

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

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

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

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1 1 DIVISION I
1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
1 3 ELDER AFFAIRS
1 4 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
1 5 appropriated from the general fund of the state to the
1 6 department of elder affairs for the fiscal year beginning July
1 7 1, 2009, and ending June 30, 2010, the following amount, or so
1 8 much thereof as is necessary, to be used for the purposes
1 9 designated:

1 10 For aging programs for the department of elder affairs and
1 11 area agencies on aging to provide citizens of Iowa who are 60
1 12 years of age and older with case management for the frail
1 13 elderly only if the monthly cost per client for case
1 14 management for the frail elderly services provided does not
1 15 exceed an average of \$70, resident advocate committee
1 16 coordination, employment, and other services which may include
1 17 but are not limited to adult day services, respite care, chore
1 18 services, telephone reassurance, information and assistance,
1 19 and home repair services, and for the construction of entrance
1 20 ramps which make residences accessible to the physically
1 21 handicapped, and for salaries, support, administration,
1 22 maintenance, and miscellaneous purposes:
1 23 \$ 4,931,605

1 24 1. Funds appropriated in this section may be used to
1 25 supplement federal funds under federal regulations. To
1 26 receive funds appropriated in this section, a local area
1 27 agency on aging shall match the funds with moneys from other
1 28 sources according to rules adopted by the department. Funds
1 29 appropriated in this section may be used for elderly services
1 30 not specifically enumerated in this section only if approved
1 31 by an area agency on aging for provision of the service within
1 32 the area.

1 33 2. Of the funds appropriated in this section, \$1,385,015
1 34 shall be transferred to the department of human services in
1 35 equal amounts on a quarterly basis for reimbursement of case
2 1 management services provided under the medical assistance
2 2 elderly waiver. The department of human services shall adopt
2 3 rules for case management services provided under the medical
2 4 assistance elderly waiver in consultation with the department
2 5 of elder affairs. The monthly cost per client for case
2 6 management for the frail elderly services provided shall not
2 7 exceed an average of \$70.

2 8 3. Of the funds appropriated in this section, \$180,634
2 9 shall be transferred to the department of economic development
2 10 for the Iowa commission on volunteer services to be used for
2 11 the retired and senior volunteer program.

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

2 18 designated:
2 19 1. ADDICTIVE DISORDERS
2 20 For reducing the prevalence of use of tobacco, alcohol, and
2 21 other drugs, and treating individuals affected by addictive
2 22 behaviors, including gambling:
2 23 \$ 34,046,889
2 24 The requirement of section 123.53, subsection 3, is met by
2 25 the appropriations made in this Act for purposes of addictive
2 26 disorders for the fiscal year beginning July 1, 2009.
2 27 2. HEALTHY CHILDREN AND FAMILIES
2 28 For promoting the optimum health status for children,
2 29 adolescents from birth through 21 years of age, and families:
2 30 \$ 2,776,543
2 31 Of the funds appropriated in this subsection, not more than
2 32 \$645,917 shall be used for the healthy opportunities to
2 33 experience success (HOPES)=healthy families Iowa (HFI) program
2 34 established pursuant to section 135.106. The department shall
2 35 transfer the funding allocated for the HOPES=HFI program to
3 1 the Iowa empowerment board for distribution and shall assist
3 2 the board in managing the contracting for the funding. The
3 3 funding shall be distributed to renew the grants that were
3 4 provided to the grantees that operated the program during the
3 5 fiscal year ending June 30, 2009.
3 6 3. CHRONIC CONDITIONS
3 7 For serving individuals identified as having chronic
3 8 conditions or special health care needs:
3 9 \$ 3,750,280
3 10 4. COMMUNITY CAPACITY
3 11 For strengthening the health care delivery system at the
3 12 local level:
3 13 \$ 7,086,651
3 14 Of the funds appropriated in this subsection, \$147,080 is
3 15 allocated for continuation of an initiative implemented at the
3 16 university of Iowa and \$133,178 is allocated for continuation
3 17 of an initiative at the state mental health institute at
3 18 Cherokee to expand and improve the workforce engaged in mental
3 19 health treatment and services. The initiatives shall receive
3 20 input from the university of Iowa, the department of human
3 21 services, the department of public health, and the mental
3 22 health, mental retardation, developmental disabilities, and
3 23 brain injury commission to address the focus of the
3 24 initiatives. The departments and the commission shall receive
3 25 regular updates concerning the status of the initiatives.
3 26 5. ELDERLY WELLNESS
3 27 For promotion of healthy aging and optimization of the
3 28 health of older adults:
3 29 \$ 8,504,269
3 30 6. ENVIRONMENTAL HAZARDS
3 31 For reducing the public's exposure to hazards in the
3 32 environment, primarily chemical hazards:
3 33 \$ 1,501,202
3 34 7. INFECTIOUS DISEASES
3 35 For reducing the incidence and prevalence of communicable
4 1 diseases:
4 2 \$ 1,713,484
4 3 8. PUBLIC PROTECTION
4 4 For protecting the health and safety of the public through
4 5 establishing standards and enforcing regulations:
4 6 \$ 3,748,476
4 7 Of the funds appropriated in this subsection, not more than
4 8 \$601,673 shall be credited to the emergency medical services
4 9 fund created in section 135.25. Moneys in the emergency
4 10 medical services fund are appropriated to the department to be
4 11 used for the purposes of the fund.
4 12 9. RESOURCE MANAGEMENT
4 13 For establishing and sustaining the overall ability of the
4 14 department to deliver services to the public:
4 15 \$ 1,116,482
4 16 The university of Iowa hospitals and clinics under the
4 17 control of the state board of regents shall not receive
4 18 indirect costs from the funds appropriated in this section.
4 19 The university of Iowa hospitals and clinics billings to the
4 20 department shall be on at least a quarterly basis.
4 21 DEPARTMENT OF VETERANS AFFAIRS
4 22 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
4 23 appropriated from the general fund of the state to the
4 24 department of veterans affairs for the fiscal year beginning
4 25 July 1, 2009, and ending June 30, 2010, the following amounts,
4 26 or so much thereof as is necessary, to be used for the
4 27 purposes designated:
4 28 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

4 29 For salaries, support, maintenance, and miscellaneous
 4 30 purposes, including the war orphans educational assistance
 4 31 fund created in section 35.8:
 4 32 \$ 1,121,373
 4 33 2. IOWA VETERANS HOME
 4 34 For salaries, support, maintenance, and miscellaneous
 4 35 purposes:
 5 1 \$ 13,455,992
 5 2 The Iowa veterans home billings involving the department of
 5 3 human services shall be submitted to the department on at
 5 4 least a monthly basis.
 5 5 If there is a change in the employer of employees providing
 5 6 services at the Iowa veterans home under a collective
 5 7 bargaining agreement, such employees and the agreement shall
 5 8 be continued by the successor employer as though there had not
 5 9 been a change in employer.
 5 10 3. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED
 5 11 VETERANS
 5 12 For provision of educational assistance pursuant to section
 5 13 35.9:
 5 14 \$ 24,109
 5 15 HUMAN SERVICES
 5 16 Sec. 4. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
 5 17 GRANT. There is appropriated from the fund created in section
 5 18 8.41 to the department of human services for the fiscal year
 5 19 beginning July 1, 2009, and ending June 30, 2010, from moneys
 5 20 received under the federal temporary assistance for needy
 5 21 families (TANF) block grant pursuant to the federal Personal
 5 22 Responsibility and Work Opportunity Reconciliation Act of
 5 23 1996, Pub. L. No. 104-193, and successor legislation, which
 5 24 are federally appropriated for the federal fiscal years
 5 25 beginning October 1, 2008, and ending September 30, 2009, and
 5 26 beginning October 1, 2009, and ending September 30, 2010, the
 5 27 following amounts, or so much thereof as is necessary, to be
 5 28 used for the purposes designated:
 5 29 1. To be credited to the family investment program account
 5 30 and used for assistance under the family investment program
 5 31 under chapter 239B:
 5 32 \$ 25,656,513
 5 33 2. To be credited to the family investment program account
 5 34 and used for the job opportunities and basic skills (JOBS)
 5 35 program and implementing family investment agreements in
 6 1 accordance with chapter 239B:
 6 2 \$ 13,334,528
 6 3 3. To be used for the family development and
 6 4 self-sufficiency grant program in accordance with section
 6 5 216A.107:
 6 6 \$ 2,998,675
 6 7 4. For field operations:
 6 8 \$ 18,507,495
 6 9 5. For general administration:
 6 10 \$ 3,744,000
 6 11 6. For local administrative costs:
 6 12 \$ 2,189,830
 6 13 7. For state child care assistance:
 6 14 \$ 28,331,177
 6 15 a. Of the funds appropriated in this subsection,
 6 16 \$18,986,177 shall be transferred to the federal child care and
 6 17 development block grant appropriation made by the Eighty-third
 6 18 General Assembly in 2009 Session for the federal fiscal year
 6 19 beginning October 1, 2009, and ending September 30, 2010. Of
 6 20 this amount, \$200,000 shall be used for provision of
 6 21 educational opportunities to registered child development home
 6 22 providers in order to improve services and programs offered by
 6 23 this category of providers and to increase the number of
 6 24 providers. The department may contract with institutions of
 6 25 higher education or child care resource and referral centers
 6 26 to provide the educational opportunities. Allowable
 6 27 administrative costs under the contracts shall not exceed 5
 6 28 percent. The application for a grant shall not exceed two
 6 29 pages in length.
 6 30 b. Any funds appropriated in this subsection remaining
 6 31 unallocated shall be used for state child care assistance
 6 32 payments for individuals enrolled in the family investment
 6 33 program who are employed.
 6 34 8. For mental health and developmental disabilities
 6 35 community services:
 7 1 \$ 4,894,052
 7 2 9. For child and family services:
 7 3 \$ 32,084,430
 7 4 10. For child abuse prevention grants:

