH. d. The funds appropriated in this subsection  
35 to the Iowa veterans home that remain available for expenditure

1 for the succeeding fiscal year pursuant to section 35D.18,  
2 subsection 5, shall be distributed to be used in the succeeding  
3 fiscal year in accordance with this lettered paragraph. The  
4 first \$500,000 shall remain available to be used for the  
5 purposes of the Iowa veterans home. On or before October 15,  
6 2010, the department of management shall transfer not more than  
7 \$1,000,000 to the appropriation to the department of human  
8 services for field operations. Any remaining funding shall be  
9 used for purposes of the Iowa veterans home.

10                                   TEMPORARY ASSISTANCE FOR NEEDY  
11                                   FAMILIES BLOCK GRANT

12       Sec. 54. 2009 Iowa Acts, chapter 182, section 5, is amended  
13 by adding the following new subsection:

14       NEW SUBSECTION. 15. Notwithstanding section 8.33, moneys  
15 appropriated in this section that remain unencumbered or  
16 unobligated at the close of the fiscal year shall not revert  
17 but shall remain available for expenditure for the family  
18 investment program until the close of the succeeding fiscal  
19 year.

20                                   BEHAVIORAL HEALTH SERVICES  
21                                   ACCOUNT — MEDICAL ASSISTANCE

22       Sec. 55. 2009 Iowa Acts, chapter 182, section 9, subsection  
23 16, paragraph b, is amended to read as follows:

24       b. The department shall continue to maintain a separate  
25 account within the medical assistance budget for the deposit  
26 of all funds remitted pursuant to a contract with a third  
27 party to administer behavioral health services under the  
28 medical assistance program established pursuant to 2008 Iowa  
29 Acts, chapter 1187, section 9, subsection 20. Notwithstanding  
30 section 8.33, other than funds remaining from the appropriation  
31 allocations made for implementation of the emergency mental  
32 health crisis services and system, for implementation of the  
33 mental health services system for children and youth, and  
34 for training of child welfare services providers in 2008  
35 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph

1 “c”, subparagraphs (1), (2), and (6), as authorized in 2009  
2 Iowa Acts, chapter 182, section 72, funds remaining in the  
3 account that remain unencumbered or unobligated at the end of  
4 any the fiscal year shall not revert but shall remain available  
5 in succeeding fiscal years and shall be used only in accordance  
6 with appropriations from the account for health and human  
7 services-related purposes are appropriated to the department to  
8 be used for the medical assistance program.

9 STATE SUPPLEMENTARY  
10 ASSISTANCE PROGRAM

11 Sec. 56. 2009 Iowa Acts, chapter 182, section 12, is amended  
12 by adding the following new subsection:

13 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
14 appropriated in this section that remain unencumbered or  
15 unobligated at the close of the fiscal year shall remain  
16 available for expenditure for the purposes designated until the  
17 close of the succeeding fiscal year.

18 INTELLECTUAL DISABILITIES WAIVER

19 Sec. 57. INTELLECTUAL DISABILITIES WAIVER — STATEWIDE  
20 METHODOLOGY. In administering the medical assistance home  
21 and community-based services intellectual disability waiver,  
22 the total number of openings at any one time shall be limited  
23 to the number approved for the waiver by the secretary of the  
24 United States department of health and human services and  
25 available funding. Beginning July 1, 2010, the department  
26 shall implement a statewide method of allocating waiver slots  
27 and shall design a methodology for prioritizing the allocation  
28 of slots, subject to federal approval. The department  
29 shall convene a workgroup to develop criteria to prioritize  
30 individuals on the waiting list, subject to federal approval.

31 Sec. 58. EFFECTIVE UPON ENACTMENT. This division of this  
32 Act, being deemed of immediate importance, takes effect upon  
33 enactment.

34 DIVISION VIII  
35 INTERSTATE COMPACT FOR JUVENILES

1     Sec. 59. Section 232.2, subsection 29, Code Supplement  
2 2009, is amended to read as follows:

3     29. "*Juvenile*" means the same as "*child*". However, in  
4 the interstate compact ~~on~~ for juveniles, sections 232.171 and  
5 ~~232.172~~ section 232.173, "juvenile" means a person defined as a  
6 juvenile in the law of a state which is a party to the compact.

7     Sec. 60. Section 232.172, Code 2009, is amended to read as  
8 follows:

9     **232.172 Confinement of delinquent juvenile.**

10     1. For a juvenile under the jurisdiction of this state  
11 who is subject to the interstate compact for juveniles  
12 under section 232.173, the confinement of the juvenile in an  
13 institution located within another compacting state shall be  
14 as provided under the compact.

15     2. This subsection applies to the confinement of a  
16 delinquent juvenile under the jurisdiction of this state in an  
17 institution located within a noncompacting state, as defined  
18 in section 232.173, that entered into the interstate compact  
19 on juveniles under section 232.171, Code 2009. In addition  
20 to any institution in which the authorities of this state may  
21 otherwise confine or order the confinement of a the delinquent  
22 juvenile, such authorities may, pursuant to the out-of-state  
23 confinement amendment to the interstate compact on juveniles in  
24 section 232.171, Code 2009, confine or order the confinement  
25 of a the delinquent juvenile in a compact institution within  
26 another party state.

27     Sec. 61. NEW SECTION. **232.173 Interstate compact for**  
28 **juveniles.**

29     1. *Article I — Purpose.*

30     a. The compacting states to this interstate compact  
31 recognize that each state is responsible for the proper  
32 supervision or return of juveniles, delinquents, and status  
33 offenders who are on probation or parole and who have  
34 absconded, escaped, or run away from supervision and control  
35 and in so doing have endangered their own safety and the safety

1 of others. The compacting states also recognize that each  
2 state is responsible for the safe return of juveniles who have  
3 run away from home and in doing so have left their state of  
4 residence. The compacting states also recognize that Congress,  
5 by enacting the Crime Control Act, 4 U.S.C. § 112 (1965), has  
6 authorized and encouraged compacts for cooperative efforts and  
7 mutual assistance in the prevention of crime.

8 *b.* It is the purpose of this compact, through means of joint  
9 and cooperative action among the compacting states to:

10 (1) Ensure that the adjudicated juveniles and status  
11 offenders subject to this compact are provided adequate  
12 supervision and services in the receiving state as ordered  
13 by the adjudicating judge or parole authority in the sending  
14 state.

15 (2) Ensure that the public safety interests of the citizens,  
16 including the victims of juvenile offenders, in both the  
17 sending and receiving states are adequately protected.

18 (3) Return juveniles who have run away, absconded, or  
19 escaped from supervision or control or have been accused of an  
20 offense to the state requesting their return.

