# Senate Study Bill 1280

SENATE/HOUSE FILE ______
BY (PROPOSED GOVERNOR'S BUDGET BILL)

Passed Senate, Date ____________ Passed House, Date _____________
Vote: Ayes ______ Nays ________ Vote: Ayes ______ Nays ________
Approved ____________________________

**A BILL FOR**

An Act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1013XG 83
pf/jp/14

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DIVISION I
GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
ELDER AFFAIRS

Section 1. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of elder affairs 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 only if the monthly cost per client for case management for the frail elderly services provided does not exceed an average of $70, 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:
.................................................. $ 4,931,605

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. Of the funds appropriated in this section, $1,385,015 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 rules for case management services provided under the medical assistance elderly waiver in consultation with the department of elder affairs. The monthly cost per client for case management for the frail elderly services provided shall not exceed an average of $70.

3. Of the funds appropriated in this section, $180,634 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

HEALTH

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

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling:
.................................................. $ 34,046,889

The requirement of section 123.53, subsection 3, is met by the appropriations made in this Act for purposes of addictive disorders for the fiscal year beginning July 1, 2009.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families:
.................................................. $ 2,776,543

Of the funds appropriated in this subsection, not more than $645,917 shall be used for the healthy opportunities to experience success (HOPES)=healthy families Iowa (HFI) program established pursuant to section 135.106. The department shall transfer the funding allocated for the HOPES=HFI program to the Iowa empowerment board for distribution and shall assist the board in managing the contracting for the funding. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2009.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs:
.................................................. $ 3,750,280

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level:
.................................................. $ 7,086,651

Of the funds appropriated in this subsection, $147,080 is allocated for continuation of an initiative implemented at the university of Iowa and $133,178 is allocated for continuation of an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health, mental retardation, developmental disabilities, and brain injury commission to address the focus of the initiatives. The departments and the commission shall receive regular updates concerning the status of the initiatives.

5. ELDERLY WELLNESS

For promotion of healthy aging and optimization of the health of older adults:
.................................................. $ 8,504,269

6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards:
.................................................. $ 1,501,202

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases:
.................................................. $ 1,713,484

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations:
.................................................. $ 3,748,476

Of the funds appropriated in this subsection, not more than $601,673 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

9. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public:
.................................................. $ 1,116,482

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

DEPARTMENT OF VETERANS AFFAIRS

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

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, including the war orphans educational assistance fund created in section 35.8:
.............................................. $ 1,121,373

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:
.............................................. $ 13,455,992

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

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

3. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:
.............................................. $ 24,109

HUMAN SERVICES

Sec. 4. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104=193, and successor legislation, which are federally appropriated for the federal fiscal years beginning October 1, 2008, and ending September 30, 2009, and beginning October 1, 2009, and ending September 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:
.............................................. $ 25,656,513

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program and implementing family investment agreements in accordance with chapter 239B:
.............................................. $ 13,334,528

3. To be used for the family development and self=sufficiency grant program in accordance with section 216A.107:
.............................................. $ 2,998,675

4. For field operations:
.............................................. $ 18,507,495

5. For general administration:
.............................................. $ 3,744,000

6. For local administrative costs:
.............................................. $ 2,189,830

7. For state child care assistance:
.............................................. $ 28,331,177

a. Of the funds appropriated in this subsection, $18,986,177 shall be transferred to the federal child care and development block grant appropriation made by the Eighty=third General Assembly in 2009 Session for the federal fiscal year beginning October 1, 2009, and ending September 30, 2010. Of this amount, $200,000 shall be used for provision of educational opportunities to registered child development home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

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

8. For mental health and developmental disabilities community services:
.............................................. $ 4,894,052

9. For child and family services:
.............................................. $ 32,084,430

10. For child abuse prevention grants:

.................................................. $ 250,000

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

.................................................. $ 1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2009, if the programs are comprehensive in scope and have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2009, if the programs are comprehensive in scope and are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

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

.................................................. $ 1,037,186

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

.................................................. $ 200,000

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

.................................................. $ 7,350,000

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

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

.................................................. $ 200,000

Of the amounts appropriated in this section, $12,962,008 for the fiscal year beginning July 1, 2009, shall be transferred to the appropriation of the federal social services block grant made for that fiscal year.

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

Sec. 5. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2009, and ending June 30, 2010, shall be used to provide assistance in accordance with chapter 239B.

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

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

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in the FIP program and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

.................................................. $ 20,000

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

.............................................. $ 5,378,812

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

(2) The department of human rights may continue to implement the family development and self=sufficiency grant program statewide during fiscal year 2009=2010.

c. For the diversion subaccount of the FIP account:

.............................................. $ 2,064,000

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

(2) Of the funds allocated in this lettered paragraph, not more than $250,000 shall be used to develop or continue community=level parental obligation pilot projects. The requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall remain applicable to the parental obligation pilot projects for fiscal year 2009=2010. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects the earlier of October 1, 2006, or when legislative authority is discontinued, the rules relating to the pilot projects shall remain in effect until June 30, 2010.

d. For the food stamp employment and training program:

.............................................. $ 68,059

The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the fifty=fifty match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

e. For the JOBS program:

.............................................. $ 22,310,116

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the results are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payment account.

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

Sec. 6. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

.............................................. $ 35,036,216

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

2. Of the funds appropriated in this section, $2,380,137 is allocated for the family development and self=sufficiency grant program.