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

9 16 administration, and implementation of the family development
 9 17 and self=sufficiency grant program in accordance with section
 9 18 216A.107:
 9 19 \$ 5,378,812
 9 20 (1) Of the funds allocated for the family development and
 9 21 self=sufficiency grant program in this lettered paragraph, not
 9 22 more than 5 percent of the funds shall be used for the
 9 23 administration of the grant program.
 9 24 (2) The department of human rights may continue to
 9 25 implement the family development and self=sufficiency grant
 9 26 program statewide during fiscal year 2009=2010.
 9 27 c. For the diversion subaccount of the FIP account:
 9 28 \$ 2,064,000
 9 29 (1) A portion of the moneys allocated for the subaccount
 9 30 may be used for field operations salaries, data management
 9 31 system development, and implementation costs and support
 9 32 deemed necessary by the director of human services in order to
 9 33 administer the FIP diversion program.
 9 34 (2) Of the funds allocated in this lettered paragraph, not
 9 35 more than \$250,000 shall be used to develop or continue
 10 1 community=level parental obligation pilot projects. The
 10 2 requirements established under 2001 Iowa Acts, chapter 191,
 10 3 section 3, subsection 5, paragraph "c", subparagraph (3),
 10 4 shall remain applicable to the parental obligation pilot
 10 5 projects for fiscal year 2009=2010. Notwithstanding 441 IAC
 10 6 100.8, providing for termination of rules relating to the
 10 7 pilot projects the earlier of October 1, 2006, or when
 10 8 legislative authority is discontinued, the rules relating to
 10 9 the pilot projects shall remain in effect until June 30, 2010.
 10 10 d. For the food stamp employment and training program:
 10 11 \$ 68,059
 10 12 The department shall amend the food stamp employment and
 10 13 training state plan in order to maximize to the fullest extent
 10 14 permitted by federal law the use of the fifty=fifty match
 10 15 provisions for the claiming of allowable federal matching
 10 16 funds from the United States department of agriculture
 10 17 pursuant to the federal food stamp employment and training
 10 18 program for providing education, employment, and training
 10 19 services for eligible food assistance program participants,
 10 20 including but not limited to related dependent care and
 10 21 transportation expenses.
 10 22 e. For the JOBS program:
 10 23 \$ 22,310,116
 10 24 5. Of the child support collections assigned under FIP, an
 10 25 amount equal to the federal share of support collections shall
 10 26 be credited to the child support recovery appropriation made
 10 27 in this division of this Act. Of the remainder of the
 10 28 assigned child support collections received by the child
 10 29 support recovery unit, a portion shall be credited to the FIP
 10 30 account, a portion may be used to increase recoveries, and a
 10 31 portion may be used to sustain cash flow in the child support
 10 32 payments account. If as a consequence of the appropriations
 10 33 and allocations made in this section the results are
 10 34 insufficient to sustain cash assistance payments and meet
 10 35 federal maintenance of effort requirements, the department
 11 1 shall seek supplemental funding. If child support collections
 11 2 assigned under FIP are greater than estimated or are otherwise
 11 3 determined not to be required for maintenance of effort, the
 11 4 state share of either amount may be transferred to or retained
 11 5 in the child support payment account.
 11 6 6. The department may adopt emergency rules for the family
 11 7 investment, JOBS, food, and medical assistance programs if
 11 8 necessary to comply with federal requirements.
 11 9 Sec. 6. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
 11 10 appropriated from the general fund of the state to the
 11 11 department of human services for the fiscal year beginning
 11 12 July 1, 2009, and ending June 30, 2010, the following amount,
 11 13 or so much thereof as is necessary, to be used for the purpose
 11 14 designated:
 11 15 To be credited to the family investment program (FIP)
 11 16 account and used for family investment program assistance
 11 17 under chapter 239B:
 11 18 \$ 35,036,216
 11 19 1. Of the funds appropriated in this section, \$8,975,588
 11 20 is allocated for the JOBS program.
 11 21 2. Of the funds appropriated in this section, \$2,380,137
 11 22 is allocated for the family development and self=sufficiency
 11 23 grant program.
 11 24 3. a. Of the funds appropriated in this section, \$230,244
 11 25 shall be used for continuation of a grant to an Iowa=based
 11 26 nonprofit organization with a history of providing tax

11 27 preparation assistance to low-income Iowans in order to expand
11 28 the usage of the earned income tax credit. The purpose of the
11 29 grant is to supply this assistance to underserved areas of the
11 30 state. The grant shall be provided to an organization that
11 31 has existing national foundation support for supplying such
11 32 assistance that can also secure local charitable match
11 33 funding.

11 34 b. The general assembly supports efforts by the
11 35 organization receiving funding under this subsection to create
12 1 a statewide earned income tax credit and asset-building
12 2 coalition to achieve both of the following purposes:

12 3 (1) Expanding the usage of the tax credit through new and
12 4 enhanced outreach and marketing strategies, as well as
12 5 identifying new local sites and human and financial resources.

12 6 (2) Assessing and recommending various strategies for
12 7 Iowans to develop assets through savings, individual
12 8 development accounts, financial literacy, antipredatory
12 9 lending initiatives, informed home ownership, use of various
12 10 forms of support for work, and microenterprise business
12 11 development targeted to persons who are self-employed or have
12 12 fewer than five employees.

12 13 4. Notwithstanding section 8.39, for the fiscal year
12 14 beginning July 1, 2009, if necessary to meet federal
12 15 maintenance of effort requirements or to transfer federal
12 16 temporary assistance for needy families block grant funding to
12 17 be used for purposes of the federal social services block
12 18 grant or to meet cash flow needs resulting from delays in
12 19 receiving federal funding or to implement, in accordance with
12 20 this division of this Act, activities currently funded with
12 21 juvenile court services, county, or community moneys and state
12 22 moneys used in combination with such moneys, the department of
12 23 human services may transfer funds within or between any of the
12 24 appropriations made in this division of this Act and
12 25 appropriations in law for the federal social services block
12 26 grant to the department for the following purposes, provided
12 27 that the combined amount of state and federal temporary
12 28 assistance for needy families block grant funding for each
12 29 appropriation remains the same before and after the transfer:

12 30 a. For the family investment program.

12 31 b. For child care assistance.

12 32 c. For child and family services.

12 33 d. For field operations.

12 34 e. For general administration.

12 35 f. MH/MR/DD/BI community services (local purchase).

13 1 This subsection shall not be construed to prohibit the use
13 2 of existing state transfer authority for other purposes. The
13 3 department shall report any transfers made pursuant to this
13 4 subsection to the legislative services agency.

13 5 Sec. 7. CHILD SUPPORT RECOVERY. There is appropriated
13 6 from the general fund of the state to the department of human
13 7 services for the fiscal year beginning July 1, 2009, and
13 8 ending June 30, 2010, the following amount, or so much thereof
13 9 as is necessary, to be used for the purposes designated:

13 10 For child support recovery, including salaries, support,
13 11 maintenance, and miscellaneous purposes:

13 12 \$ 14,102,101

13 13 1. The department shall expend up to \$31,000, including
13 14 federal financial participation, for the fiscal year beginning
13 15 July 1, 2009, for a child support public awareness campaign.
13 16 The department and the office of the attorney general shall
13 17 cooperate in continuation of the campaign. The public
13 18 awareness campaign shall emphasize, through a variety of media
13 19 activities, the importance of maximum involvement of both
13 20 parents in the lives of their children as well as the
13 21 importance of payment of child support obligations.

13 22 2. Federal access and visitation grant moneys shall be
13 23 issued directly to private not-for-profit agencies that
13 24 provide services designed to increase compliance with the
13 25 child access provisions of court orders, including but not
13 26 limited to neutral visitation sites and mediation services.

13 27 3. The appropriation made to the department for child
13 28 support recovery may be used throughout the fiscal year in the
13 29 manner necessary for purposes of cash flow management, and for
13 30 cash flow management purposes the department may temporarily
13 31 draw more than the amount appropriated, provided the amount
13 32 appropriated is not exceeded at the close of the fiscal year.

13 33 Sec. 8. MEDICAL ASSISTANCE. There is appropriated from
13 34 the general fund of the state to the department of human
13 35 services for the fiscal year beginning July 1, 2009, and
14 1 ending June 30, 2010, the following amount, or so much thereof
14 2 as is necessary, to be used for the purpose designated:

14 3 For medical assistance reimbursement and associated costs
14 4 as specifically provided in the reimbursement methodologies in
14 5 effect on June 30, 2009, except as otherwise expressly
14 6 authorized by law, including reimbursement for abortion
14 7 services which shall be available under the medical assistance
14 8 program only for those abortions which are medically
14 9 necessary:
14 10 \$883,095,255
14 11 1. Medically necessary abortions are those performed under
14 12 any of the following conditions:
14 13 a. The attending physician certifies that continuing the
14 14 pregnancy would endanger the life of the pregnant woman.
14 15 b. The attending physician certifies that the fetus is
14 16 physically deformed, mentally deficient, or afflicted with a
14 17 congenital illness.
14 18 c. The pregnancy is the result of a rape which is reported
14 19 within 45 days of the incident to a law enforcement agency or
14 20 public or private health agency which may include a family
14 21 physician.
14 22 d. The pregnancy is the result of incest which is reported
14 23 within 150 days of the incident to a law enforcement agency or
14 24 public or private health agency which may include a family
14 25 physician.
14 26 e. Any spontaneous abortion, commonly known as a
14 27 miscarriage, if not all of the products of conception are
14 28 expelled.
14 29 2. The department shall utilize not more than \$60,000 of
14 30 the funds appropriated in this section to continue the
14 31 AIDS/HIV health insurance premium payment program as
14 32 established in 1992 Iowa Acts, Second Extraordinary Session,
14 33 chapter 1001, section 409, subsection 6. Of the funds
14 34 allocated in this subsection, not more than \$5,000 may be
14 35 expended for administrative purposes.
15 1 3. Of the funds appropriated in this Act to the department
15 2 of public health for addictive disorders, \$950,000 for the
15 3 fiscal year beginning July 1, 2009, shall be transferred to
15 4 the department of human services for an integrated substance
15 5 abuse managed care system. The department shall not assume
15 6 management of the substance abuse system in place of the
15 7 managed care contractor unless such a change in approach is
15 8 specifically authorized in law. The departments of human
15 9 services and public health shall work together to maintain the
15 10 level of mental health and substance abuse services provided
15 11 by the managed care contractor through the Iowa plan for
15 12 behavioral health. Each department shall take the steps
15 13 necessary to continue the federal waivers as necessary to
15 14 maintain the level of services.
15 15 4. a. The department shall aggressively pursue options
15 16 for providing medical assistance or other assistance to
15 17 individuals with special needs who become ineligible to
15 18 continue receiving services under the early and periodic
15 19 screening, diagnosis, and treatment program under the medical
15 20 assistance program due to becoming 21 years of age who have
15 21 been approved for additional assistance through the
15 22 department's exception to policy provisions, but who have
15 23 health care needs in excess of the funding available through
15 24 the exception to policy provisions.
15 25 b. Of the funds appropriated in this section, \$100,000
15 26 shall be used for participation in one or more pilot projects
15 27 operated by a private provider to allow the individual or
15 28 individuals to receive service in the community in accordance
15 29 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
15 30 (1999), for the purpose of providing medical assistance or
15 31 other assistance to individuals with special needs who become
15 32 ineligible to continue receiving services under the early and
15 33 periodic screening, diagnosis, and treatment program under the
15 34 medical assistance program due to becoming 21 years of age who
15 35 have been approved for additional assistance through the
16 1 department's exception to policy provisions, but who have
16 2 health care needs in excess of the funding available through
16 3 the exception to the policy provisions.
16 4 5. Of the funds appropriated in this section, up to
16 5 \$3,050,082 may be transferred to the field operations or
16 6 general administration appropriations in this Act for
16 7 operational costs associated with Part D of the federal
16 8 Medicare Prescription Drug, Improvement, and Modernization Act
16 9 of 2003, Pub. L. No. 108-173.
16 10 6. In addition to any other funds appropriated in this
16 11 Act, of the funds appropriated in this section, \$500,000 shall
16 12 be used for the grant to the Iowa healthcare collaborative as
16 13 defined in section 135.40.