21 (4) Make contracts for the cooperative institutionalization  
22 in public facilities in member states for delinquent youth  
23 needing special services.

24 (5) Provide for the effective tracking and supervision of  
25 juveniles.

26 (6) Equitably allocate the costs, benefits, and obligations  
27 of the compacting states.

28 (7) Establish procedures to manage the movement between  
29 states of juvenile offenders released to the community under  
30 the jurisdiction of courts, juvenile departments, or any other  
31 criminal or juvenile justice agency which has jurisdiction over  
32 juvenile offenders.

33 (8) Insure immediate notice to jurisdictions where defined  
34 offenders are authorized to travel or to relocate across state  
35 lines.

1 (9) Establish procedures to resolve pending charges  
2 (detainers) against juvenile offenders prior to transfer or  
3 release to the community under the terms of this compact.

4 (10) Establish a system of uniform data collection on  
5 information pertaining to juveniles subject to this compact  
6 that allows access by authorized juvenile justice and criminal  
7 justice officials, and regular reporting of compact activities  
8 to heads of state executive, judicial, and legislative branches  
9 and juvenile and criminal justice administrators.

10 (11) Monitor compliance with rules governing interstate  
11 movement of juveniles and initiate interventions to address and  
12 correct noncompliance.

13 (12) Coordinate training and education regarding the  
14 regulation of interstate movement of juveniles for officials  
15 involved in such activity.

16 (13) Coordinate the implementation and operation of  
17 the compact with the interstate compact for the placement  
18 of children, the interstate compact for adult offender  
19 supervision, and other compacts affecting juveniles  
20 particularly in those cases where concurrent or overlapping  
21 supervision issues arise.

22 *c.* It is the policy of the compacting states that the  
23 activities conducted by the interstate commission created in  
24 this compact are the formation of public policies and therefore  
25 are public business. Furthermore, the compacting states shall  
26 cooperate and observe their individual and collective duties  
27 and responsibilities for the prompt return and acceptance of  
28 juveniles subject to the provisions of this compact. The  
29 provisions of this compact shall be reasonably and liberally  
30 construed to accomplish the purposes and policies of the  
31 compact.

32 2. *Article II — Definitions.* As used in this compact,  
33 unless the context clearly requires a different construction:

34 *a.* "Bylaws" means those bylaws established by the interstate  
35 commission for its governance, or for directing or controlling

1 its actions or conduct.

2     *b. "Compact administrator"* means the individual in each  
3 compacting state appointed pursuant to the terms of this  
4 compact, responsible for the administration and management of  
5 the state's supervision and transfer of juveniles subject to  
6 the terms of this compact, the rules adopted by the interstate  
7 commission, and policies adopted by the state council under  
8 this compact.

9     *c. "Compacting state"* means any state which has enacted the  
10 enabling legislation for this compact.

11     *d. "Commissioner"* means the voting representative of each  
12 compacting state appointed pursuant to article III of this  
13 compact.

14     *e. "Court"* means any court having jurisdiction over  
15 delinquent, neglected, or dependent children.

16     *f. "Deputy compact administrator"* means the individual,  
17 if any, in each compacting state appointed to act on behalf  
18 of a compact administrator pursuant to the terms of this  
19 compact responsible for the administration and management of  
20 the state's supervision and transfer of juveniles subject to  
21 the terms of this compact, the rules adopted by the interstate  
22 commission, and policies adopted by the state council under  
23 this compact.

24     *g. "Interstate commission"* means the interstate commission  
25 for juveniles created by article III of this compact.

26     *h. "Juvenile"* means any person defined as a juvenile in  
27 any member state or by the rules of the interstate commission,  
28 including persons who are any of the following:

29         (1) An accused delinquent, meaning a person charged with  
30 an offense that, if committed by an adult, would be a criminal  
31 offense.

32         (2) An adjudicated delinquent, meaning a person found to  
33 have committed an offense that, if committed by an adult, would  
34 be a criminal offense.

35         (3) An accused status offender, meaning a person charged



1 with an offense that would not be a criminal offense if  
2 committed by an adult.

3 (4) An adjudicated status offender, meaning a person found  
4 to have committed an offense that would not be a criminal  
5 offense if committed by an adult.

6 (5) A nonoffender, meaning a person in need of supervision  
7 who has not been accused or adjudicated a status offender or  
8 delinquent.

9 *i.* "Noncompacting state" means any state which has not  
10 enacted the enabling legislation for this compact.

11 *j.* "Probation or parole" means any kind of supervision or  
12 conditional release of juveniles authorized under the laws of  
13 the compacting states.

14 *k.* "Rule" means a written statement by the interstate  
15 commission promulgated pursuant to article VI of this compact  
16 that is of general applicability, implements, interprets  
17 or prescribes a policy or provision of the compact, or an  
18 organizational, procedural, or practice requirement of the  
19 commission, and has the force and effect of statutory law in  
20 a compacting state, and includes the amendment, repeal, or  
21 suspension of an existing rule.

22 *l.* "State" means a state of the United States, the District  
23 of Columbia or its designee, the Commonwealth of Puerto Rico,  
24 the United States Virgin Islands, Guam, American Samoa, and the  
25 Northern Marianas Islands.

26 3. *Article III — Interstate commission for juveniles.*

27 *a.* The compacting states hereby create the interstate  
28 commission for juveniles. The commission shall be a body  
29 corporate and joint agency of the compacting states. The  
30 commission shall have all the responsibilities, powers, and  
31 duties set forth in this compact, and such additional powers as  
32 may be conferred upon it by subsequent action of the respective  
33 legislatures of the compacting states in accordance with the  
34 terms of this compact.

35 *b.* The interstate commission shall consist of commissioners

1 appointed by the appropriate appointing authority in  
2 each state pursuant to the rules and requirements of each  
3 compacting state and in consultation with the state council for  
4 interstate juvenile supervision created in this compact. The  
5 commissioner shall be the compact administrator, deputy compact  
6 administrator, or designee from that state who shall serve on  
7 the interstate commission in such capacity under or pursuant to  
8 the applicable law of the compacting state.

9 *c.* In addition to the commissioners who are the voting  
10 representatives of each state, the interstate commission shall  
11 include individuals who are not commissioners, but who are  
12 members of interested organizations. Such noncommissioner  
13 members must include a member of the national organizations  
14 of governors, legislators, state chief justices, attorneys  
15 general, interstate compact for adult offender supervision,  
16 interstate compact for the placement of children, juvenile  
17 justice and juvenile corrections officials, and crime victims.  
18 All noncommissioner members of the interstate commission  
19 shall be ex officio, nonvoting members. The interstate  
20 commission may provide in its bylaws for such additional ex  
21 officio, nonvoting members, including members of other national  
22 organizations, in such numbers as shall be determined by the  
23 commission.