3. a. Of the funds appropriated in this section, $230,244 shall be used for continuation of a grant to an Iowa=based nonprofit organization with a history of providing tax

preparation assistance to low=income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state. The grant shall be provided to an organization that has existing national foundation support for supplying such assistance that can also secure local charitable match funding.

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

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

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

4. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2009, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

a. For the family investment program.

b. For child care assistance.

c. For child and family services.

d. For field operations.

e. For general administration.

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

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

Sec. 7. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes:

.............................................. $ 14,102,101

1. The department shall expend up to $31,000, including federal financial participation, for the fiscal year beginning July 1, 2009, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

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

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

Sec. 8. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2009, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

.................................................. $883,095,255

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

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

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

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

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

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

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

3. Of the funds appropriated in this Act to the department of public health for addictive disorders, $950,000 for the fiscal year beginning July 1, 2009, shall be transferred to the department of human services for an integrated substance abuse managed care system. The department shall not assume management of the substance abuse system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance abuse services provided by the managed care contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

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

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

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

6. In addition to any other funds appropriated in this Act, of the funds appropriated in this section, $500,000 shall be used for the grant to the Iowa healthcare collaborative as defined in section 135.40.

7. Of the funds appropriated in this section, not more than $166,600 shall be used to enhance outreach efforts. The department may transfer funds allocated in this subsection to the appropriations in this division of this Act for general administration, the state children's health insurance program, or medical contracts, as necessary, to implement the outreach efforts.

8. Of the funds appropriated in this section, up to $442,100 may be transferred to the appropriation in this Act for medical contracts to be used for authorization and oversight of services related to remedial services in accordance with federal law.

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

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

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

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

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

13. a. Of the funds appropriated in this section, $2,687,889 is allocated for state match for disproportionate share hospital payment of $7,321,954 to hospitals that meet both of the following conditions:

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

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

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

14. Of the funds appropriated in this section, $4,634,065 is transferred to the IowaCare account created in section 249J.24.

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

Sec. 9. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration of the health insurance premium payment program, including salaries, support, maintenance, and

miscellaneous purposes:
.................................................. $ 533,814

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

For medical contracts, including salaries, support, maintenance, and miscellaneous purposes:
.................................................. $ 14,344,879

Sec. 11. STATE SUPPLEMENTARY ASSISTANCE.

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

For the state supplementary assistance program:
.................................................. $ 17,323,001

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

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

Sec. 12. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

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

For maintenance of the healthy and well kids in Iowa (hawk=i) program pursuant to chapter 514I for receipt of federal financial participation under Title XXI of the federal Social Security Act, which creates the state children's health insurance program:
.................................................. $ 15,372,897

2. If sufficient funding is available under this Act, and if federal reauthorization of the state children's health insurance program provides sufficient federal allocations to the state and authorization to cover the following populations as an option under the state children's health insurance and medical assistance programs, the department may expand coverage under the state children's health insurance and medical assistance programs as follows:

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

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

c. By covering children up to age twenty=one, or up to age twenty=three if the child is attending school.

3. Of the funds appropriated in this section, $134,050 is allocated for continuation of the contract for advertising and outreach with the department of public health and $90,050 is allocated for other advertising and outreach.

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

For child care programs:
.................................................. $ 40,452,289

1. Of the funds appropriated in this section, $37,233,696

shall be used for state child care assistance in accordance with section 237A.13.

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

3. Of the funds appropriated in this section, $525,524 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, $1,571,069 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

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

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

7. Of the funds appropriated in this section, $1,122,000 is transferred to the Iowa empowerment fund from which it is appropriated to be used for professional development for the system of early care, health, and education.

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

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

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, and maintenance:
.............................................. $ 7,097,841

2. For operation of the state training school at Eldora and for salaries, support, and maintenance:
.............................................. $ 11,262,156

Sec. 15. CHILD AND FAMILY SERVICES.

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

For child and family services:
.............................................. $ 94,546,404

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

3. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the state child care assistance program or

the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations made in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

4. a. Of the funds appropriated in this section, up to $35,415,050 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services.

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

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2009=2010. Of the funds appropriated in this section, $1,805,000 is allocated specifically for expenditure for fiscal year 2009=2010 through the decategorization service funding pools and governance boards established pursuant to section 232.188.

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

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care shall be limited to $8,151,176. The department and providers of shelter care may continue or amend shelter care contracts to include child welfare emergency services for children who might otherwise be served in shelter care.

8. Federal funds received by the state during the fiscal year beginning July 1, 2009, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section.

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

10. a. Of the funds appropriated in this section, up to $2,291,653 is allocated for the payment of the expenses of court=ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to $1,556,287 shall be made available to provide school=based supervision of children adjudicated under chapter 232, of which not more than $15,000 may be used for the purpose of training. A portion of the cost of each school=based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to $832,205 is allocated for the payment of the expenses of court=ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department's division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2009.

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

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

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

11. Of the funds appropriated in this section, $1,040,300 shall be transferred to the department of public health to be used for the child protection center grant program in accordance with section 135.118.

12. Of the funds appropriated in this section, $2,875,281 is allocated for the preparation for adult living program pursuant to section 234.46.