16 14 7. Of the funds appropriated in this section, not more
16 15 than \$166,600 shall be used to enhance outreach efforts. The
16 16 department may transfer funds allocated in this subsection to
16 17 the appropriations in this division of this Act for general
16 18 administration, the state children's health insurance program,
16 19 or medical contracts, as necessary, to implement the outreach
16 20 efforts.

16 21 8. Of the funds appropriated in this section, up to
16 22 \$442,100 may be transferred to the appropriation in this Act
16 23 for medical contracts to be used for authorization and
16 24 oversight of services related to remedial services in
16 25 accordance with federal law.

16 26 9. Of the funds appropriated in this section, \$1,143,522
16 27 may be used for the demonstration to maintain independence and
16 28 employment (DMIE) if the waiver for DMIE is approved by the
16 29 centers for Medicare and Medicaid services of the United
16 30 States department of health and human services. Additionally,
16 31 if the waiver is approved, \$440,000 of the funds shall be
16 32 transferred to the department of corrections for DMIE
16 33 activities.

16 34 10. A portion of the funds appropriated in this section
16 35 may be transferred to the appropriations in this division of
17 1 this Act for general administration, medical contracts, the
17 2 state children's health insurance program, or field operations
17 3 to be used for the state match cost to comply with the payment
17 4 error rate measurement (PERM) program for both the medical
17 5 assistance and state children's health insurance programs as
17 6 developed by the centers for Medicare and Medicaid services of
17 7 the United States department of health and human services to
17 8 comply with the federal Improper Payments Information Act of
17 9 2002, Pub. L. No. 107=300.

17 10 11. Of the funds appropriated in this section, a
17 11 sufficient amount is allocated to supplement the incomes of
17 12 residents of nursing facilities, intermediate care facilities
17 13 for persons with mental illness, and intermediate care
17 14 facilities for persons with mental retardation, with incomes
17 15 of less than \$50 in the amount necessary for the residents to
17 16 receive a personal needs allowance of \$50 per month pursuant
17 17 to section 249A.30A.

17 18 12. Of the funds appropriated in this section, the
17 19 following amounts shall be transferred to appropriations made
17 20 in this division of this Act to the state mental health
17 21 institutes:

17 22	a. Cherokee mental health institute	\$ 9,098,425
17 23	b. Clarinda mental health institute	\$ 1,977,305
17 24	c. Independence mental health institute	\$ 9,045,894
17 25	d. Mount Pleasant mental health institute	\$ 5,752,587

17 26 13. a. Of the funds appropriated in this section,
17 27 \$2,687,889 is allocated for state match for disproportionate
17 28 share hospital payment of \$7,321,954 to hospitals that meet
17 29 both of the following conditions:

17 30 (1) The hospital qualifies for disproportionate share and
17 31 graduate medical education payments.

17 32 (2) The hospital is an Iowa state-owned hospital with more
17 33 than 500 beds and eight or more distinct residency specialty
17 34 or subspecialty programs recognized by the American college of
17 35 graduate medical education.

18 1 b. Distribution of the disproportionate share payment
18 2 shall be made on a monthly basis. The total amount of
18 3 disproportionate share payments including graduate medical
18 4 education, enhanced disproportionate share, and Iowa
18 5 state-owned teaching hospital payments shall not exceed the
18 6 amount of the state's allotment under Pub. L. No. 102=234. In
18 7 addition, the total amount of all disproportionate share
18 8 payments shall not exceed the hospital-specific
18 9 disproportionate share limits under Pub. L. No. 103=66.

18 10 14. Of the funds appropriated in this section, \$4,634,065
18 11 is transferred to the IowaCare account created in section
18 12 249J.24.

18 13 15. Of the funds appropriated in this section, \$250,000
18 14 shall be used for the Iowa chronic care consortium pursuant to
18 15 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
18 16 Iowa Acts, chapter 179, sections 166 and 167.

18 17 Sec. 9. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
18 18 is appropriated from the general fund of the state to the
18 19 department of human services for the fiscal year beginning
18 20 July 1, 2009, and ending June 30, 2010, the following amount,
18 21 or so much thereof as is necessary, to be used for the purpose
18 22 designated:

18 23 For administration of the health insurance premium payment
18 24 program, including salaries, support, maintenance, and

18 25 miscellaneous purposes:
 18 26 \$ 533,814
 18 27 Sec. 10. MEDICAL CONTRACTS. There is appropriated from
 18 28 the general fund of the state to the department of human
 18 29 services for the fiscal year beginning July 1, 2009, and
 18 30 ending June 30, 2010, the following amount, or so much thereof
 18 31 as is necessary, to be used for the purpose designated:
 18 32 For medical contracts, including salaries, support,
 18 33 maintenance, and miscellaneous purposes:
 18 34 \$ 14,344,879
 18 35 Sec. 11. STATE SUPPLEMENTARY ASSISTANCE.
 19 1 1. There is appropriated from the general fund of the
 19 2 state to the department of human services for the fiscal year
 19 3 beginning July 1, 2009, and ending June 30, 2010, the
 19 4 following amount, or so much thereof as is necessary, to be
 19 5 used for the purpose designated:
 19 6 For the state supplementary assistance program:
 19 7 \$ 17,323,001
 19 8 2. The department shall increase the personal needs
 19 9 allowance for residents of residential care facilities by the
 19 10 same percentage and at the same time as federal supplemental
 19 11 security income and federal social security benefits are
 19 12 increased due to a recognized increase in the cost of living.
 19 13 The department may adopt emergency rules to implement this
 19 14 subsection.
 19 15 3. If during the fiscal year beginning July 1, 2009, the
 19 16 department projects that state supplementary assistance
 19 17 expenditures for a calendar year will not meet the federal
 19 18 pass-through requirement specified in Title XVI of the federal
 19 19 Social Security Act, section 1618, as codified in 42 U.S.C. }
 19 20 1382g, the department may take actions including but not
 19 21 limited to increasing the personal needs allowance for
 19 22 residential care facility residents and making programmatic
 19 23 adjustments or upward adjustments of the residential care
 19 24 facility or in-home health-related care reimbursement rates
 19 25 prescribed in this division of this Act to ensure that federal
 19 26 requirements are met. In addition, the department may make
 19 27 other programmatic and rate adjustments necessary to remain
 19 28 within the amount appropriated in this section while ensuring
 19 29 compliance with federal requirements. The department may
 19 30 adopt emergency rules to implement the provisions of this
 19 31 subsection.
 19 32 Sec. 12. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.
 19 33 1. There is appropriated from the general fund of the
 19 34 state to the department of human services for the fiscal year
 19 35 beginning July 1, 2009, and ending June 30, 2010, the
 20 1 following amount, or so much thereof as is necessary, to be
 20 2 used for the purpose designated:
 20 3 For maintenance of the healthy and well kids in Iowa (hawk=
 20 4 i) program pursuant to chapter 514I for receipt of federal
 20 5 financial participation under Title XXI of the federal Social
 20 6 Security Act, which creates the state children's health
 20 7 insurance program:
 20 8 \$ 15,372,897
 20 9 2. If sufficient funding is available under this Act, and
 20 10 if federal reauthorization of the state children's health
 20 11 insurance program provides sufficient federal allocations to
 20 12 the state and authorization to cover the following populations
 20 13 as an option under the state children's health insurance and
 20 14 medical assistance programs, the department may expand
 20 15 coverage under the state children's health insurance and
 20 16 medical assistance programs as follows:
 20 17 a. By eliminating the categorical exclusion of state
 20 18 employees from receiving state children's health insurance
 20 19 program benefits.
 20 20 b. By providing coverage for legal immigrant children and
 20 21 pregnant women not eligible under current federal guidelines.
 20 22 c. By covering children up to age twenty-one, or up to age
 20 23 twenty-three if the child is attending school.
 20 24 3. Of the funds appropriated in this section, \$134,050 is
 20 25 allocated for continuation of the contract for advertising and
 20 26 outreach with the department of public health and \$90,050 is
 20 27 allocated for other advertising and outreach.
 20 28 Sec. 13. CHILD CARE ASSISTANCE. There is appropriated
 20 29 from the general fund of the state to the department of human
 20 30 services for the fiscal year beginning July 1, 2009, and
 20 31 ending June 30, 2010, the following amount, or so much thereof
 20 32 as is necessary, to be used for the purpose designated:
 20 33 For child care programs:
 20 34 \$ 40,452,289
 20 35 1. Of the funds appropriated in this section, \$37,233,696

21 1 shall be used for state child care assistance in accordance
21 2 with section 237A.13.

21 3 2. Nothing in this section shall be construed or is
21 4 intended as or shall imply a grant of entitlement for services
21 5 to persons who are eligible for assistance due to an income
21 6 level consistent with the waiting list requirements of section
21 7 237A.13. Any state obligation to provide services pursuant to
21 8 this section is limited to the extent of the funds
21 9 appropriated in this section.

21 10 3. Of the funds appropriated in this section, \$525,524 is
21 11 allocated for the statewide program for child care resource
21 12 and referral services under section 237A.26. A list of the
21 13 registered and licensed child care facilities operating in the
21 14 area served by a child care resource and referral service
21 15 shall be made available to the families receiving state child
21 16 care assistance in that area.

21 17 4. Of the funds appropriated in this section, \$1,571,069
21 18 is allocated for child care quality improvement initiatives
21 19 including but not limited to the voluntary quality rating
21 20 system in accordance with section 237A.30.

21 21 5. The department may use any of the funds appropriated in
21 22 this section as a match to obtain federal funds for use in
21 23 expanding child care assistance and related programs. For the
21 24 purpose of expenditures of state and federal child care
21 25 funding, funds shall be considered obligated at the time
21 26 expenditures are projected or are allocated to the
21 27 department's service areas. Projections shall be based on
21 28 current and projected caseload growth, current and projected
21 29 provider rates, staffing requirements for eligibility
21 30 determination and management of program requirements including
21 31 data systems management, staffing requirements for
21 32 administration of the program, contractual and grant
21 33 obligations and any transfers to other state agencies, and
21 34 obligations for decategorization or innovation projects.

21 35 6. A portion of the state match for the federal child care
22 1 and development block grant shall be provided as necessary to
22 2 meet federal matching funds requirements through the state
22 3 general fund appropriation made for child development grants
22 4 and other programs for at-risk children in section 279.51.

22 5 7. Of the funds appropriated in this section, \$1,122,000
22 6 is transferred to the Iowa empowerment fund from which it is
22 7 appropriated to be used for professional development for the
22 8 system of early care, health, and education.

22 9 8. Notwithstanding section 8.33, moneys appropriated in
22 10 this section or received from the federal appropriations made
22 11 for the purposes of this section that remain unencumbered or
22 12 unobligated at the close of the fiscal year shall not revert
22 13 to any fund but shall remain available for expenditure for the
22 14 purposes designated until the close of the succeeding fiscal
22 15 year.