24 *d.* Each compacting state represented at any meeting of  
25 the commission is entitled to one vote. A majority of the  
26 compacting states shall constitute a quorum for the transaction  
27 of business, unless a larger quorum is required by the bylaws  
28 of the interstate commission.

29 *e.* The commission shall meet at least once each calendar  
30 year. The chairperson may call additional meetings and, upon  
31 the request of a simple majority of the compacting states,  
32 shall call additional meetings. Public notice shall be given  
33 of all meetings and meetings shall be open to the public.

34 *f.* The interstate commission shall establish an executive  
35 committee, which shall include commission officers, members,

1 and others as determined by the bylaws. The executive  
2 committee shall have the power to act on behalf of the  
3 interstate commission during periods when the interstate  
4 commission is not in session, with the exception of rulemaking  
5 or amendment to the compact. The executive committee shall  
6 oversee the day-to-day activities of the administration of  
7 the compact managed by an executive director and interstate  
8 commission staff; administer enforcement and compliance  
9 with the provisions of the compact, its bylaws, and rules;  
10 and perform such other duties as directed by the interstate  
11 commission or set forth in the bylaws.

12 *g.* Each member of the interstate commission shall have  
13 the right and power to cast a vote to which that compacting  
14 state is entitled and to participate in the business and  
15 affairs of the interstate commission. A member shall vote in  
16 person and shall not delegate a vote to another compacting  
17 state. However, a commissioner, in consultation with the state  
18 council, shall appoint another authorized representative, in  
19 the absence of the commissioner from that state, to cast a vote  
20 on behalf of the compacting state at a specified meeting. The  
21 bylaws may provide for members' participation in meetings by  
22 telephone or other means of telecommunication or electronic  
23 communication.

24 *h.* The interstate commission's bylaws shall establish  
25 conditions and procedures under which the interstate commission  
26 shall make its information and official records available  
27 to the public for inspection or copying. The interstate  
28 commission may exempt from disclosure any information or  
29 official records to the extent they would adversely affect  
30 personal privacy rights or proprietary interests.

31 *i.* Public notice shall be given of all meetings and all  
32 meetings shall be open to the public, except as set forth  
33 in the rules or as otherwise provided in the compact. The  
34 interstate commission and any of its committees may close a  
35 meeting to the public where it determines by two-thirds vote

1 that an open meeting would be likely to:

2 (1) Relate solely to the interstate commission's internal  
3 personnel practices and procedures.

4 (2) Disclose matters specifically exempted from disclosure  
5 by statute.

6 (3) Disclose trade secrets or commercial or financial  
7 information which is privileged or confidential.

8 (4) Involve accusing any person of a crime, or formally  
9 censuring any person.

10 (5) Disclose information of a personal nature where  
11 disclosure would constitute a clearly unwarranted invasion of  
12 personal privacy.

13 (6) Disclose investigative records compiled for law  
14 enforcement purposes.

15 (7) Disclose information contained in or related to an  
16 examination or operating or condition reports prepared by, or  
17 on behalf of or for the use of, the interstate commission with  
18 respect to a regulated person or entity for the purpose of  
19 regulation or supervision of such person or entity.

20 (8) Disclose information, the premature disclosure of which  
21 would significantly endanger the stability of a regulated  
22 person or entity.

23 (9) Specifically relate to the interstate commission's  
24 issuance of a subpoena, or its participation in a civil action  
25 or other legal proceeding.

26 *j.* For every meeting closed pursuant to this provision, the  
27 interstate commission's legal counsel shall publicly certify  
28 that, in the legal counsel's opinion, the meeting may be closed  
29 to the public, and shall reference each relevant exemptive  
30 provision. The interstate commission shall keep minutes  
31 which shall fully and clearly describe all matters discussed  
32 in any meeting and shall provide a full and accurate summary  
33 of any actions taken, and the reasons therefore, including a  
34 description of each of the views expressed on any item and the  
35 record of any roll call vote, reflected in the vote of each

1 member on the question. All documents considered in connection  
2 with any action shall be identified in such minutes.

3 *k.* The interstate commission shall collect standardized data  
4 concerning the interstate movement of juveniles as directed  
5 through its rules which shall specify the data to be collected,  
6 the means of collection, and data exchange and reporting  
7 requirements. Such methods of data collection, exchange, and  
8 reporting shall insofar as is reasonably possible conform to  
9 up-to-date technology and coordinate its information functions  
10 with the appropriate repository of records.

11 *4. Article IV — Powers and duties of the interstate*  
12 *commission.* The commission shall have the following powers and  
13 duties:

14 *a.* To provide for dispute resolution among compacting  
15 states.

16 *b.* To promulgate rules to effect the purposes and  
17 obligations as enumerated in this compact, which shall have the  
18 force and effect of statutory law and shall be binding in the  
19 compacting states to the extent and in the manner provided in  
20 this compact.

21 *c.* To oversee, supervise, and coordinate the interstate  
22 movement of juveniles subject to the terms of this compact and  
23 any bylaws adopted and rules promulgated by the interstate  
24 commission.

25 *d.* To enforce compliance with the compact provisions, the  
26 rules promulgated by the interstate commission, and the bylaws,  
27 using all necessary and proper means, including but not limited  
28 to the use of judicial process.

29 *e.* To establish and maintain offices which shall be located  
30 within one or more of the compacting states.

31 *f.* To purchase and maintain insurance and bonds.

32 *g.* To borrow, accept, hire, or contract for services of  
33 personnel.

34 *h.* To establish and appoint committees and hire staff  
35 which it deems necessary for the carrying out of its functions

1 including but not limited to an executive committee as required  
2 by article III which shall have the power to act on behalf of  
3 the interstate commission in carrying out its powers and duties  
4 hereunder.

5 *i.* To elect or appoint such officers, attorneys, employees,  
6 agents, or consultants, and to fix their compensation, define  
7 their duties and determine their qualifications; and to  
8 establish the interstate commission's personnel policies and  
9 programs relating to, inter alia, conflicts of interest, rates  
10 of compensation, and qualifications of personnel.

11 *j.* To accept any and all donations and grants of money,  
12 equipment, supplies, materials, and services, and to receive,  
13 utilize, and dispose of it.

14 *k.* To lease, purchase, accept contributions or donations of,  
15 or otherwise to own, hold, improve, or use any property, real,  
16 personal, or mixed.