13. Of the funds appropriated in this section, $1,040,300 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

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

(1) Marshall county:

.................................................. $ 62,418

(2) Woodbury county:

.................................................. $ 125,001

(3) Polk county:

.................................................. $ 194,988

(4) The third judicial district:

.................................................. $ 67,619

(5) The eighth judicial district:

.................................................. $ 67,619

b. For court=ordered services to support substance abuse services provided to the juveniles participating in the juvenile drug court programs listed in paragraph "a" and the juveniles' families:

.................................................. $ 522,555

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

14. Of the funds appropriated in this section, $239,269 shall be used for a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

15. Of the funds appropriated in this section, $132,200 is allocated for the elevate approach of providing a support network to children placed in foster care.

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

17. Of the funds appropriated in this section, $80,800 is allocated for renewal of a grant to a county with a population between 189,000 and 196,000 in the latest preceding certified federal census for implementation of the county's runaway treatment plan under section 232.195.

18. Of the funds appropriated in this section, $422,180 is allocated for the community partnership for child protection sites.

19. Of the funds appropriated in this section, $378,750 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

20. Of the funds appropriated in this section, $300,000 is

allocated for funding of the state match for the federal substance abuse and mental health services administration (SAMHSA) system of care grant.

21. Of the funds appropriated in this section, $100,000 shall be used for continuation of a grant to support a satellite project associated with a child protection center in a county with a population between 189,000 and 196,000 to be operated in a hospital in a county in northeast Iowa with a population between 120,000 and 135,000. The pilot project shall provide immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and the victims' nonoffender family members. Population numbers used in this subsection are from the latest preceding certified federal census.

Sec. 16. ADOPTION SUBSIDY.

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

For adoption subsidy payments and services:

.............................................. $ 36,655,458

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

3. Federal funds received by the state during the fiscal year beginning July 1, 2009, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section.

Sec. 17. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2009, and ending June 30, 2010, are appropriated to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2008. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2008. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2009, shall be limited to the amount appropriated for the purposes of this section.

Sec. 18. FAMILY SUPPORT SUBSIDY PROGRAM.

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

For the family support subsidy program:

.............................................. $ 1,783,337

2. Not more than $30,000 of the amount appropriated in subsection 1 shall be used for administrative costs.

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

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

.............................................. $ 39,255

Sec. 20. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes:

.............................................. $ 5,712,181

2. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes:
.............................................. $ 6,824,127

3. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes:
.............................................. $ 9,986,265

4. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes:
.............................................. $ 1,886,750

Sec. 21. STATE RESOURCE CENTERS.

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

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:
.............................................. $ 18,515,453

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:
.............................................. $ 11,484,307

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

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

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

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

Sec. 22. MI/MR/DD STATE CASES.

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

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440:
.............................................. $ 12,027,659

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

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

For mental health and developmental disabilities community services in accordance with this division of this Act:
.............................................. $ 16,592,110

1. Of the funds appropriated in this section, $16,322,656 shall be allocated to counties for funding of community=based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

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

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

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

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

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

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

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

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

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

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

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

6. Of the funds appropriated in this section, $239,454 shall be used for a grant to a statewide association of counties for development and implementation of the community services network to replace the county management information system.

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

Sec. 24. SEXUALLY VIOLENT PREDATORS.

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

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, and miscellaneous purposes:
.............................................. $ 6,928,144

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

section.

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

For field operations, including salaries, support, maintenance, and miscellaneous purposes:
.................................................. $ 66,234,344

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

Sec. 26. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes:
.................................................. $ 16,027,217

Of the funds appropriated in this section, $53,295 is allocated for the prevention of disabilities policy council established in section 225B.3.

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

For development and coordination of volunteer services:
.................................................. $ 98,845

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

For family planning services to individuals with incomes not to exceed 200 percent of the federal poverty level as defined by the most recently revised income guidelines published by the United States department of health and human services, who are not currently receiving the specific benefit under the medical assistance program:
.................................................. $ 690,731

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

Sec. 29. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM == APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount or so much thereof as is necessary for the purpose designated:

For a pregnancy counseling and support services program as specified in this section:
.................................................. $ 184,195

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

Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2009, the total state funding amount for the nursing facility budget shall not exceed $169,820,108.

(2) For the fiscal year beginning July 1, 2009, the patient=day weighted medians used in rate setting for nursing facilities shall be recalculated and the rates adjusted to provide an increase in nursing facility rates by applying the skilled nursing facility market basket inflation factor from the mid=point of the cost report to July 1, 2008, plus 1 percent. Nursing facility rates calculated in accordance with this subparagraph shall in no instance exceed the rate component limits as defined in 441 IAC 81.6(16).

(3) The department, in cooperation with nursing facility representatives, shall review projections for state funding

expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount. Any temporary enhanced federal financial participation that may become available to the Iowa medical assistance program during the fiscal year shall not be used in projecting the nursing facility budget. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c", and subsection 3, paragraph "a", subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year beginning July 1, 2009, are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case=mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount. The department shall revise such reimbursement as necessary to adjust the annual accountability measures payment in accordance with 2001 Iowa Acts, chapter 192, section 4, subsection 4, as amended by 2008 Iowa Acts, chapter 1187, section 33.

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

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

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

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

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

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

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

h. For the fiscal year beginning July 1, 2009, the maximum reimbursement rate for psychiatric medical institutions for children shall be $167.19 per day.