22 16 Sec. 14. JUVENILE INSTITUTIONS. There is appropriated
22 17 from the general fund of the state to the department of human
22 18 services for the fiscal year beginning July 1, 2009, and
22 19 ending June 30, 2010, the following amounts, or so much
22 20 thereof as is necessary, to be used for the purposes
22 21 designated:

22 22 1. For operation of the Iowa juvenile home at Toledo and
22 23 for salaries, support, and maintenance:

22 24 \$ 7,097,841

22 25 2. For operation of the state training school at Eldora
22 26 and for salaries, support, and maintenance:

22 27 \$ 11,262,156

22 28 Sec. 15. CHILD AND FAMILY SERVICES.

22 29 1. There is appropriated from the general fund of the
22 30 state to the department of human services for the fiscal year
22 31 beginning July 1, 2009, and ending June 30, 2010, the
22 32 following amount, or so much thereof as is necessary, to be
22 33 used for the purpose designated:

22 34 For child and family services:

22 35 \$ 94,546,404

23 1 2. In order to address a reduction of \$5,200,000 from the
23 2 amount allocated under the appropriation made for the purposes
23 3 of this section in prior years for purposes of juvenile
23 4 delinquent graduated sanction services, up to \$5,200,000 of
23 5 the amount of federal temporary assistance for needy families
23 6 block grant funding appropriated in this division of this Act
23 7 for child and family services shall be made available for
23 8 purposes of juvenile delinquent graduated sanction services.

23 9 3. The department may transfer funds appropriated in this
23 10 section as necessary to pay the nonfederal costs of services
23 11 reimbursed under the state child care assistance program or

23 12 the family investment program which are provided to children
23 13 who would otherwise receive services paid under the
23 14 appropriation in this section. The department may transfer
23 15 funds appropriated in this section to the appropriations made
23 16 in this division of this Act for general administration and
23 17 for field operations for resources necessary to implement and
23 18 operate the services funded in this section.

23 19 4. a. Of the funds appropriated in this section, up to
23 20 \$35,415,050 is allocated as the statewide expenditure target
23 21 under section 232.143 for group foster care maintenance and
23 22 services.

23 23 b. If at any time after September 30, 2009, annualization
23 24 of a service area's current expenditures indicates a service
23 25 area is at risk of exceeding its group foster care expenditure
23 26 target under section 232.143 by more than 5 percent, the
23 27 department and juvenile court services shall examine all group
23 28 foster care placements in that service area in order to
23 29 identify those which might be appropriate for termination. In
23 30 addition, any aftercare services believed to be needed for the
23 31 children whose placements may be terminated shall be
23 32 identified. The department and juvenile court services shall
23 33 initiate action to set dispositional review hearings for the
23 34 placements identified. In such a dispositional review
23 35 hearing, the juvenile court shall determine whether needed
24 1 aftercare services are available and whether termination of
24 2 the placement is in the best interest of the child and the
24 3 community.

24 4 5. In accordance with the provisions of section 232.188,
24 5 the department shall continue the child welfare and juvenile
24 6 justice funding initiative during fiscal year 2009=2010. Of
24 7 the funds appropriated in this section, \$1,805,000 is
24 8 allocated specifically for expenditure for fiscal year
24 9 2009=2010 through the decategorization service funding pools
24 10 and governance boards established pursuant to section 232.188.

24 11 6. A portion of the funds appropriated in this section may
24 12 be used for emergency family assistance to provide other
24 13 resources required for a family participating in a family
24 14 preservation or reunification project or successor project to
24 15 stay together or to be reunified.

24 16 7. Notwithstanding section 234.35 or any other provision
24 17 of law to the contrary, state funding for shelter care shall
24 18 be limited to \$8,151,176. The department and providers of
24 19 shelter care may continue or amend shelter care contracts to
24 20 include child welfare emergency services for children who
24 21 might otherwise be served in shelter care.

24 22 8. Federal funds received by the state during the fiscal
24 23 year beginning July 1, 2009, as the result of the expenditure
24 24 of state funds appropriated during a previous state fiscal
24 25 year for a service or activity funded under this section are
24 26 appropriated to the department to be used as additional
24 27 funding for services and purposes provided for under this
24 28 section.

24 29 9. Of the funds appropriated in this section, at least
24 30 \$3,696,285 shall be used for protective child care assistance.

24 31 10. a. Of the funds appropriated in this section, up to
24 32 \$2,291,653 is allocated for the payment of the expenses of
24 33 court=ordered services provided to juveniles who are under the
24 34 supervision of juvenile court services, which expenses are a
24 35 charge upon the state pursuant to section 232.141, subsection

25 1 4. Of the amount allocated in this lettered paragraph, up to
25 2 \$1,556,287 shall be made available to provide school-based
25 3 supervision of children adjudicated under chapter 232, of
25 4 which not more than \$15,000 may be used for the purpose of
25 5 training. A portion of the cost of each school-based liaison
25 6 officer shall be paid by the school district or other funding
25 7 source as approved by the chief juvenile court officer.

25 8 b. Of the funds appropriated in this section, up to
25 9 \$832,205 is allocated for the payment of the expenses of
25 10 court=ordered services provided to children who are under the
25 11 supervision of the department, which expenses are a charge
25 12 upon the state pursuant to section 232.141, subsection 4.

25 13 c. Notwithstanding section 232.141 or any other provision
25 14 of law to the contrary, the amounts allocated in this
25 15 subsection shall be distributed to the judicial districts as
25 16 determined by the state court administrator and to the
25 17 department's service areas as determined by the administrator
25 18 of the department's division of child and family services.
25 19 The state court administrator and the division administrator
25 20 shall make the determination of the distribution amounts on or
25 21 before June 15, 2009.

25 22 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
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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 elevated 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

27 34 allocated for funding of the state match for the federal
 27 35 substance abuse and mental health services administration
 28 1 (SAMHSA) system of care grant.
 28 2 21. Of the funds appropriated in this section, \$100,000
 28 3 shall be used for continuation of a grant to support a
 28 4 satellite project associated with a child protection center in
 28 5 a county with a population between 189,000 and 196,000 to be
 28 6 operated in a hospital in a county in northeast Iowa with a
 28 7 population between 120,000 and 135,000. The pilot project
 28 8 shall provide immediate, sensitive support and forensic
 28 9 interviews, medical exams, needs assessments, and referrals
 28 10 for victims of child abuse and the victims' nonoffender family
 28 11 members. Population numbers used in this subsection are from
 28 12 the latest preceding certified federal census.
 28 13 Sec. 16. ADOPTION SUBSIDY.
 28 14 1. There is appropriated from the general fund of the
 28 15 state to the department of human services for the fiscal year
 28 16 beginning July 1, 2009, and ending June 30, 2010, the
 28 17 following amount, or so much thereof as is necessary, to be
 28 18 used for the purpose designated:
 28 19 For adoption subsidy payments and services:
 28 20 \$ 36,655,458
 28 21 2. The department may transfer funds appropriated in this
 28 22 section to the appropriation made in this Act for general
 28 23 administration for costs paid from the appropriation relating
 28 24 to adoption subsidy.
 28 25 3. Federal funds received by the state during the fiscal
 28 26 year beginning July 1, 2009, as the result of the expenditure
 28 27 of state funds during a previous state fiscal year for a
 28 28 service or activity funded under this section are appropriated
 28 29 to the department to be used as additional funding for the
 28 30 services and activities funded under this section.
 28 31 Sec. 17. JUVENILE DETENTION HOME FUND. Moneys deposited
 28 32 in the juvenile detention home fund created in section 232.142
 28 33 during the fiscal year beginning July 1, 2009, and ending June
 28 34 30, 2010, are appropriated to the department of human services
 28 35 for the fiscal year beginning July 1, 2009, and ending June
 29 1 30, 2010, for distribution of an amount equal to a percentage
 29 2 of the costs of the establishment, improvement, operation, and
 29 3 maintenance of county or multicounty juvenile detention homes
 29 4 in the fiscal year beginning July 1, 2008. Moneys
 29 5 appropriated for distribution in accordance with this section
 29 6 shall be allocated among eligible detention homes, prorated on
 29 7 the basis of an eligible detention home's proportion of the
 29 8 costs of all eligible detention homes in the fiscal year
 29 9 beginning July 1, 2008. The percentage figure shall be
 29 10 determined by the department based on the amount available for
 29 11 distribution for the fund. Notwithstanding section 232.142,
 29 12 subsection 3, the financial aid payable by the state under
 29 13 that provision for the fiscal year beginning July 1, 2009,
 29 14 shall be limited to the amount appropriated for the purposes
 29 15 of this section.
 29 16 Sec. 18. FAMILY SUPPORT SUBSIDY PROGRAM.
 29 17 1. There is appropriated from the general fund of the
 29 18 state to the department of human services for the fiscal year
 29 19 beginning July 1, 2009, and ending June 30, 2010, the
 29 20 following amount, or so much thereof as is necessary, to be
 29 21 used for the purpose designated:
 29 22 For the family support subsidy program:
 29 23 \$ 1,783,337
 29 24 2. Not more than \$30,000 of the amount appropriated in
 29 25 subsection 1 shall be used for administrative costs.
 29 26 Sec. 19. CONNER DECREE. There is appropriated from the
 29 27 general fund of the state to the department of human services
 29 28 for the fiscal year beginning July 1, 2009, and ending June
 29 29 30, 2010, the following amount, or so much thereof as is
 29 30 necessary, to be used for the purpose designated:
 29 31 For building community capacity through the coordination
 29 32 and provision of training opportunities in accordance with the
 29 33 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
 29 34 Iowa, July 14, 1994):
 29 35 \$ 39,255
 30 1 Sec. 20. MENTAL HEALTH INSTITUTES. There is appropriated
 30 2 from the general fund of the state to the department of human
 30 3 services for the fiscal year beginning July 1, 2009, and
 30 4 ending June 30, 2010, the following amounts, or so much
 30 5 thereof as is necessary, to be used for the purposes
 30 6 designated:
 30 7 1. For the state mental health institute at Cherokee for
 30 8 salaries, support, maintenance, and miscellaneous purposes:
 30 9 \$ 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