17 *l.* To sell, convey, mortgage, pledge, lease, exchange,  
18 abandon, or otherwise dispose of any property, real, personal,  
19 or mixed.

20 *m.* To establish a budget and make expenditures and levy  
21 dues as provided in article VIII of this compact.

22 *n.* To sue and be sued.

23 *o.* To adopt a seal and bylaws governing the management and  
24 operation of the interstate commission.

25 *p.* To perform such functions as may be necessary or  
26 appropriate to achieve the purposes of this compact.

27 *q.* To report annually to the legislatures, governors,  
28 judiciary, and state councils of the compacting states  
29 concerning the activities of the interstate commission during  
30 the preceding year. Such reports shall also include any  
31 recommendations that may have been adopted by the interstate  
32 commission.

33 *r.* To coordinate education, training, and public awareness  
34 regarding the interstate movement of juveniles for officials  
35 involved in such activity.

1     *s.* To establish uniform standards of the reporting,  
2 collecting, and exchanging of data.

3     *t.* The interstate commission shall maintain its corporate  
4 books and records in accordance with the bylaws.

5     5. *Article V — Organization and operation of the interstate*  
6 *commission.*

7     *a. Bylaws.* The interstate commission shall, by a majority  
8 of the members present and voting, within twelve months after  
9 the first interstate commission meeting, adopt bylaws to govern  
10 its conduct as may be necessary or appropriate to carry out the  
11 purposes of the compact, including but not limited to all of  
12 the following:

13     (1) Establishing the fiscal year of the interstate  
14 commission.

15     (2) Establishing an executive committee and such other  
16 committees as may be necessary.

17     (3) Provide for the establishment of committees governing  
18 any general or specific delegation of any authority or function  
19 of the interstate commission.

20     (4) Providing reasonable procedures for calling and  
21 conducting meetings of the interstate commission and ensuring  
22 reasonable notice of each such meeting.

23     (5) Establishing the titles and responsibilities of the  
24 officers of the interstate commission.

25     (6) Providing a mechanism for concluding the operations of  
26 the interstate commission and the return of any surplus funds  
27 that may exist upon the termination of the compact after the  
28 payment or reserving of all of its debts and obligations.

29     (7) Providing "start-up" rules for initial administration  
30 of the compact.

31     (8) Establishing standards and procedures for compliance  
32 and technical assistance in carrying out the compact.

33     *b. Officers and staff.*

34     (1) The interstate commission shall, by a majority of the  
35 members, elect annually from among its members a chairperson

1 and a vice chairperson, each of whom shall have such authority  
2 and duties as may be specified in the bylaws. The chairperson  
3 or, in the chairperson's absence or disability, the vice  
4 chairperson shall preside at all meetings of the interstate  
5 commission. The officers so elected shall serve without  
6 compensation or remuneration from the interstate commission;  
7 provided that, subject to the availability of budgeted funds,  
8 the officers shall be reimbursed for any ordinary and necessary  
9 costs and expenses incurred by them in the performance of their  
10 duties and responsibilities as officers of the interstate  
11 commission.

12 (2) The interstate commission shall, through its executive  
13 committee, appoint or retain an executive director for  
14 such period, upon such terms and conditions and for such  
15 compensation as the interstate commission may deem appropriate.  
16 The executive director shall serve as secretary to the  
17 interstate commission, but shall not be a member and shall hire  
18 and supervise such other staff as may be authorized by the  
19 interstate commission.

20 *c. Immunity, defense, and indemnification.*

21 (1) The commission's executive director and employees shall  
22 be immune from suit and liability, either personally or in  
23 their official capacity, for any claim for damage to or loss  
24 of property or personal injury or other civil liability caused  
25 or arising out of or relating to any actual or alleged act,  
26 error, or omission that occurred, or that such person had a  
27 reasonable basis for believing occurred within the scope of  
28 commission employment, duties, or responsibilities; provided,  
29 that any such person shall not be protected from suit or  
30 liability for any damage, loss, injury, or liability caused by  
31 the intentional or willful and wanton misconduct of any such  
32 person.

33 (2) The liability of any commissioner, or the employee  
34 or agent of a commissioner, acting within the scope of such  
35 person's employment or duties for acts, errors, or omissions



1 occurring within such person's state may not exceed the limits  
2 of liability set forth under the constitution and laws of that  
3 state for state officials, employees, and agents. Nothing  
4 in this subparagraph shall be construed to protect any such  
5 person from suit or liability for any damage, loss, injury,  
6 or liability caused by the intentional or willful and wanton  
7 misconduct of any such person.

8 (3) The interstate commission shall defend the executive  
9 director or the employees or representatives of the interstate  
10 commission and, subject to the approval of the attorney general  
11 of the state represented by any commissioner of a compacting  
12 state, shall defend such commissioner or the commissioner's  
13 representatives or employees in any civil action seeking to  
14 impose liability arising out of any actual or alleged act,  
15 error, or omission that occurred within the scope of interstate  
16 commission employment, duties, or responsibilities, or that  
17 the defendant had a reasonable basis for believing occurred  
18 within the scope of interstate commission employment, duties,  
19 or responsibilities, provided that the actual or alleged act,  
20 error, or omission did not result from intentional or willful  
21 and wanton misconduct on the part of such person.

22 (4) The interstate commission shall indemnify and hold  
23 the commissioner of a compacting state, or the commissioner's  
24 representatives or employees, or the interstate commission's  
25 representatives or employees, harmless in the amount of any  
26 settlement or judgment obtained against such persons arising  
27 out of any actual or alleged act, error, or omission that  
28 occurred within the scope of interstate commission employment,  
29 duties, or responsibilities, or that such persons had a  
30 reasonable basis for believing occurred within the scope of  
31 interstate commission employment, duties, or responsibilities,  
32 provided that the actual or alleged act, error, or omission did  
33 not result from intentional or willful and wanton misconduct on  
34 the part of such persons.

35 6. *Article VI — Rulemaking functions of the interstate*

1 *commission.*

2     *a.* The interstate commission shall promulgate and publish  
3 rules in order to effectively and efficiently achieve the  
4 purposes of the compact.

5     *b.* Rulemaking shall occur pursuant to the criteria set  
6 forth in this article and the bylaws and rules adopted pursuant  
7 thereto. Such rulemaking shall substantially conform to the  
8 principles of the model state administrative procedures Act,  
9 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or  
10 such other administrative procedures act, as the interstate  
11 commission deems appropriate consistent with due process  
12 requirements under the Constitution of the United States as now  
13 or hereafter interpreted by the United States supreme court.  
14 All rules and amendments shall become binding as of the date  
15 specified, as published with the final version of the rule as  
16 approved by the commission.