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

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

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

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

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

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

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

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

4. For the fiscal year beginning July 1, 2009, notwithstanding section 234.38, the foster family basic daily maintenance rate, the maximum adoption subsidy rate, and the maximum supervised apartment living foster care rate for children ages 0 through 5 years shall be $16.36, the rate for children ages 6 through 11 years shall be $17.01, the rate for children ages 12 through 15 years shall be $18.62, and the rate for children ages 16 and older shall be $18.87.

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

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

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

6. For the fiscal year beginning July 1, 2009, the reimbursement rates for family=centered service providers, family foster care service providers, group foster care service providers, and the resource family recruitment and retention contractor shall remain at the rates in effect on June 30, 2009.

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

8. For the fiscal year beginning July 1, 2009, remedial service providers shall receive cost=based reimbursement for 100 percent of the reasonable costs plus 1 percent not to exceed the established limit for the provision of services to recipients of medical assistance.

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

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

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

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

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

13. Notwithstanding the reimbursement rates established in this section for the fiscal year beginning July 1, 2009, the department of human services may reduce actual payments to providers based on these established rates due to funds availability or a uniform reduction that has been applied to the appropriations for the medical assistance program or other appropriations.

14. The department may adopt emergency rules to implement this section.

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

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

Sec. 33. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

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

DIVISION II

SENIOR LIVING TRUST FUND,
PHARMACEUTICAL SETTLEMENT ACCOUNT,
IOWACARE ACCOUNT, AND HEALTH CARE
TRANSFORMATION ACCOUNT

Sec. 34. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of elder affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the development and implementation of a comprehensive senior living program, including case management only if the monthly cost per client for case management for the frail elderly services provided does not exceed an average of $70,

and including program administration and costs associated with implementation:
.................................................. $ 8,486,698

1. Of the funds appropriated in this section, $1,010,000 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 monthly cost per client for case management for the frail elderly services provided shall not exceed an average of $70.

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

Sec. 35. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

Sec. 36. DEPARTMENT OF HUMAN SERVICES. There is appropriated from the senior living trust fund created in section 249H.4 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement the medical assistance appropriations made in this Act, including program administration and costs associated with implementation:
.................................................. $ 16,784,483

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

Sec. 37. IOWA FINANCE AUTHORITY. There is appropriated from the senior living trust fund created in section 249H.4 to the Iowa finance authority for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

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

Sec. 38. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement the appropriations made for medical contracts under the medical assistance program:
.................................................. $ 1,323,833

Sec. 39. APPROPRIATIONS FROM IOWACARE ACCOUNT.

1. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

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

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

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

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

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

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

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

2. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.................................................. $ 47,020,131

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

3. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over 350,000 for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

.................................................. $ 40,000,000

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

Sec. 40. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION. Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.................................................. $ 556,800

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

.................................................. $ 100,000

3. For other health promotion partnership activities pursuant to section 249J.14:
.................................................. $ 600,000

4. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:
.................................................. $ 125,000

5. For administrative costs associated with chapter 249J:
.................................................. $ 1,132,412

6. For planning and development, in cooperation with the department of public health, of a phased=in program to provide a dental home for children in accordance with section 249J.14, subsection 7:
.................................................. $ 1,000,000

7. For the tuition assistance for individuals serving individuals with disabilities pilot program in accordance with 2008 Iowa Acts, chapter 1187, section 130:
.................................................. $ 500,000

8. For payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating provider pursuant to chapter 249J:
.................................................. $ 230,000

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

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

Sec. 41. TRANSFER FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION. There is transferred from the account for health care transformation created pursuant to section 249J.23 to the IowaCare account created in section 249J.24 a total of $3,000,000 for the fiscal year beginning July 1, 2009, and ending June 30, 2010.

DIVISION III
MH/MR/DD SERVICES
ALLOWED GROWTH FUNDING
FY 2009=2010

Sec. 42. 2008 Iowa Acts, chapter 1191, section 1, is amended to read as follows:

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

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

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2009=2010 as provided in this section in lieu of the allowed growth factor provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:
.................................................. $ ~~69,949,069~~
56,857,019

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

Sec. 43. 2008 Iowa Acts, chapter 1191, section 1, as amended by this division of this Act, is amended by adding the following new subsections:

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

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

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

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

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

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

NEW SUBSECTION. 3. The funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2009=2010, and shall be credited to the allowed growth funding pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:
.................................................. $ 44,857,019

NEW SUBSECTION. 4. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for fiscal year 2009=2010 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

a. For calculation of a distribution amount for eligible counties from the allowed growth funding pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1:
.................................................. $ 52,805,009

b. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in the appropriation made for the MH/DD community services fund for the fiscal year beginning July 1, 2009:
.................................................. $ 16,322,656

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

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

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

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

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

NEW SUBSECTION. 6. The total withholding amounts applied pursuant to subsection 5 shall be equal to a withholding target amount of $7,947,990. If the department of human services determines that the amount to be withheld in accordance with subsection 6 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 6 as necessary to achieve the target withholding amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall not adjust the zero withholding factor or the inflation adjustment percentage specified in subsection 5, paragraph "a".