32 21 general fund of the state to the mental health and
32 22 developmental disabilities community services fund created in
32 23 section 225C.7 for the fiscal year beginning July 1, 2009, and
32 24 ending June 30, 2010, the following amount, or so much thereof
32 25 as is necessary, to be used for the purpose designated:
32 26 For mental health and developmental disabilities community
32 27 services in accordance with this division of this Act:
32 28 \$ 16,592,110
32 29 1. Of the funds appropriated in this section, \$16,322,656
32 30 shall be allocated to counties for funding of community-based
32 31 mental health and developmental disabilities services. The
32 32 moneys shall be allocated to a county as follows:
32 33 a. Fifty percent based upon the county's proportion of the
32 34 state's population of persons with an annual income which is
32 35 equal to or less than the poverty guideline established by the
33 1 federal office of management and budget.
33 2 b. Fifty percent based upon the county's proportion of the
33 3 state's general population.
33 4 2. a. A county shall utilize the funding the county
33 5 receives pursuant to subsection 1 for services provided to
33 6 persons with a disability, as defined in section 225C.2.
33 7 However, no more than 50 percent of the funding shall be used
33 8 for services provided to any one of the service populations.
33 9 b. A county shall use at least 50 percent of the funding
33 10 the county receives under subsection 1 for contemporary
33 11 services provided to persons with a disability, as described
33 12 in rules adopted by the department.
33 13 3. Of the funds appropriated in this section, \$30,000
33 14 shall be used to support the Iowa compass program providing
33 15 computerized information and referral services for Iowans with
33 16 disabilities and their families.
33 17 4. a. Funding appropriated for purposes of the federal
33 18 social services block grant is allocated for distribution to
33 19 counties for local purchase of services for persons with
33 20 mental illness or mental retardation or other developmental
33 21 disability.
33 22 b. The funds allocated in this subsection shall be
33 23 expended by counties in accordance with the county's approved
33 24 county management plan. A county without an approved county
33 25 management plan shall not receive allocated funds until the
33 26 county's management plan is approved.
33 27 c. The funds provided by this subsection shall be
33 28 allocated to each county as follows:
33 29 (1) Fifty percent based upon the county's proportion of
33 30 the state's population of persons with an annual income which
33 31 is equal to or less than the poverty guideline established by
33 32 the federal office of management and budget.
33 33 (2) Fifty percent based upon the amount provided to the
33 34 county for local purchase of services in the preceding fiscal
33 35 year.
34 1 5. A county is eligible for funds under this section if
34 2 the county qualifies for a state payment as described in
34 3 section 331.439.
34 4 6. Of the funds appropriated in this section, \$239,454
34 5 shall be used for a grant to a statewide association of
34 6 counties for development and implementation of the community
34 7 services network to replace the county management information
34 8 system.
34 9 7. The most recent population estimates issued by the
34 10 United States bureau of the census shall be applied for the
34 11 population factors utilized in this section.
34 12 Sec. 24. SEXUALLY VIOLENT PREDATORS.
34 13 1. There is appropriated from the general fund of the
34 14 state to the department of human services for the fiscal year
34 15 beginning July 1, 2009, and ending June 30, 2010, the
34 16 following amount, or so much thereof as is necessary, to be
34 17 used for the purpose designated:
34 18 For costs associated with the commitment and treatment of
34 19 sexually violent predators in the unit located at the state
34 20 mental health institute at Cherokee, including costs of legal
34 21 services and other associated costs, including salaries,
34 22 support, maintenance, and miscellaneous purposes:
34 23 \$ 6,928,144
34 24 2. Unless specifically prohibited by law, if the amount
34 25 charged provides for recoupment of at least the entire amount
34 26 of direct and indirect costs, the department of human services
34 27 may contract with other states to provide care and treatment
34 28 of persons placed by the other states at the unit for sexually
34 29 violent predators at Cherokee. The moneys received under such
34 30 a contract shall be considered to be repayment receipts and
34 31 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

37 8 expenditures for reimbursement of nursing facilities on a
37 9 quarterly basis and the department shall determine if an
37 10 adjustment to the medical assistance reimbursement rate is
37 11 necessary in order to provide reimbursement within the state
37 12 funding amount. Any temporary enhanced federal financial
37 13 participation that may become available to the Iowa medical
37 14 assistance program during the fiscal year shall not be used in
37 15 projecting the nursing facility budget. Notwithstanding 2001
37 16 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
37 17 "c", and subsection 3, paragraph "a", subparagraph (2), if the
37 18 state funding expenditures for the nursing facility budget for
37 19 the fiscal year beginning July 1, 2009, are projected to
37 20 exceed the amount specified in subparagraph (1), the
37 21 department shall adjust the reimbursement for nursing
37 22 facilities reimbursed under the case-mix reimbursement system
37 23 to maintain expenditures of the nursing facility budget within
37 24 the specified amount. The department shall revise such
37 25 reimbursement as necessary to adjust the annual accountability
37 26 measures payment in accordance with 2001 Iowa Acts, chapter
37 27 192, section 4, subsection 4, as amended by 2008 Iowa Acts,
37 28 chapter 1187, section 33.

37 29 b. For the fiscal year beginning July 1, 2009, the
37 30 department shall reimburse pharmacy dispensing fees using a
37 31 single rate of \$4.57 per prescription or the pharmacy's usual
37 32 and customary fee, whichever is lower.

37 33 c. (1) For the fiscal year beginning July 1, 2009,
37 34 reimbursement rates for inpatient and outpatient hospital
37 35 services shall remain at the rates in effect on June 30, 2009.

38 1 (2) In order to ensure the efficient use of limited state
38 2 funds in procuring health care services for low-income Iowans,
38 3 funds appropriated in this Act for hospital services shall not
38 4 be used for activities which would be excluded from a
38 5 determination of reasonable costs under the federal Medicare
38 6 program pursuant to 42 U.S.C. } 1395X(v)(1)(N).

38 7 d. For the fiscal year beginning July 1, 2009,
38 8 reimbursement rates for rural health clinics, hospices,
38 9 independent laboratories, and acute mental hospitals shall be
38 10 increased in accordance with increases under the federal
38 11 Medicare program or as supported by their Medicare audited
38 12 costs.

38 13 e. For the fiscal year beginning July 1, 2009,
38 14 reimbursement rates for home health agencies shall remain at
38 15 the rates in effect on June 30, 2009, not to exceed a home
38 16 health agency's actual allowable cost.

38 17 f. For the fiscal year beginning July 1, 2009, federally
38 18 qualified health centers shall receive cost-based
38 19 reimbursement for 100 percent of the reasonable costs for the
38 20 provision of services to recipients of medical assistance.

38 21 g. For the fiscal year beginning July 1, 2009, the
38 22 reimbursement rates for dental services shall remain at the
38 23 rates in effect on June 30, 2009.

38 24 h. For the fiscal year beginning July 1, 2009, the maximum
38 25 reimbursement rate for psychiatric medical institutions for
38 26 children shall be \$167.19 per day.

38 27 i. For the fiscal year beginning July 1, 2009, unless
38 28 otherwise specified in this Act, all noninstitutional medical
38 29 assistance provider reimbursement rates shall remain at the
38 30 rates in effect on June 30, 2009, except for area education
38 31 agencies, local education agencies, infant and toddler
38 32 services providers, and those providers whose rates are
38 33 required to be determined pursuant to section 249A.20.

38 34 j. Notwithstanding any provision to the contrary, for the
38 35 fiscal year beginning July 1, 2009, the reimbursement rate for
39 1 anesthesiologists shall remain at the rate in effect on June
39 2 30, 2009.

39 3 k. Notwithstanding section 249A.20, for the fiscal year
39 4 beginning July 1, 2009, the average reimbursement rate for
39 5 health care providers eligible for use of the federal Medicare
39 6 resource-based relative value scale reimbursement methodology
39 7 under that section shall remain at the rate in effect on June
39 8 30, 2009; however, this rate shall not exceed the maximum
39 9 level authorized by the federal government.

39 10 l. For the fiscal year beginning July 1, 2009, the
39 11 reimbursement rate for residential care facilities shall not
39 12 be less than the minimum payment level as established by the
39 13 federal government to meet the federally mandated maintenance
39 14 of effort requirement. The flat reimbursement rate for
39 15 facilities electing not to file semiannual cost reports shall
39 16 not be less than the minimum payment level as established by
39 17 the federal government to meet the federally mandated
39 18 maintenance of effort requirement.

39 19 m. For the fiscal year beginning July 1, 2009, inpatient
39 20 mental health services provided at hospitals shall be
39 21 reimbursed at the cost of the services, subject to Medicaid
39 22 program upper payment limit rules; community mental health
39 23 centers and providers of mental health services to county
39 24 residents pursuant to a waiver approved under section 225C.7,
39 25 subsection 3, shall be reimbursed at 100 percent of the
39 26 reasonable costs for the provision of services to recipients
39 27 of medical assistance; and psychiatrists shall be reimbursed
39 28 at the medical assistance program fee for service rate.

39 29 n. For the fiscal year beginning July 1, 2009, the
39 30 reimbursement rate for consumer-directed attendant care shall
39 31 remain at the rates in effect on June 30, 2009.

39 32 2. For the fiscal year beginning July 1, 2009, the
39 33 reimbursement rate for providers reimbursed under the in=
39 34 home-related care program shall not be less than the minimum
39 35 payment level as established by the federal government to meet
40 1 the federally mandated maintenance of effort requirement.

40 2 3. Unless otherwise directed in this section, when the
40 3 department's reimbursement methodology for any provider
40 4 reimbursed in accordance with this section includes an
40 5 inflation factor, this factor shall not exceed the amount by
40 6 which the consumer price index for all urban consumers
40 7 increased during the calendar year ending December 31, 2002.

40 8 4. For the fiscal year beginning July 1, 2009,
40 9 notwithstanding section 234.38, the foster family basic daily
40 10 maintenance rate, the maximum adoption subsidy rate, and the
40 11 maximum supervised apartment living foster care rate for
40 12 children ages 0 through 5 years shall be \$16.36, the rate for
40 13 children ages 6 through 11 years shall be \$17.01, the rate for
40 14 children ages 12 through 15 years shall be \$18.62, and the
40 15 rate for children ages 16 and older shall be \$18.87.

40 16 5. For the fiscal year beginning July 1, 2009, the maximum
40 17 reimbursement rates for social services providers reimbursed
40 18 under a purchase of social services contract shall remain at
40 19 the rates in effect on June 30, 2009, or the provider's actual
40 20 and allowable cost plus inflation for each service, whichever
40 21 is less. However, the rates may be adjusted under any of the
40 22 following circumstances:

40 23 a. If a new service was added after June 30, 2009, the
40 24 initial reimbursement rate for the service shall be based upon
40 25 actual and allowable costs.

40 26 b. If a social service provider loses a source of income
40 27 used to determine the reimbursement rate for the provider, the
40 28 provider's reimbursement rate may be adjusted to reflect the
40 29 loss of income, provided that the lost income was used to
40 30 support actual and allowable costs of a service purchased
40 31 under a purchase of service contract.

40 32 6. For the fiscal year beginning July 1, 2009, the
40 33 reimbursement rates for family-centered service providers,
40 34 family foster care service providers, group foster care
40 35 service providers, and the resource family recruitment and
41 1 retention contractor shall remain at the rates in effect on
41 2 June 30, 2009.

41 3 7. The group foster care reimbursement rates paid for
41 4 placement of children out of state shall be calculated
41 5 according to the same rate-setting principles as those used
41 6 for in-state providers, unless the director of human services
41 7 or the director's designee determines that appropriate care
41 8 cannot be provided within the state. The payment of the daily
41 9 rate shall be based on the number of days in the calendar
41 10 month in which service is provided.

41 11 8. For the fiscal year beginning July 1, 2009, remedial
41 12 service providers shall receive cost-based reimbursement for
41 13 100 percent of the reasonable costs plus 1 percent not to
41 14 exceed the established limit for the provision of services to
41 15 recipients of medical assistance.