17     *c.* When promulgating a rule, the interstate commission  
18 shall, at a minimum, do all of the following:

19         (1) Publish the proposed rule's entire text stating the  
20 reasons for that proposed rule.

21         (2) Allow and invite any and all persons to submit written  
22 data, facts, opinions, and arguments, which information shall  
23 be added to the record, and be made publicly available.

24         (3) Provide an opportunity for an informal hearing if  
25 petitioned by ten or more persons.

26         (4) Promulgate a final rule and its effective date, if  
27 appropriate, based on input from state or local officials, or  
28 interested parties.

29     *d.* Allow, not later than sixty days after a rule is  
30 promulgated, any interested person to file a petition in the  
31 United States district court for the District of Columbia or in  
32 the federal district court where the interstate commission's  
33 principal office is located for judicial review of such rule.  
34 If the court finds that the interstate commission's action is  
35 not supported by substantial evidence in the rulemaking record,

1 the court shall hold the rule unlawful and set it aside. For  
2 purposes of this lettered paragraph, evidence is substantial  
3 if it would be considered substantial evidence under the model  
4 state administrative procedures Act.

5 e. If a majority of the legislatures of the compacting  
6 states rejects a rule, those states may, by enactment of a  
7 statute or resolution in the same manner used to adopt the  
8 compact, cause that such rule shall have no further force and  
9 effect in any compacting state.

10 f. The existing rules governing the operation of the  
11 interstate compact on juveniles superseded by this compact  
12 shall be null and void twelve months after the first meeting of  
13 the interstate commission created hereunder.

14 g. Upon determination by the interstate commission that  
15 a state of emergency exists, it may promulgate an emergency  
16 rule which shall become effective immediately upon adoption,  
17 provided that the usual rulemaking procedures provided  
18 hereunder shall be retroactively applied to said rule as soon  
19 as reasonably possible, but no later than ninety days after the  
20 effective date of the emergency rule.

21 7. *Article VII — Oversight, enforcement, and dispute*  
22 *resolution by the interstate commission.*

23 a. *Oversight.*

24 (1) The interstate commission shall oversee the  
25 administration and operations of the interstate movement of  
26 juveniles subject to this compact in the compacting states  
27 and shall monitor such activities being administered in  
28 noncompacting states which may significantly affect compacting  
29 states.

30 (2) The courts and executive agencies in each compacting  
31 state shall enforce this compact and shall take all actions  
32 necessary and appropriate to effectuate the compact's  
33 purposes and intent. The provisions of this compact and the  
34 rules promulgated hereunder shall be received by all the  
35 judges, public officers, commissions, and departments of

1 the state government as evidence of the authorized statute  
2 and administrative rules. All courts shall take judicial  
3 notice of the compact and the rules. In any judicial or  
4 administrative proceeding in a compacting state pertaining to  
5 the subject matter of this compact which may affect the powers,  
6 responsibilities, or actions of the interstate commission, it  
7 shall be entitled to receive all service of process in any  
8 such proceeding, and shall have standing to intervene in the  
9 proceeding for all purposes.

10 *b. Dispute resolution.*

11 (1) The compacting states shall report to the interstate  
12 commission on all issues and activities necessary for the  
13 administration of the compact as well as issues and activities  
14 pertaining to compliance with the provisions of the compact and  
15 its bylaws and rules.

16 (2) The interstate commission shall attempt, upon the  
17 request of a compacting state, to resolve any disputes or  
18 other issues which are subject to the compact and which may  
19 arise among compacting states and between compacting and  
20 noncompacting states. The commission shall promulgate a rule  
21 providing for both mediation and binding dispute resolution for  
22 disputes among the compacting states.

23 (3) The interstate commission, in the reasonable exercise  
24 of its discretion, shall enforce the provisions and rules of  
25 this compact using any or all means set forth in article XI of  
26 this compact.

27 *8. Article VIII — Finance.*

28 *a.* The interstate commission shall pay or provide for  
29 the payment of the reasonable expenses of its establishment,  
30 organization, and ongoing activities.

31 *b.* The interstate commission shall levy on and collect an  
32 annual assessment from each compacting state to cover the cost  
33 of the internal operations and activities of the interstate  
34 commission and its staff which must be in a total amount  
35 sufficient to cover the interstate commission's annual budget

1 as approved each year. The aggregate annual assessment amount  
2 shall be allocated based upon a formula to be determined by the  
3 interstate commission, taking into consideration the population  
4 of each compacting state and the volume of interstate movement  
5 of juveniles in each compacting state and shall promulgate a  
6 rule binding upon all compacting states which governs said  
7 assessment.

8 c. The interstate commission shall not incur any obligations  
9 of any kind prior to securing the funds adequate to meet the  
10 same; nor shall the interstate commission pledge the credit of  
11 any of the compacting states, except by and with the authority  
12 of the compacting state.

13 d. The interstate commission shall keep accurate accounts of  
14 all receipts and disbursements. The receipts and disbursements  
15 of the interstate commission shall be subject to the audit  
16 and accounting procedures established under its bylaws.  
17 However, all receipts and disbursements of funds handled by the  
18 interstate commission shall be audited yearly by a certified or  
19 licensed public accountant and the report of the audit shall  
20 be included in and become part of the annual report of the  
21 interstate commission.

22 9. *Article IX — The state council.* Each member state shall  
23 create a state council for interstate juvenile supervision.  
24 While each state may determine the membership of its own  
25 state council, its membership must include at least one  
26 representative from the legislative, judicial, and executive  
27 branches of government, victims groups, and the compact  
28 administrator, deputy compact administrator, or designee.  
29 Each compacting state retains the right to determine the  
30 qualifications of the compact administrator or deputy compact  
31 administrator. Each state council will advise and may exercise  
32 oversight and advocacy concerning that state's participation  
33 in interstate commission activities and other duties as may  
34 be determined by that state, including but not limited to  
35 development of policy concerning operations and procedures of

1 the compact within that state.

2 10. *Article X — Compacting states, effective date, and*  
3 *amendment.*

4 a. Any state, the District of Columbia, or its designee, the  
5 Commonwealth of Puerto Rico, the United States Virgin Islands,  
6 Guam, American Samoa, and the Northern Marianas Islands as  
7 defined in article II of this compact is eligible to become a  
8 compacting state.

9 b. The compact shall become effective and binding upon  
10 legislative enactment of the compact into law by no less than  
11 thirty-five of the states. The initial effective date shall  
12 be the later of July 1, 2004, or upon enactment into law by  
13 the thirty-fifth jurisdiction. Thereafter it shall become  
14 effective and binding as to any other compacting state upon  
15 enactment of the compact into law by that state. The governors  
16 of nonmember states or their designees shall be invited to  
17 participate in the activities of the interstate commission on a  
18 nonvoting basis prior to adoption of the compact by all states  
19 and territories of the United States.