DIVISION IV

CHANGES TO EXISTING APPROPRIATIONS

Sec. 44. 2008 Iowa Acts, chapter 1187, section 9, subsection 20, is amended to read as follows:

20. ~~a. Beginning July 1, 2009, any new or renewed contract entered into by the department with a third party to administer behavioral health services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department for deposit in a separate account after the end of the fiscal year.~~

~~b. Beginning July 1, 2008, the department shall maintain a separate account within the medical assistance budget for the deposit of all funds remitted pursuant to a contract with a third party to administer behavioral health services under the medical assistance program. Notwithstanding section 8.33, funds remaining in the account that remain unencumbered or unobligated at the end of any fiscal year shall not revert but shall remain available in succeeding fiscal years and shall be used only in accordance with appropriations from the account for health and human services=related purposes.~~

~~c.~~ a. Of the state share of any funds remitted to the medical assistance program pursuant to a contract with a third party to administer behavioral health services under the medical assistance program, the following amounts are appropriated to the department for the fiscal year beginning July 1, 2008, and ending June 30, 2009, to be used as follows:

(1) For implementation of the emergency mental health crisis services system in accordance with section 225C.19, as enacted by this Act, beginning January 1, 2009, $1,500,000.

(2) For implementation of the mental health services system for children and youth in accordance with section 225C.52, as enacted by this Act, beginning January 1, 2009, $500,000.

(3) For the mental health, mental retardation, and developmental disabilities risk pool created in the property tax relief fund in section 426B.5, $1,000,000.

(4) To reduce the waiting lists of the medical assistance home and community=based services waivers, $2,000,000. The department shall distribute the funding allocated under this subparagraph proportionately among all home and community=based services waivers.

(5) For Medicaid services provided under the children's mental health waiver, $750,000.

(6) For training for child welfare services providers, $250,000. The training shall be developed by the department in collaboration with the coalition for children and family services in Iowa.

~~d.~~ b. The department shall provide the results of the audits of the third party administering behavioral health services under the medical assistance program for the fiscal years beginning July 1, 2006, and July 1, 2007, to the legislative services agency for review.

Sec. 45. 2008 Iowa Acts, chapter 1188, section 16, is amended to read as follows:

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

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

FY 2008=2009 .................................... $ 4,800,000
FY 2009=2010 .................................... $ ~~14,800,000~~ 4,420,680
FY 2010=2011 .................................... $ 24,800,000

Notwithstanding section 514I.8, the expansion of eligibility for the hawk=i program to 300 percent of the federal poverty level may be delayed if the department determines that sufficient state funding is not available. The department shall notify the Code editor of any such delay.

Sec. 46. CENTER FOR CONGENITAL AND INHERITED DISORDERS CENTRAL REGISTRY. In lieu of the appropriation made pursuant to section 144.13A, subsection 4, paragraph "a", there is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the center for congenital and inherited disorders central registry established pursuant to section 136A.6:
.................................................. $ 183,883

Sec. 47. CHILD ABUSE PREVENTION PROGRAMS. In lieu of the appropriation made pursuant to section 144.13A, subsection 4, paragraph "a", there is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For primary and secondary child abuse prevention programs pursuant to section 235A.1:
.................................................. $ 217,772

Sec. 48. LIMITATION OF DEPARTMENT OF HUMAN SERVICES STANDING APPROPRIATIONS. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. Notwithstanding section 8.59, for commissions of inquiry under section 229.35:
.................................................. $ 1,571

2. Notwithstanding section 8.59, for the expenses of transfers of persons with mental illness under section 230.8:
.................................................. $ 76

3. Notwithstanding section 8.59, for the expenses of the commitments of persons with no or unknown legal settlement in the state under section 230.11:
.................................................. $ 160,898

4. For the property tax relief fund in section 426B.1, subsection 2:
.................................................. $ 87,492,625

Sec. 49. PROPERTY TAX RELIEF FUND == MEDICAL ASSISTANCE PROGRAM. In lieu of the appropriation made pursuant to section 426B.1, subsection 3, there is appropriated from the property tax relief fund to the department of human services for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To supplement the appropriations for the medical assistance program for the fiscal year beginning July 1, 2009, and ending June 30, 2010:
.................................................. $ 6,072,000

Sec. 50. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amounts appropriated from the general fund of the state pursuant to that section for the following designated purposes shall not exceed the following amount:

For the county commissions of veterans affairs fund under section 35A.16:
.................................................. $ 547,535

DIVISION V

GAMBLING TREATMENT FUND ELIMINATION

Sec. 51. Section 99D.7, subsection 22, Code 2009, is amended to read as follows:

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

Sec. 52. Section 99D.15, subsection 5, Code 2009, is amended by striking the subsection.

Sec. 53. Section 99F.4, subsection 22, Code 2009, is amended to read as follows:

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

Sec. 54. Section 99F.11, subsection 3, paragraph c, Code 2009, is amended by striking the paragraph.

Sec. 55. Section 99G.39, subsection 1, Code 2009, is amended to read as follows:

1. Upon receipt of any revenue, the chief executive officer shall deposit the moneys in the lottery fund created pursuant to section 99G.40. At least fifty percent of the projected annual revenue accruing from the sale of tickets or shares shall be allocated for payment of prizes to the holders of winning tickets. After the payment of prizes, the ~~following shall be deducted from the authority's revenue prior to disbursement:~~

~~a. An amount equal to one=half of one percent of the gross lottery revenue for the year shall be deposited in the gambling treatment fund created in section 135.150.~~

~~b. The~~ expenses of conducting the lottery shall be deducted from the authority's revenue prior to disbursement. Expenses for advertising production and media purchases shall not exceed four percent of the authority's gross revenue for the year.