41 16 9. a. For the fiscal year beginning July 1, 2009, the
41 17 combined service and maintenance components of the
41 18 reimbursement rate paid for shelter care services and
41 19 alternative child welfare emergency services purchased under a
41 20 contract shall be based on the financial and statistical
41 21 report submitted to the department. The maximum reimbursement
41 22 rate shall be \$92.36 per day. The department shall reimburse
41 23 a shelter care provider at the provider's actual and allowable
41 24 unit cost, plus inflation, not to exceed the maximum
41 25 reimbursement rate.

41 26 b. Notwithstanding section 232.141, subsection 8, for the
41 27 fiscal year beginning July 1, 2009, the amount of the
41 28 statewide average of the actual and allowable rates for
41 29 reimbursement of juvenile shelter care homes that is utilized

41 30 for the limitation on recovery of unpaid costs shall remain at
41 31 the amount in effect for this purpose in the preceding fiscal
41 32 year.

41 33 10. For the fiscal year beginning July 1, 2009, the
41 34 department shall calculate reimbursement rates for
41 35 intermediate care facilities for persons with mental
42 1 retardation at the 80th percentile.

42 2 11. For the fiscal year beginning July 1, 2009, for child
42 3 care providers reimbursed under the state child care
42 4 assistance program, the department shall set provider
42 5 reimbursement rates based on the rate reimbursement survey
42 6 completed in December 2004. Effective July 1, 2009, the child
42 7 care provider reimbursement rates shall remain at the rates in
42 8 effect on June 30, 2009. The department shall set rates in a
42 9 manner so as to provide incentives for a nonregistered
42 10 provider to become registered by applying the increase only to
42 11 registered and licensed providers.

42 12 12. For the fiscal year beginning July 1, 2009,
42 13 reimbursements for providers reimbursed by the department of
42 14 human services may be modified if appropriated funding is
42 15 allocated for that purpose from the senior living trust fund
42 16 created in section 249H.4.

42 17 13. Notwithstanding the reimbursement rates established in
42 18 this section for the fiscal year beginning July 1, 2009, the
42 19 department of human services may reduce actual payments to
42 20 providers based on these established rates due to funds
42 21 availability or a uniform reduction that has been applied to
42 22 the appropriations for the medical assistance program or other
42 23 appropriations.

42 24 14. The department may adopt emergency rules to implement
42 25 this section.

42 26 Sec. 31. EMERGENCY RULES. If specifically authorized by a
42 27 provision of this division of this Act, the department of
42 28 human services or the mental health, mental retardation,
42 29 developmental disabilities, and brain injury commission may
42 30 adopt administrative rules under section 17A.4, subsection 2,
42 31 and section 17A.5, subsection 2, paragraph "b", to implement
42 32 the provisions and the rules shall become effective
42 33 immediately upon filing or on a later effective date specified
42 34 in the rules, unless the effective date is delayed by the
42 35 administrative rules review committee. Any rules adopted in
43 1 accordance with this section shall not take effect before the
43 2 rules are reviewed by the administrative rules review
43 3 committee. The delay authority provided to the administrative
43 4 rules review committee under section 17A.4, subsection 5, and
43 5 section 17A.8, subsection 9, shall be applicable to a delay
43 6 imposed under this section, notwithstanding a provision in
43 7 those sections making them inapplicable to section 17A.5,
43 8 subsection 2, paragraph "b". Any rules adopted in accordance
43 9 with the provisions of this section shall also be published as
43 10 notice of intended action as provided in section 17A.4.

43 11 Sec. 32. REPORTS. Any reports or information required to
43 12 be compiled and submitted under this Act shall be submitted to
43 13 the chairpersons and ranking members of the joint
43 14 appropriations subcommittee on health and human services, the
43 15 legislative services agency, and the legislative caucus staffs
43 16 on or before the dates specified for submission of the reports
43 17 or information.

43 18 Sec. 33. EFFECTIVE DATE. The following provisions of this
43 19 division of this Act, being deemed of immediate importance,
43 20 take effect upon enactment:

43 21 The provision under the appropriation for child and family
43 22 services, relating to requirements of section 232.143 for
43 23 representatives of the department of human services and
43 24 juvenile court services to establish a plan for continuing
43 25 group foster care expenditures for fiscal year 2009=2010.

43 26 DIVISION II
43 27 SENIOR LIVING TRUST FUND,
43 28 PHARMACEUTICAL SETTLEMENT ACCOUNT,
43 29 IOWACARE ACCOUNT, AND HEALTH CARE
43 30 TRANSFORMATION ACCOUNT

43 31 Sec. 34. DEPARTMENT OF ELDER AFFAIRS. There is
43 32 appropriated from the senior living trust fund created in
43 33 section 249H.4 to the department of elder affairs for the
43 34 fiscal year beginning July 1, 2009, and ending June 30, 2010,
43 35 the following amount, or so much thereof as is necessary, to
44 1 be used for the purpose designated:

44 2 For the development and implementation of a comprehensive
44 3 senior living program, including case management only if the
44 4 monthly cost per client for case management for the frail
44 5 elderly services provided does not exceed an average of \$70,

44 6 and including program administration and costs associated with
 44 7 implementation:
 44 8 \$ 8,486,698
 44 9 1. Of the funds appropriated in this section, \$1,010,000
 44 10 shall be transferred to the department of human services in
 44 11 equal amounts on a quarterly basis for reimbursement of case
 44 12 management services provided under the medical assistance
 44 13 elderly waiver. The monthly cost per client for case
 44 14 management for the frail elderly services provided shall not
 44 15 exceed an average of \$70.
 44 16 2. Notwithstanding section 249H.7, the department of elder
 44 17 affairs shall distribute funds appropriated in this section in
 44 18 a manner that will supplement and maximize federal funds under
 44 19 the federal Older Americans Act and shall not use the amount
 44 20 distributed for any administrative purposes of either the
 44 21 department of elder affairs or the area agencies on aging.
 44 22 Sec. 35. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 44 23 appropriated from the senior living trust fund created in
 44 24 section 249H.4 to the department of inspections and appeals
 44 25 for the fiscal year beginning July 1, 2009, and ending June
 44 26 30, 2010, the following amount, or so much thereof as is
 44 27 necessary, to be used for the purpose designated:
 44 28 For the inspection and certification of assisted living
 44 29 facilities and adult day care services, including program
 44 30 administration and costs associated with implementation:
 44 31 \$ 1,339,527
 44 32 Sec. 36. DEPARTMENT OF HUMAN SERVICES. There is
 44 33 appropriated from the senior living trust fund created in
 44 34 section 249H.4 to the department of human services for the
 44 35 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 45 1 the following amount, or so much thereof as is necessary, to
 45 2 be used for the purpose designated:
 45 3 To supplement the medical assistance appropriations made in
 45 4 this Act, including program administration and costs
 45 5 associated with implementation:
 45 6 \$ 16,784,483
 45 7 In order to carry out the purposes of this section, the
 45 8 department may transfer funds appropriated in this section to
 45 9 supplement other appropriations made to the department of
 45 10 human services.
 45 11 Sec. 37. IOWA FINANCE AUTHORITY. There is appropriated
 45 12 from the senior living trust fund created in section 249H.4 to
 45 13 the Iowa finance authority for the fiscal year beginning July
 45 14 1, 2009, and ending June 30, 2010, the following amount, or so
 45 15 much thereof as is necessary, to be used for the purposes
 45 16 designated:
 45 17 For the rent subsidy program, to provide reimbursement for
 45 18 rent expenses to eligible persons:
 45 19 \$ 700,000
 45 20 Participation in the rent subsidy program shall be limited
 45 21 to only those persons who meet the requirements for the
 45 22 nursing facility level of care for home and community-based
 45 23 services waiver services as in effect on July 1, 2009, and to
 45 24 those individuals who are eligible for the federal money
 45 25 follows the person grant program under the medical assistance
 45 26 program.
 45 27 Sec. 38. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
 45 28 appropriated from the pharmaceutical settlement account
 45 29 created in section 249A.33 to the department of human services
 45 30 for the fiscal year beginning July 1, 2009, and ending June
 45 31 30, 2010, the following amount, or so much thereof as is
 45 32 necessary, to be used for the purpose designated:
 45 33 To supplement the appropriations made for medical contracts
 45 34 under the medical assistance program:
 45 35 \$ 1,323,833
 46 1 Sec. 39. APPROPRIATIONS FROM IOWACARE ACCOUNT.
 46 2 1. There is appropriated from the IowaCare account created
 46 3 in section 249J.24 to the state board of regents for
 46 4 distribution to the university of Iowa hospitals and clinics
 46 5 for the fiscal year beginning July 1, 2009, and ending June
 46 6 30, 2010, the following amount, or so much thereof as is
 46 7 necessary, to be used for the purposes designated:
 46 8 For salaries, support, maintenance, equipment, and
 46 9 miscellaneous purposes, for the provision of medical and
 46 10 surgical treatment of indigent patients, for provision of
 46 11 services to members of the expansion population pursuant to
 46 12 chapter 249J, and for medical education:
 46 13 \$27,284,584
 46 14 a. Funds appropriated in this subsection shall not be used
 46 15 to perform abortions except medically necessary abortions, and
 46 16 shall not be used to operate the early termination of