20 c. The interstate commission may propose amendments to the  
21 compact for enactment by the compacting states. No amendment  
22 shall become effective and binding upon the interstate  
23 commission and the compacting states unless and until it is  
24 enacted into law by unanimous consent of the compacting states.

25 11. *Article XI — Withdrawal, default, termination, and*  
26 *judicial enforcement.*

27 a. *Withdrawal.*

28 (1) Once effective, the compact shall continue in force and  
29 remain binding upon each and every compacting state; provided  
30 that a compacting state may withdraw from the compact by  
31 specifically repealing the statute which enacted the compact  
32 into law.

33 (2) The effective date of withdrawal is the effective date  
34 of the repeal.

35 (3) The withdrawing state shall immediately notify the

1 chairperson of the interstate commission in writing upon the  
2 introduction of legislation repealing this compact in the  
3 withdrawing state. The interstate commission shall notify the  
4 other compacting states of the withdrawing state's intent to  
5 withdraw within sixty days of its receipt thereof.

6 (4) The withdrawing state is responsible for all  
7 assessments, obligations, and liabilities incurred through  
8 the effective date of withdrawal, including any obligations,  
9 the performance of which extend beyond the effective date of  
10 withdrawal.

11 (5) Reinstatement following withdrawal of any compacting  
12 state shall occur upon the withdrawing state reenacting the  
13 compact or upon such later date as determined by the interstate  
14 commission.

15 *b. Technical assistance, fines, suspension, termination, and*  
16 *default.*

17 (1) If the interstate commission determines that any  
18 compacting state has at any time defaulted in the performance  
19 of any of its obligations or responsibilities under this  
20 compact, or the bylaws or duly promulgated rules, the  
21 interstate commission may impose any or all of the following  
22 penalties:

23 (a) Remedial training and technical assistance as directed  
24 by the interstate commission.

25 (b) Alternative dispute resolution.

26 (c) Fines, fees, and costs in such amounts as are deemed to  
27 be reasonable as fixed by the interstate commission.

28 (d) Suspension or termination of membership in the compact,  
29 which shall be imposed only after all other reasonable  
30 means of securing compliance under the bylaws and rules have  
31 been exhausted and the interstate commission has therefore  
32 determined that the offending state is in default. Immediate  
33 notice of suspension shall be given by the interstate  
34 commission to the governor, the chief justice or the chief  
35 judicial officer of the state, the majority and minority

1 leaders of the defaulting state's legislature, and the state  
2 council.

3 (2) The grounds for default include, but are not limited to,  
4 failure of a compacting state to perform such obligations or  
5 responsibilities imposed upon it by this compact, the bylaws  
6 or duly promulgated rules, and any other grounds designated in  
7 commission bylaws and rules.

8 (3) The interstate commission shall immediately notify  
9 the defaulting state in writing of the penalty imposed by the  
10 interstate commission and of the default pending a cure of  
11 the default. The commission shall stipulate the conditions  
12 and the time period within which the defaulting state must  
13 cure its default. If the defaulting state fails to cure the  
14 default within the time period specified by the commission,  
15 the defaulting state shall be terminated from the compact upon  
16 an affirmative vote of a majority of the compacting states and  
17 all rights, privileges, and benefits conferred by this compact  
18 shall be terminated from the effective date of termination.

19 (4) Within sixty days of the effective date of termination  
20 of a defaulting state, the commission shall notify the  
21 governor, the chief justice or chief judicial officer, the  
22 majority and minority leaders of the defaulting state's  
23 legislature, and the state council of such termination.

24 (5) The defaulting state is responsible for all  
25 assessments, obligations, and liabilities incurred through  
26 the effective date of termination including any obligations,  
27 the performance of which extends beyond the effective date of  
28 termination.

29 (6) The interstate commission shall not bear any costs  
30 relating to the defaulting state unless otherwise mutually  
31 agreed upon in writing between the interstate commission and  
32 the defaulting state.

33 (7) Reinstatement following termination of any compacting  
34 state requires both a reenactment of the compact by the  
35 defaulting state and the approval of the interstate commission



1 pursuant to the rules.

2 *c. Judicial enforcement.* The interstate commission may,  
3 by majority vote of the members, initiate legal action in the  
4 United States district court for the District of Columbia or,  
5 at the discretion of the interstate commission, in the federal  
6 district where the interstate commission has its offices, to  
7 enforce compliance with the provisions of the compact, its duly  
8 promulgated rules and bylaws, against any compacting state in  
9 default. In the event judicial enforcement is necessary the  
10 prevailing party shall be awarded all costs of such litigation  
11 including reasonable attorney fees.

12 *d. Dissolution of compact.*

13 (1) The compact dissolves effective upon the date of the  
14 withdrawal or default of the compacting state, which reduces  
15 membership in the compact to one compacting state.

16 (2) Upon the dissolution of this compact, the compact  
17 becomes null and void and shall be of no further force  
18 or effect, and the business and affairs of the interstate  
19 commission shall be concluded and any surplus funds shall be  
20 distributed in accordance with the bylaws.

21 12. *Article XII — Severability and construction.*

22 *a.* The provisions of this compact shall be severable,  
23 and if any phrase, clause, sentence, or provision is deemed  
24 unenforceable, the remaining provisions of the compact shall  
25 be enforceable.

26 *b.* The provisions of this compact shall be liberally  
27 construed to effectuate its purposes.

28 13. *Article XIII — Binding effect of compact and other laws.*

29 *a. Other laws.*

30 (1) Nothing in this compact prevents the enforcement of any  
31 other law of a compacting state that is not inconsistent with  
32 this compact.

33 (2) All compacting states' laws other than state  
34 constitutions and other interstate compacts conflicting with  
35 this compact are superseded to the extent of the conflict.

1     *b. Binding effect of the compact.*

2     (1) All lawful actions of the interstate commission,  
3 including all rules and bylaws promulgated by the interstate  
4 commission, are binding upon the compacting states.

5     (2) All agreements between the interstate commission and  
6 the compacting states are binding in accordance with their  
7 terms.

8     (3) Upon the request of a party to a conflict over meaning  
9 or interpretation of interstate commission actions, and upon  
10 a majority vote of the compacting states, the interstate  
11 commission may issue advisory opinions regarding such meaning  
12 or interpretation.