Sec. 56. Section 135.150, Code 2009, is amended to read as follows:

135.150 GAMBLING TREATMENT ~~FUND ==~~ PROGRAM == STANDARDS AND LICENSING.

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

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

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

~~3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the gambling treatment fund shall be credited to the gambling treatment fund. Notwithstanding section 8.33, moneys credited to the gambling treatment fund shall not revert to the fund from which appropriated at the close of a fiscal year.~~

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

Sec. 57. GAMBLING TREATMENT FUND BALANCE TRANSFERRED == EFFECTIVE DATE.

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

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

DIVISION VI

CHILD CARE CREDIT FUND ELIMINATION

Sec. 58. Sections 237A.28 and 422.100, Code 2009, are repealed.

Sec. 59. CHILD CARE CREDIT FUND BALANCE TRANSFERRED == EFFECTIVE DATE.

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

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

DIVISION VII

SENIOR LIVING TRUST FUND ELIMINATION

Sec. 60. Section 8.55, subsection 2, Code 2009, is amended to read as follows:

2. ~~a.~~ The maximum balance of the fund is the amount equal to two and one=half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be transferred to the general fund.

~~b. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be transferred to the general fund of the state but shall be transferred to the senior living trust fund. The total amount appropriated, reverted, or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph "c".~~

Sec. 61. Section 8.57, subsection 2, Code 2009, is amended by striking the subsection.

Sec. 62. Section 16.182, Code 2009, is amended to read as follows:

16.182 ~~SENIOR~~ LONG=TERM LIVING REVOLVING LOAN PROGRAM FUND.

1. A ~~senior~~ long=term living revolving loan program fund is created within the authority to further the goal of the ~~senior~~ long=term living program as specified in section 249H.2. The moneys in the ~~senior~~ long=term living revolving loan program fund shall be used by the authority for the development and operation of a revolving loan program to provide financing to construct affordable assisted living and service=enriched affordable housing for seniors and persons

with disabilities, including through new construction or acquisition and rehabilitation.

2. Moneys ~~received by the authority from the senior living trust fund,~~ transferred by the authority for deposit in the ~~senior~~ long=term living revolving loan program fund, moneys appropriated to the ~~senior~~ long=term living revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement in the ~~senior~~ long=term living revolving loan program fund shall be deposited in the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the ~~senior~~ long=term living revolving loan program fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the ~~senior~~ long=term living revolving loan program fund shall be credited to the fund. Notwithstanding section 8.33, moneys that remain unencumbered or unobligated at the end of the fiscal year shall not revert to any other fund but shall remain available for the same purpose in the succeeding fiscal year.

3. The authority shall annually allocate moneys available in the ~~senior~~ long=term living revolving loan program fund for the development of affordable assisted living and service=enriched affordable housing for seniors and persons with disabilities. The authority shall develop a joint application process for the allocation of federal low=income housing tax credits and funds available under this section. Moneys allocated to such developments may be in the form of loans, grants, or a combination of loans and grants.

4. The authority shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 63. Section 16.183, subsection 2, Code 2009, is amended to read as follows:

2. Moneys ~~received by the authority from the senior living trust fund,~~ transferred by the authority for deposit in the home and community=based services revolving loan program fund, moneys appropriated to the home and community=based services revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement in the home and community=based services revolving loan program fund shall be deposited in the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the ~~senior~~ long=term living revolving loan program fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the home and community=based services revolving loan program fund shall be credited to the fund. Notwithstanding section 8.33, moneys that remain unencumbered or unobligated at the end of the fiscal year shall not revert to any other fund but shall remain available for the same purpose in the succeeding fiscal year.

Sec. 64. Section 231.14, subsection 7, Code 2009, is amended to read as follows:

7. Adopt a formula for the distribution of federal Act~~,~~ and state elder services~~, and senior living program~~ funds taking into account, to the maximum extent feasible, the best available data on the geographic distribution of elders in the state, and publish the formula for review and comment.

Sec. 65. Section 231.58, subsection 4, paragraph h, Code 2009, is amended to read as follows:

h. Provide direction and oversight for disbursement of moneys ~~from the senior living trust fund created in section 249H.4~~ received for the purposes of the long=term living program pursuant to chapter 249H.

Sec. 66. Section 249H.1, Code 2009, is amended to read as follows:

249H.1 TITLE.

This chapter shall be known and may be cited as the "Iowa ~~Senior~~ Long=term Living Program Act".

Sec. 67. Section 249H.2, subsection 1, paragraph f, Code 2009, is amended to read as follows:

f. ~~Grants are~~ Funding is necessary to cover the expenditures related to the development of alternative health care services. Development of these alternatives will improve access to and delivery of long=term care services to underserved individuals or in underserved areas, which will in turn contain or reduce the cost and improve the quality of health care services.

Sec. 68. Section 249H.2, subsection 1, paragraph g, Code 2009, is amended by striking the paragraph.

Sec. 69. Section 249H.3, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

249H.3 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Assisted living" means assisted living as defined in section 231C.2.

2. "Long=term care alternatives" means services that provide alternatives to institutional=based services including but not limited to those services specified as services under the medical assistance home and community=based services waiver for elder persons or adults with disabilities, elder group homes certified under chapter 231B, assisted=living programs certified under chapter 231C, and the PACE program.

3. "Long=term care provider" means a provider of long=term care alternatives.

4. "Long=term living program" means the program created in this chapter to provide for development and support of long=term care alternatives.