46 17 pregnancy clinic except for the performance of medically
46 18 necessary abortions. For the purpose of this subsection, an
46 19 abortion is the purposeful interruption of pregnancy with the
46 20 intention other than to produce a live-born infant or to
46 21 remove a dead fetus, and a medically necessary abortion is one
46 22 performed under one of the following conditions:
46 23 (1) The attending physician certifies that continuing the
46 24 pregnancy would endanger the life of the pregnant woman.
46 25 (2) The attending physician certifies that the fetus is
46 26 physically deformed, mentally deficient, or afflicted with a
46 27 congenital illness.
46 28 (3) The pregnancy is the result of a rape which is
46 29 reported within 45 days of the incident to a law enforcement
46 30 agency or public or private health agency which may include a
46 31 family physician.
46 32 (4) The pregnancy is the result of incest which is
46 33 reported within 150 days of the incident to a law enforcement
46 34 agency or public or private health agency which may include a
46 35 family physician.
47 1 (5) The abortion is a spontaneous abortion, commonly known
47 2 as a miscarriage, wherein not all of the products of
47 3 conception are expelled.
47 4 b. Notwithstanding any provision of law to the contrary,
47 5 the amount appropriated in this subsection shall be allocated
47 6 in twelve equal monthly payments as provided in section
47 7 249J.24.
47 8 2. There is appropriated from the IowaCare account created
47 9 in section 249J.24 to the state board of regents for
47 10 distribution to the university of Iowa hospitals and clinics
47 11 for the fiscal year beginning July 1, 2009, and ending June
47 12 30, 2010, the following amount, or so much thereof as is
47 13 necessary, to be used for the purposes designated:
47 14 For salaries, support, maintenance, equipment, and
47 15 miscellaneous purposes, for the provision of medical and
47 16 surgical treatment of indigent patients, for provision of
47 17 services to members of the expansion population pursuant to
47 18 chapter 249J, and for medical education:
47 19 \$ 47,020,131
47 20 The amount appropriated in this subsection shall be
47 21 distributed only if expansion population claims adjudicated
47 22 and paid by the Iowa Medicaid enterprise exceed the
47 23 appropriation to the state board of regents for distribution
47 24 to the university of Iowa hospitals and clinics provided in
47 25 subsection 1. The amount appropriated in this subsection
47 26 shall be distributed monthly for expansion population claims
47 27 adjudicated and approved for payment by the Iowa Medicaid
47 28 enterprise using medical assistance program reimbursement
47 29 rates.
47 30 3. There is appropriated from the IowaCare account created
47 31 in section 249J.24 to the department of human services for the
47 32 fiscal year beginning July 1, 2009, and ending June 30, 2010,
47 33 the following amount, or so much thereof as is necessary, to
47 34 be used for the purposes designated:
47 35 For distribution to a publicly owned acute care teaching
48 1 hospital located in a county with a population over 350,000
48 2 for the provision of medical and surgical treatment of
48 3 indigent patients, for provision of services to members of the
48 4 expansion population pursuant to chapter 249J, and for medical
48 5 education:
48 6 \$ 40,000,000
48 7 Notwithstanding any provision of law to the contrary, the
48 8 amount appropriated in this subsection shall be allocated in
48 9 twelve equal monthly payments as provided in section 249J.24.
48 10 Any amount appropriated in this subsection in excess of
48 11 \$37,000,000 shall be allocated only if federal funds are
48 12 available to match the amount allocated.
48 13 Sec. 40. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
48 14 TRANSFORMATION. Notwithstanding any provision to the
48 15 contrary, there is appropriated from the account for health
48 16 care transformation created in section 249J.23 to the
48 17 department of human services for the fiscal year beginning
48 18 July 1, 2009, and ending June 30, 2010, the following amounts,
48 19 or so much thereof as is necessary, to be used for the
48 20 purposes designated:
48 21 1. For the costs of medical examinations and development
48 22 of personal health improvement plans for the expansion
48 23 population pursuant to section 249J.6:
48 24 \$ 556,800
48 25 2. For the provision of a medical information hotline for
48 26 the expansion population as provided in section 249J.6:
48 27 \$ 100,000

48 28 3. For other health promotion partnership activities
48 29 pursuant to section 249J.14:
48 30 \$ 600,000
48 31 4. For the costs related to audits, performance
48 32 evaluations, and studies required pursuant to chapter 249J:
48 33 \$ 125,000
48 34 5. For administrative costs associated with chapter 249J:
48 35 \$ 1,132,412
49 1 6. For planning and development, in cooperation with the
49 2 department of public health, of a phased-in program to provide
49 3 a dental home for children in accordance with section 249J.14,
49 4 subsection 7:
49 5 \$ 1,000,000
49 6 7. For the tuition assistance for individuals serving
49 7 individuals with disabilities pilot program in accordance with
49 8 2008 Iowa Acts, chapter 1187, section 130:
49 9 \$ 500,000
49 10 8. For payment to the publicly owned acute care teaching
49 11 hospital located in a county with a population of over 350,000
49 12 that is a participating provider pursuant to chapter 249J:
49 13 \$ 230,000
49 14 Disbursements under this subsection shall be made monthly.
49 15 The hospital shall submit a report following the close of the
49 16 fiscal year regarding use of the funds appropriated in this
49 17 subsection to the persons specified in this Act to receive
49 18 reports.
49 19 Notwithstanding section 8.39, subsection 1, without the
49 20 prior written consent and approval of the governor and the
49 21 director of the department of management, the director of
49 22 human services may transfer funds among the appropriations
49 23 made in this section as necessary to carry out the purposes of
49 24 the account for health care transformation. The department
49 25 shall report any transfers made pursuant to this section to
49 26 the legislative services agency.
49 27 Sec. 41. TRANSFER FROM ACCOUNT FOR HEALTH CARE
49 28 TRANSFORMATION. There is transferred from the account for
49 29 health care transformation created pursuant to section 249J.23
49 30 to the IowaCare account created in section 249J.24 a total of
49 31 \$3,000,000 for the fiscal year beginning July 1, 2009, and
49 32 ending June 30, 2010.

49 33 DIVISION III
49 34 MH/MR/DD SERVICES
49 35 ALLOWED GROWTH FUNDING
50 1 FY 2009=2010

50 2 Sec. 42. 2008 Iowa Acts, chapter 1191, section 1, is
50 3 amended to read as follows:

50 4 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
50 5 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND
50 6 ALLOCATIONS == FISCAL YEAR 2009=2010.

50 7 1. There is appropriated from the general fund of the
50 8 state to the department of human services for the fiscal year
50 9 beginning July 1, 2009, and ending June 30, 2010, the
50 10 following amount, or so much thereof as is necessary, to be
50 11 used for the purpose designated:

50 12 For distribution to counties of the county mental health,
50 13 mental retardation, and developmental disabilities allowed
50 14 growth factor adjustment for fiscal year 2009=2010 as provided
50 15 in this section in lieu of the allowed growth factor

50 16 provisions of section 331.438, subsection 2, and section
50 17 331.439, subsection 3, and chapter 426B:

50 18 \$ 69,949,069
50 19 56,857,019

50 20 2. ~~The amount appropriated in this section shall be~~
50 21 ~~allocated as provided in a later enactment of the general~~
50 22 ~~assembly.~~

50 23 Sec. 43. 2008 Iowa Acts, chapter 1191, section 1, as
50 24 amended by this division of this Act, is amended by adding the
50 25 following new subsections:

50 26 NEW SUBSECTION. 2. Of the amount appropriated in
50 27 subsection 1, \$12,000,000 shall be distributed as provided in
50 28 this subsection.

50 29 a. To be eligible to receive a distribution under this
50 30 subsection, a county must meet the following requirements:

50 31 (1) The county is levying for the maximum amount allowed
50 32 for the county's mental health, mental retardation, and
50 33 developmental disabilities services fund under section
50 34 331.424A for taxes due and payable in the fiscal year

50 35 beginning July 1, 2009, or the county is levying for at least
51 1 90 percent of the maximum amount allowed for the county's
51 2 services fund and that levy rate is more than \$2 per \$1,000 of
51 3 the assessed value of all taxable property in the county.

51 4 (2) In the fiscal year beginning July 1, 2007, the
51 5 county's mental health, mental retardation, and developmental
51 6 disabilities services fund ending balance under generally
51 7 accepted accounting principles was equal to or less than 15
51 8 percent of the county's actual gross expenditures for that
51 9 fiscal year.

51 10 b. A county's allocation of the amount appropriated in
51 11 this subsection shall be determined based upon the county's
51 12 proportion of the general population of the counties eligible
51 13 to receive an allocation under this subsection. The most
51 14 recent population estimates issued by the United States bureau
51 15 of the census shall be applied in determining population for
51 16 the purposes of this paragraph.

51 17 c. The allocations made pursuant to this subsection are
51 18 subject to the distribution provisions and withholding
51 19 requirements established in this section for the county mental
51 20 health, mental retardation, and developmental disabilities
51 21 allowed growth factor adjustment for the fiscal year beginning
51 22 July 1, 2009.

51 23 NEW SUBSECTION. 3. The funding appropriated in this
51 24 section is the allowed growth factor adjustment for fiscal
51 25 year 2009=2010, and shall be credited to the allowed growth
51 26 funding pool created in the property tax relief fund and for
51 27 distribution in accordance with section 426B.5, subsection 1:
51 28 \$ 44,857,019

51 29 NEW SUBSECTION. 4. The following formula amounts shall be
51 30 utilized only to calculate preliminary distribution amounts
51 31 for fiscal year 2009=2010 under this section by applying the
51 32 indicated formula provisions to the formula amounts and
51 33 producing a preliminary distribution total for each county:
51 34 a. For calculation of a distribution amount for eligible
51 35 counties from the allowed growth funding pool created in the
52 1 property tax relief fund in accordance with the requirements
52 2 in section 426B.5, subsection 1:
52 3 \$ 52,805,009

52 4 b. For calculation of a distribution amount for counties
52 5 from the mental health and developmental disabilities (MH/DD)
52 6 community services fund in accordance with the formula
52 7 provided in the appropriation made for the MH/DD community
52 8 services fund for the fiscal year beginning July 1, 2009:
52 9 \$ 16,322,656

52 10 NEW SUBSECTION. 5. After applying the applicable
52 11 statutory distribution formulas to the amounts indicated in
52 12 subsection 4 for purposes of producing preliminary
52 13 distribution totals, the department of human services shall
52 14 apply a withholding factor to adjust an eligible individual
52 15 county's preliminary distribution total. In order to be
52 16 eligible for a distribution under this section, a county must
52 17 be levying 90 percent or more of the maximum amount allowed
52 18 for the county's mental health, mental retardation, and
52 19 developmental disabilities services fund under section
52 20 331.424A for taxes due and payable in the fiscal year for
52 21 which the distribution is payable. An ending balance
52 22 percentage for each county shall be determined by expressing
52 23 the county's ending balance on a modified accrual basis under
52 24 generally accepted accounting principles for the fiscal year
52 25 beginning July 1, 2007, in the county's mental health, mental
52 26 retardation, and developmental disabilities services fund
52 27 created under section 331.424A, as a percentage of the
52 28 county's gross expenditures from that fund for that fiscal
52 29 year. If a county borrowed moneys for purposes of providing
52 30 services from the county's services fund on or before July 1,
52 31 2007, and the county's services fund ending balance for that
52 32 fiscal year includes the loan proceeds or an amount designated
52 33 in the county budget to service the loan for the borrowed
52 34 moneys, those amounts shall not be considered to be part of
52 35 the county's ending balance for purposes of calculating an
53 1 ending balance percentage under this subsection. The
53 2 withholding factor for a county shall be the following
53 3 applicable percent:

53 4 a. For an ending balance percentage of less than 5
53 5 percent, a withholding factor of 0 percent. In addition, a
53 6 county that is subject to this lettered paragraph shall
53 7 receive an inflation adjustment equal to 3 percent of the
53 8 gross expenditures reported for the county's services fund for
53 9 the fiscal year.

53 10 b. For an ending balance percentage of 5 percent or more
53 11 but less than 10 percent, a withholding factor of 0 percent.
53 12 In addition, a county that is subject to this lettered
53 13 paragraph shall receive an inflation adjustment equal to 2
53 14 percent of the gross expenditures reported for the county's

53 15 services fund for the fiscal year.
53 16 c. For an ending balance percentage of 10 percent or more
53 17 but less than 25 percent, a withholding factor of 25 percent.
53 18 However, for counties with an ending balance percentage of 10
53 19 percent or more but less than 15 percent, the amount withheld
53 20 shall be limited to the amount by which the county's ending
53 21 balance was in excess of the ending balance percentage of 10
53 22 percent.

53 23 d. For an ending balance percentage of 25 percent or more,
53 24 a withholding percentage of 100 percent.