13     (4) In the event any provision of this compact exceeds  
14 the constitutional limits imposed on the legislature of  
15 any compacting state, the obligations, duties, powers, or  
16 jurisdiction sought to be conferred by such provision upon  
17 the interstate commission shall be ineffective and such  
18 obligations, duties, powers, or jurisdiction shall remain in  
19 the compacting state and shall be exercised by the agency  
20 thereof to which such obligations, duties, powers, or  
21 jurisdiction are delegated by law in effect at the time this  
22 compact becomes effective.

23                                   DIVISION IX

24                                   MISCELLANEOUS

25     Sec. 62. Section 135.12, Code 2009, is amended by striking  
26 the section and inserting in lieu thereof the following:

27     **135.12 Office of minority and multicultural health —**  
28 **established — duties.**

29     1. The office of minority and multicultural health is  
30 established in the department. The purpose of the office  
31 is to improve the health of racial and ethnic minorities by  
32 bridging communication, delivery, and service requirements,  
33 and by providing customized services and practical approaches  
34 to problems and issues encountered by organizations and  
35 communities working to address the needs of these populations.

1 2. The office of minority and multicultural health shall be  
2 responsible for all of the following:

3 a. Serving as the liaison and advocate for the department on  
4 minority and multicultural health matters.

5 b. Assisting academic institutions, state agencies,  
6 community groups, and other entities in institutionalizing  
7 cultural competency within the health care workforce and  
8 delivery system through education, training, and practice to  
9 effectively address cross-cultural disparity and achieve health  
10 equity.

11 c. Promoting community strategic planning.

12 d. Reviewing the impact of programs, regulations, and  
13 health care resource policies on the delivery of and access to  
14 minority and multicultural health services.

15 Sec. 63. Section 453A.35, subsection 1, Code Supplement  
16 2009, is amended to read as follows:

17 1. The proceeds derived from the sale of stamps and the  
18 payment of taxes, fees, and penalties provided for under this  
19 chapter, and the permit fees received from all permits issued  
20 by the department, shall be credited to the general fund of  
21 the state. However, of the revenues generated from the tax on  
22 cigarettes pursuant to section 453A.6, subsection 1, and from  
23 the tax on tobacco products as specified in section 453A.43,  
24 subsections 1, 2, 3, and 4, and credited to the general fund  
25 of the state under this subsection, there is appropriated,  
26 annually, to the health care trust fund created in section  
27 453A.35A, the first one hundred ~~seventeen~~ six million seven  
28 ~~hundred ninety-six~~ sixteen thousand four hundred dollars.

29 Sec. 64. Section 692A.115, Code Supplement 2009, is amended  
30 to read as follows:

31 **692A.115 Employment where dependent adults reside.**

32 1. A Unless authorized as provided in subsection 2, a sex  
33 offender shall not be an employee of a facility providing  
34 services for dependent adults or at events where dependent  
35 adults participate in programming and shall not loiter on the

1 premises or grounds of a facility or at an event providing such  
2 services or programming.

3 2. An adult sex offender who is a patient or resident  
4 of a health care facility as defined in section 135C.1,  
5 a participant in a medical assistance program home and  
6 community-based services waiver program, or a participant in a  
7 medical assistance state plan employment services as part of  
8 the participant's habilitation plan shall not be considered to  
9 be in violation of subsection 1.

10

EXPLANATION

11 This bill relates to and makes appropriations for health  
12 and human services for fiscal year 2010-2011 to the department  
13 of veterans affairs, the Iowa veterans home, the department on  
14 aging, the department of public health, Iowa finance authority,  
15 state board of regents, department of inspections and appeals,  
16 and the department of human services. The bill is organized  
17 into divisions.

18 DEPARTMENT ON AGING. This division appropriates funding  
19 from the general fund of the state for the department on aging.

20 DEPARTMENT OF PUBLIC HEALTH. This division appropriates  
21 funding from the general fund of the state for the department  
22 of public health.

23 DEPARTMENT OF VETERANS AFFAIRS. This division appropriates  
24 funding from the general fund of the state for the department  
25 of veterans affairs.

26 DEPARTMENT OF HUMAN SERVICES. The division appropriates  
27 funding from the general fund of the state and the federal  
28 temporary assistance for needy families block grant to the  
29 department of human services. The allocation for the family  
30 development and self-sufficiency grant program is made directly  
31 to the department of human rights.

32 An appropriation is made from the health care trust fund for  
33 the medical assistance (Medicaid) program in addition to the  
34 general fund appropriation made for this purpose.

35 The department is required to establish a transition

1 committee to develop a plan for improving coordination  
2 and integration of mental health services and outcomes for  
3 children, as well as alignment of the services and outcomes  
4 with the child welfare system. Among other provisions, the  
5 plan is required to address transitioning administration of the  
6 remedial services program from a fee-for-service approach to  
7 the Iowa plan, using the behavioral health managed care plan.  
8 The committee is required to include various departmental  
9 staff, the Iowa plan administrator, and providers and complete  
10 the plan by December 31, 2010. The department may implement  
11 the plan if it determines the plan meets legislative intent.

12 The reimbursement section addresses reimbursement for  
13 providers reimbursed by the department of human services.

14 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT,  
15 IOWACARE ACCOUNT, AND HEALTH CARE TRANSFORMATION ACCOUNT. This  
16 division makes appropriations for fiscal year 2009-2010 from  
17 the senior living trust fund to the department on aging, the  
18 department of human services, the department of inspections and  
19 appeals, and the Iowa finance authority.

20 The division makes an appropriation from the pharmaceutical  
21 settlement account to the department of human services to  
22 supplement the medical contracts appropriation.

23 The division makes appropriations from the IowaCare  
24 account to the state board of regents for distribution to the  
25 university of Iowa hospitals and clinics and to the department  
26 of human services for distribution to a publicly owned acute  
27 care teaching hospital in a county with a population over  
28 350,000 related to the IowaCare program and indigent care. The  
29 division makes an appropriation to the department of human  
30 services from the health care transformation account for  
31 various health care reform initiatives.

32 The division provides that if the total amount appropriated  
33 from all sources for the medical assistance program for fiscal  
34 year 2009-2010 exceeds the amount needed, the excess remains  
35 available to be used for the program in the succeeding fiscal

1 year.

2 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FISCAL YEAR  
3 2010-2011. This division allocates the appropriation made in  
4 2009 Iowa Acts, chapter 179, for distribution to counties for  
5 adult mental illness, mental retardation, and developmental  
6 disabilities services allowed growth for fiscal year 2010-2011.

7 PRIOR APPROPRIATIONS AND RELATED CHANGES. This  
8 division revises previously enacted appropriations and  
9 appropriations-related provisions.