5. "PACE program" means a program of all=inclusive care for the elderly established pursuant to 42 U.S.C. } 1396(u)(4) that provides delivery of comprehensive health and social services to seniors by integrating acute and long=term care services, and that is operated by a public, private, nonprofit, or proprietary entity. "Pre=PACE program" means a PACE program in the initial start=up phase that provides the same scope of services as a PACE program.

6. "Persons with disabilities" means individuals eighteen years of age or older with disabilities as disability is defined in section 225B.2.

7. "Senior" means elder as defined in section 231.4 and as defined under the PACE program pursuant to 42 U.S.C. } 1396(u)(4).

8. "Senior living coordinating unit" means the senior living coordinating unit created within the department of elder affairs pursuant to section 231.58, or its designee.

Sec. 70. Section 249H.7, subsection 1, Code 2009, is amended to read as follows:

1. ~~Beginning October 1, 2000, the~~ The department of elder affairs, in consultation with the senior living coordinating unit, shall use funds specifically appropriated ~~from the senior living trust fund~~ for activities related to the design, maintenance, or expansion of home and community=based services for seniors, including but not limited to adult day services, personal care, respite, homemaker, chore, and transportation services designed to promote the independence of and to delay the use of institutional care by seniors with low and moderate incomes. At any time that moneys are specifically appropriated, the department of elder affairs, in consultation with the senior living coordinating unit, shall disburse the funds to the area agencies on aging.

Sec. 71. Section 249H.9, Code 2009, is amended to read as follows:

249H.9 ~~SENIOR~~ LONG=TERM LIVING PROGRAM INFORMATION == ELECTRONIC ACCESS == EDUCATION == ADVISORY COUNCIL.

1. The department of elder affairs and the area agencies on aging, in consultation with the senior living coordinating unit and the department of human services, shall create, on a county basis, a database directory of all health care and support services available to seniors and adults with disabilities. The department of elder affairs shall make the database electronically available to the public, and shall update the database on at least a monthly basis.

2. The department of elder affairs shall seek foundation funding to develop and provide an educational program for individuals aged twenty=one and older which assists participants in planning for and financing health care services and other supports in their senior years.

3. The department of human services shall develop and distribute an informational packet to the public that explains, in layperson terms, the law, regulations, and rules under the medical assistance program and other applicable programs relative to health care services options for seniors and adults with disabilities, including but not limited to those relating to transfer of assets, prepaid funeral expenses, and life insurance policies.

4. The director of human services, the director of the department of elder affairs, the director of public health, the director of the department of inspections and appeals, the director of revenue, and the commissioner of insurance shall constitute ~~a senior~~ an advisory council to provide oversight in the development and operation of all informational aspects of the ~~senior~~ long=term living program under this ~~section~~

chapter.

Sec. 72. GRANTS FROM SENIOR LIVING TRUST FUND == NONREVERSION.

1. Any nursing facility conversion and long=term care services development grants awarded and moneys appropriated for grants on or before June 30, 2005, from the senior living trust fund pursuant to section 249H.4, Code 2009, shall be considered to be obligated and shall remain available to be disbursed to eligible applicants after that date if necessary.

2. Notwithstanding section 8.33, moneys committed from the senior living trust fund, section 249H.4, Code 2009, to grantees under contract to provide for conversion to assisted living programs or for development of long=term care alternatives that remain unexpended at the close of any fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes of the contract until the contract has been completed.

3. Any funds remaining in the senior living trust fund at the end of the fiscal year beginning July 1, 2009, that remain unexpended or unobligated, shall be transferred to the general fund of the state. At such time as funds awarded as grants as provided in subsections 1 or 2 are not being spent for the purposes of the grant or are no longer committed or encumbered, those funds shall also be transferred to the general fund of the state.

Sec. 73. Sections 249H.4, 249H.4A, 249H.5, and 249H.11, Code 2009, are repealed.

Sec. 74. EFFECTIVE DATE.

1. The sections of this division of this Act, other than the sections addressing nonreversion and transfer of senior living trust fund moneys and amending sections 8.55 and 8.57, take effect July 1, 2010.

2. The sections of this division of this Act addressing nonreversion and transfer of senior living trust fund moneys and amending sections 8.55 and 8.57, take effect July 1, 2009.

DIVISION VIII

HEALTH CARE TRUST FUND ELIMINATION

Sec. 75. Section 453A.35, Code 2009, is amended to read as follows:

453A.35 TAX AND FEES PAID TO GENERAL FUND ~~== STANDING APPROPRIATION TO HEALTH CARE TRUST FUND~~.

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

2. All permit fees provided for in this chapter and collected by cities in the issuance of permits granted by the cities shall be paid to the treasurer of the city where the permit is effective, or to another city officer as designated by the council, and credited to the general fund of the city. Permit fees so collected by counties shall be paid to the county treasurer.

Sec. 76. Section 453A.35A, Code 2009, is repealed.

Sec. 77. HEALTH CARE TRUST FUND == REMAINING FUNDS == EFFECTIVE DATE.

1. Any funds remaining in the health care trust fund, created in section 453A.35A, Code 2009, at the end of the fiscal year beginning July 1, 2008, are transferred to the general fund of the state.