10 Code section 231.24, providing for regulation and  
11 certification of retirement communities by the department  
12 on aging, is amended to authorize the department to defer  
13 implementation of the regulation as determined by the  
14 department's director.

15 Code section 231.33, relating to the duties of the area  
16 agencies on aging, is amended to eliminate a requirement for  
17 an agency to require the annual completion by agency board of  
18 directors members of four hours of training, provided by the  
19 department on aging.

20 The fiscal year 2010-2011 amount of a multiyear  
21 appropriation made to the department of human services in 2008  
22 Iowa Acts, chapter 1188, to cover children under the medical  
23 assistance, hawk-i, and hawk-i expansion programs and outreach  
24 under the programs, is reduced.

25 A requirement in 2008 Iowa Acts, chapter 1040, for the  
26 department on aging to implement the initial provisions for  
27 expanding and improving the training of those who deal with  
28 persons with Alzheimer's and similar forms of irreversible  
29 dementia by July 1, 2010, is instead made contingent upon the  
30 availability of funding as determined by the department's  
31 director.

32 A pilot project authorized in an amendment to 2008 Iowa  
33 Acts, chapter 1187, for a regional service network for county  
34 MH/MR/DD services, through June 30, 2010, is extended for an  
35 additional year.

1 An initiative in 2008 Iowa Acts, chapter 1188, requiring the  
2 department of public health to establish a community coalition  
3 for addressing patient treatment wishes based on the national  
4 physicians orders for life sustaining treatment program, is  
5 amended to eliminate the two-year period for the pilot and to  
6 delay the completion date from June 30, 2010, to June 30, 2011.

7 A provision in 2009 Iowa Acts, chapter 118, section 38,  
8 for the department of human services to adopt rules making  
9 various process changes to the Medicaid program, is amended by  
10 striking a requirement to extend the period for annual renewal  
11 by program members by mailing the renewal form to the member on  
12 the first day of the month prior to the month of renewal.

13 The fiscal year 2009-2010 appropriation to the Iowa veterans  
14 home in 2009 Iowa Acts, chapter 182, section 3, is subject to  
15 an existing nonreversion clause in Code section 35D.18. The  
16 nonreversion authorization is modified to provide to designate  
17 the first \$1 million for use by the veterans home, the next  
18 \$1 million to be transferred to the appropriation made to the  
19 department of human services for fiscal year 2010-2011 for  
20 field operations, and the remainder for use by the veterans  
21 home.

22 The 2009 Iowa Acts, chapter 182, section 9, fiscal year  
23 2009-2010 appropriations of the federal Temporary Assistance  
24 for Needy Families block grant is amended to provide that  
25 unused funds remaining at the close of the fiscal year do not  
26 revert but remain available in the succeeding fiscal year for  
27 expenditure for the family investment program.

28 A provision in 2009 Iowa Acts, chapter 182, section 9,  
29 appropriation for the Medicaid program that provides that  
30 moneys remitted by the third party administering behavioral  
31 health services and remaining in a separate account do not  
32 revert but remain available for appropriation for health and  
33 human purposes, is amended. The amendment continues to set  
34 aside funding previously appropriated for implementation of the  
35 emergency mental health crisis services and system, a mental

1 health services system for children or youth, and training of  
2 child welfare services providers with the remainder of the  
3 funds to be used for the Medicaid program.

4 The fiscal year 2009-2010 appropriation for the state  
5 supplementary assistance program in 2009 Iowa Acts, chapter  
6 182, section 12, is amended to include a nonreversion clause  
7 providing that moneys remaining at the close of the fiscal year  
8 will remain available to be used for the same purpose in the  
9 succeeding fiscal year.

10 A provision relating to development of a statewide  
11 methodology for intellectual disabilities waiver tests is  
12 included for implementation beginning July 1, 2010.

13 This division takes effect upon enactment.

14 INTERSTATE COMPACT FOR JUVENILES. This division replaces  
15 the interstate compact on juveniles with a new interstate  
16 compact for juveniles.

17 Code chapter 232, the juvenile justice code, is amended  
18 to enact a new interstate compact for juveniles in new Code  
19 section 232.173. The compact addresses how adjudicated  
20 juveniles and status offenders are provided adequate  
21 supervision and services in the states receiving the juveniles,  
22 provides for addressing public safety concerns, provides for  
23 returning juveniles who have run away, absconded, escaped, or  
24 are accused of an offense requesting their return, provides for  
25 contracting between states for cooperative institutionalization  
26 of delinquent youth who need special services, provides for  
27 effective tracking and supervision, provides for equitably  
28 allocating costs, benefits, and obligations between the states,  
29 and other similar related purposes.

30 The means for achieving the purposes outlined in the  
31 compact is through rulemaking promulgated by the interstate  
32 commission for juveniles, consisting of one representative from  
33 each compacting state. A rule promulgated by the interstate  
34 commission may be rejected if a majority of the compacting  
35 states rejects the rule. The expenses of the interstate



1 commission are paid by assessing the compacting states  
2 according to a formula to be adopted by the commission. Each  
3 state is to create a state council consisting of specified  
4 interests to provide oversight of the state's involvement in  
5 the interstate commission. The state has the authority to  
6 determine the qualifications of the compact administrator or  
7 deputy compact administrator and to designate the state's  
8 representative on the interstate commission.

9 The terms of the current compact took effect for the  
10 compacting states in the fall of 2009 when the 35th state  
11 approved entering the compact. The new compact replaces the  
12 interstate compact on juveniles in Code section 232.171, which  
13 is repealed by the bill. Code section 232.172, relating to  
14 confinement of juvenile delinquents, is amended to provide that  
15 for states that have approved the new compact, confinement is  
16 governed by the new compact and for states that were part of  
17 the compact being replaced, confinement is governed by terms of  
18 that compact.

19 MISCELLANEOUS. This division includes miscellaneous  
20 statutory changes.

21 Code section 135.12 is stricken and rewritten to replace  
22 the office of multicultural health in the department of public  
23 health with an office of minority and multicultural health.

24 Code section 435A.35, relating to proceeds of tobacco  
25 taxes and fees paid to the general fund and the standing  
26 appropriation to the health care trust fund, is amended to  
27 reduce the amount of the standing appropriation to the trust  
28 fund.

29 Code section 692A.115, prohibiting persons on the sex  
30 offender registry from employment in facilities providing  
31 services for dependent adults, is amended to allow such  
32 employment for adult offenders who are a patient or resident  
33 of a health care facility, participant in a Medicaid program  
34 waiver program, or participant in Medicaid program state plan  
35 employment services as part of the participant's habilitation

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1 plan.