2. This section, being deemed of immediate importance, takes effect upon enactment.

DIVISION IX

STATUTORY CHANGES

Sec. 78. Section 234.12A, subsection 1, Code 2009, is amended to read as follows:

1. The department of human services shall maintain an electronic benefits transfer program utilizing electronic funds transfer systems for the food assistance program. The electronic benefits transfer program implemented under this section ~~shall at a minimum provide for all of the following:~~

~~a. A retailer~~ shall not ~~be required~~ require a retailer to make cash disbursements or to provide, purchase, or upgrade electronic funds transfer system equipment as a condition of participation in the program.

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

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

EXPLANATION

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

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

The division appropriates funding from the general fund of the state and the federal temporary assistance for needy families block grant to the department of human services. The allocation for the family development and self=sufficiency grant program is made directly to the department of human rights.

The reimbursement section addresses reimbursement for providers reimbursed by the department of human services and allows the department to reduce the rates established by the section if funding is insufficient or reduced.

SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION ACCOUNT, AND PROPERTY TAX RELIEF FUND. This division makes appropriations for fiscal year 2009=2010 from the senior living trust fund to the department of elder affairs, the department of human services, the department of inspections and appeals, and the Iowa finance authority. The senior living trust fund is eliminated in another division of the bill effective July 1, 2010.

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

The division makes appropriations from the IowaCare account to the state board of regents for distribution to the university of Iowa hospitals and clinics, and to the department of human services for distribution to a publicly owned acute care teaching hospital in a county with a population over 350,000. The division makes an appropriation to the department of human services from the health care transformation account for various health care reform initiatives. The division includes a transfer from the account for health care transformation to the IowaCare account.

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

CHANGES TO EXISTING APPROPRIATIONS. This division amends, limits, or replaces existing appropriations for fiscal year 2009=2010.

A previous directive to the department of human services is eliminated that would have required that beginning July 1, 2009, any new or renewed contract entered into by the department with a third party to administer behavioral health services under the Medicaid program must provide that any interest earned on payments from the state during the state fiscal year be remitted to the department for deposit in a separate account. Additionally, a directive that beginning July 1, 2008, the department maintain a separate account for the deposit of all such funds remitted by such third=party payor is eliminated.

A previous appropriation made in 2008 Iowa Acts, chapter 1188, for the medical assistance, hawk=i, and hawk=i expansion programs for FY 2009=2010 is reduced. The division also provides that expansion of eligibility for the hawk=i program to 300 percent of the federal poverty level may be delayed if the department of human services determines that sufficient state funding is not available.

Standing appropriations of certain amounts of birth certification registration fees made in Code section 144.13A for the center for congenital and inherited disorders central registry and child abuse prevention and treatment programs are replaced with appropriations of specific amounts for the same purposes.

Standing appropriations made for commissions of inquiry under Code section 229.35, for the expenses of transfers of persons with mental illness under Code section 230.8, and for the commitments of persons with no or unknown legal settlement in the state under Code section 230.11 are limited to specific amounts. The $95 million standing appropriation from the general fund to the property tax relief fund in Code section 426B.1 is reduced to approximately $87.5 million. The $6.6 million standing appropriation from the property tax relief fund to supplement the medical assistance program appropriations is reduced to approximately $6.1 million.

The $1 million standing appropriation from the general fund for the county commissions of veterans affairs fund under Code section 35A.16 is reduced to approximately $548,000.

GAMBLING TREATMENT FUND ELIMINATION. This division eliminates the gambling treatment fund and the percentage of gambling revenues designated for the fund. These revenues will instead be credited to the general fund of the state.

A transition section provides for the unobligated revenues remaining in the gambling treatment fund at the close of FY 2008=2009 to be transferred to the general fund of the state. This section takes effect upon enactment.

CHILD CARE CREDIT FUND ELIMINATION. This division repeals the child care credit fund created in Code section 237A.28 and the standing appropriation in Code section 422.100 of $2.6 million from individual income tax withholding receipts to the child care credit fund. Moneys in the child care credit fund were subject to a standing appropriation for the state child care assistance program.

A transition section provides for the unobligated revenues remaining in the child care credit fund at the close of FY 2008=2009 to be transferred to the general fund of the state. This section takes effect upon enactment.

SENIOR LIVING TRUST FUND. This division eliminates the senior living trust fund along with the revenue sources for the fund in Code section 8.55, relating to the Iowa economic emergency fund, and Code section 8.57, relating to transfer of the ending balance of the general fund of the state. References to the trust fund are eliminated. The senior living program in Code chapter 249H is changed to the long=term living program and references in various Code sections are revised accordingly. The Code changes take effect July 1, 2010.

Code changes involving revenue for the fund in Code sections 8.55 and 8.57, nonreversion provisions for contracted funds, and the transition provisions providing for transfer of unencumbered moneys in the trust fund at the close of FY 2009=2010 take effect July 1, 2009.

HEALTH CARE TRUST FUND ELIMINATION. This division eliminates the health care trust fund created in Code section 453A.35A and the standing appropriation of $127.6 million of certain cigarette and tobacco product tax proceeds to the trust fund in Code section 453A.35. These proceeds will instead be credited to the general fund.

A transition Code section provides for the unobligated revenues remaining in the health care trust fund at the close of FY 2008=2009 to be transferred to the general fund of the state. This Code section takes effect upon enactment.

STATUTORY CHANGES. This division includes various statutory changes.

Code section 234.12A relating to the electronic benefits transfer program for the food assistance program, is amended to eliminate fees paid to retailers for certain transactions.

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