53 25 NEW SUBSECTION. 6. The total withholding amounts applied
53 26 pursuant to subsection 5 shall be equal to a withholding
53 27 target amount of \$7,947,990. If the department of human
53 28 services determines that the amount to be withheld in
53 29 accordance with subsection 6 is not equal to the target
53 30 withholding amount, the department shall adjust the
53 31 withholding factors listed in subsection 6 as necessary to
53 32 achieve the target withholding amount. However, in making
53 33 such adjustments to the withholding factors, the department
53 34 shall strive to minimize changes to the withholding factors
53 35 for those ending balance percentage ranges that are lower than
54 1 others and shall not adjust the zero withholding factor or the
54 2 inflation adjustment percentage specified in subsection 5,
54 3 paragraph "a".

54 4 DIVISION IV

54 5 CHANGES TO EXISTING APPROPRIATIONS

54 6 Sec. 44. 2008 Iowa Acts, chapter 1187, section 9,
54 7 subsection 20, is amended to read as follows:

54 8 20. a. ~~Beginning July 1, 2009, any new or renewed~~
54 9 ~~contract entered into by the department with a third party to~~
54 10 ~~administer behavioral health services under the medical~~
54 11 ~~assistance program shall provide that any interest earned on~~
54 12 ~~payments from the state during the state fiscal year shall be~~
54 13 ~~remitted to the department for deposit in a separate account~~
54 14 ~~after the end of the fiscal year.~~

54 15 b. ~~Beginning July 1, 2008, the department shall maintain a~~
54 16 ~~separate account within the medical assistance budget for the~~
54 17 ~~deposit of all funds remitted pursuant to a contract with a~~
54 18 ~~third party to administer behavioral health services under the~~
54 19 ~~medical assistance program. Notwithstanding section 8.33,~~
54 20 ~~funds remaining in the account that remain unencumbered or~~
54 21 ~~unobligated at the end of any fiscal year shall not revert but~~
54 22 ~~shall remain available in succeeding fiscal years and shall be~~
54 23 ~~used only in accordance with appropriations from the account~~
54 24 ~~for health and human services-related purposes.~~

54 25 e. a. Of the state share of any funds remitted to the
54 26 medical assistance program pursuant to a contract with a third
54 27 party to administer behavioral health services under the
54 28 medical assistance program, the following amounts are
54 29 appropriated to the department for the fiscal year beginning
54 30 July 1, 2008, and ending June 30, 2009, to be used as follows:

54 31 (1) For implementation of the emergency mental health
54 32 crisis services system in accordance with section 225C.19, as
54 33 enacted by this Act, beginning January 1, 2009, \$1,500,000.

54 34 (2) For implementation of the mental health services

54 35 system for children and youth in accordance with section
55 1 225C.52, as enacted by this Act, beginning January 1, 2009,
55 2 \$500,000.

55 3 (3) For the mental health, mental retardation, and
55 4 developmental disabilities risk pool created in the property
55 5 tax relief fund in section 426B.5, \$1,000,000.

55 6 (4) To reduce the waiting lists of the medical assistance
55 7 home and community-based services waivers, \$2,000,000. The
55 8 department shall distribute the funding allocated under this
55 9 subparagraph proportionately among all home and
55 10 community-based services waivers.

55 11 (5) For Medicaid services provided under the children's
55 12 mental health waiver, \$750,000.

55 13 (6) For training for child welfare services providers,
55 14 \$250,000. The training shall be developed by the department
55 15 in collaboration with the coalition for children and family
55 16 services in Iowa.

55 17 d. b. The department shall provide the results of the
55 18 audits of the third party administering behavioral health
55 19 services under the medical assistance program for the fiscal
55 20 years beginning July 1, 2006, and July 1, 2007, to the
55 21 legislative services agency for review.

55 22 Sec. 45. 2008 Iowa Acts, chapter 1188, section 16, is
55 23 amended to read as follows:

55 24 SEC. 16. MEDICAL ASSISTANCE, HAWK=I, AND HAWK=I EXPANSION
55 25 PROGRAMS == COVERING CHILDREN == APPROPRIATION. There is

55 26 appropriated from the general fund of the state to the
 55 27 department of human services for the designated fiscal years,
 55 28 the following amounts, or so much thereof as is necessary, for
 55 29 the purpose designated:
 55 30 To cover children as provided in this Act under the medical
 55 31 assistance, hawk=i, and hawk=i expansion programs and outreach
 55 32 under the current structure of the programs:
 55 33 FY 2008=2009 \$ 4,800,000
 55 34 FY 2009=2010 \$ ~~14,800,000~~
 55 35 4,420,680
 56 1 FY 2010=2011 \$ 24,800,000
 56 2 Notwithstanding section 514I.8, the expansion of
 56 3 eligibility for the hawk=i program to 300 percent of the
 56 4 federal poverty level may be delayed if the department
 56 5 determines that sufficient state funding is not available.
 56 6 The department shall notify the Code editor of any such delay.
 56 7 Sec. 46. CENTER FOR CONGENITAL AND INHERITED DISORDERS
 56 8 CENTRAL REGISTRY. In lieu of the appropriation made pursuant
 56 9 to section 144.13A, subsection 4, paragraph "a", there is
 56 10 appropriated from the general fund of the state to the
 56 11 department of public health for the fiscal year beginning July
 56 12 1, 2009, and ending June 30, 2010, the following amount, or so
 56 13 much thereof as is necessary, to be used for the purposes
 56 14 designated:
 56 15 For the center for congenital and inherited disorders
 56 16 central registry established pursuant to section 136A.6:
 56 17 \$ 183,883
 56 18 Sec. 47. CHILD ABUSE PREVENTION PROGRAMS. In lieu of the
 56 19 appropriation made pursuant to section 144.13A, subsection 4,
 56 20 paragraph "a", there is appropriated from the general fund of
 56 21 the state to the department of human services for the fiscal
 56 22 year beginning July 1, 2009, and ending June 30, 2010, the
 56 23 following amount, or so much thereof as is necessary, to be
 56 24 used for the purposes designated:
 56 25 For primary and secondary child abuse prevention programs
 56 26 pursuant to section 235A.1:
 56 27 \$ 217,772
 56 28 Sec. 48. LIMITATION OF DEPARTMENT OF HUMAN SERVICES
 56 29 STANDING APPROPRIATIONS. Notwithstanding the standing
 56 30 appropriations in the following designated sections for the
 56 31 fiscal year beginning July 1, 2009, and ending June 30, 2010,
 56 32 the amounts appropriated from the general fund of the state
 56 33 pursuant to these sections for the following designated
 56 34 purposes shall not exceed the following amounts:
 56 35 1. Notwithstanding section 8.59, for commissions of
 57 1 inquiry under section 229.35:
 57 2 \$ 1,571
 57 3 2. Notwithstanding section 8.59, for the expenses of
 57 4 transfers of persons with mental illness under section 230.8:
 57 5 \$ 76
 57 6 3. Notwithstanding section 8.59, for the expenses of the
 57 7 commitments of persons with no or unknown legal settlement in
 57 8 the state under section 230.11:
 57 9 \$ 160,898
 57 10 4. For the property tax relief fund in section 426B.1,
 57 11 subsection 2:
 57 12 \$ 87,492,625
 57 13 Sec. 49. PROPERTY TAX RELIEF FUND == MEDICAL ASSISTANCE
 57 14 PROGRAM. In lieu of the appropriation made pursuant to
 57 15 section 426B.1, subsection 3, there is appropriated from the
 57 16 property tax relief fund to the department of human services
 57 17 for the fiscal year beginning July 1, 2009, and ending June
 57 18 30, 2010, the following amount, or so much thereof as is
 57 19 necessary, to be used for the purposes designated:
 57 20 To supplement the appropriations for the medical assistance
 57 21 program for the fiscal year beginning July 1, 2009, and ending
 57 22 June 30, 2010:
 57 23 \$ 6,072,000
 57 24 Sec. 50. LIMITATION OF COUNTY COMMISSION OF VETERANS
 57 25 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the
 57 26 standing appropriation in the following designated section for
 57 27 the fiscal year beginning July 1, 2009, and ending June 30,
 57 28 2010, the amounts appropriated from the general fund of the
 57 29 state pursuant to that section for the following designated
 57 30 purposes shall not exceed the following amount:
 57 31 For the county commissions of veterans affairs fund under
 57 32 section 35A.16:
 57 33 \$ 547,535
 57 34 DIVISION V
 57 35 GAMBLING TREATMENT FUND ELIMINATION
 58 1 Sec. 51. Section 99D.7, subsection 22, Code 2009, is

58 2 amended to read as follows:

58 3 22. To require licensees to establish a process to allow a
58 4 person to be voluntarily excluded for life from a racetrack
58 5 enclosure and all other licensed facilities under this chapter
58 6 and chapter 99F. The process established shall require that a
58 7 licensee disseminate information regarding persons voluntarily
58 8 excluded to all licensees under this chapter and chapter 99F.
58 9 The state and any licensee under this chapter or chapter 99F
58 10 shall not be liable to any person for any claim which may
58 11 arise from this process. In addition to any other penalty
58 12 provided by law, any money or thing of value that has been
58 13 obtained by, or is owed to, a voluntarily excluded person by a
58 14 licensee as a result of wagers made by the person after the
58 15 person has been voluntarily excluded shall not be paid to the
58 16 person but shall be ~~deposited into~~ credited to the gambling
~~58 17 treatment general fund created in section 135.150 of the~~
~~58 18 state.~~

58 19 Sec. 52. Section 99D.15, subsection 5, Code 2009, is
58 20 amended by striking the subsection.

58 21 Sec. 53. Section 99F.4, subsection 22, Code 2009, is
58 22 amended to read as follows:

58 23 22. To require licensees to establish a process to allow a
58 24 person to be voluntarily excluded for life from an excursion
58 25 gambling boat and all other licensed facilities under this
58 26 chapter and chapter 99D. The process established shall
58 27 require that a licensee disseminate information regarding
58 28 persons voluntarily excluded to all licensees under this
58 29 chapter and chapter 99D. The state and any licensee under
58 30 this chapter or chapter 99D shall not be liable to any person
58 31 for any claim which may arise from this process. In addition
58 32 to any other penalty provided by law, any money or thing of
58 33 value that has been obtained by, or is owed to, a voluntarily
58 34 excluded person by a licensee as a result of wagers made by
58 35 the person after the person has been voluntarily excluded
59 1 shall not be paid to the person but shall be ~~deposited into~~
59 2 credited to the gambling treatment general fund created in
~~59 3 section 135.150 of the state.~~

59 4 Sec. 54. Section 99F.11, subsection 3, paragraph c, Code
59 5 2009, is amended by striking the paragraph.

59 6 Sec. 55. Section 99G.39, subsection 1, Code 2009, is
59 7 amended to read as follows:

59 8 1. Upon receipt of any revenue, the chief executive
59 9 officer shall deposit the moneys in the lottery fund created
59 10 pursuant to section 99G.40. At least fifty percent of the
59 11 projected annual revenue accruing from the sale of tickets or
59 12 shares shall be allocated for payment of prizes to the holders
59 13 of winning tickets. After the payment of prizes, the
59 14 ~~following shall be deducted from the authority's revenue prior~~
~~59 15 to disbursement:~~

59 16 a. ~~An amount equal to one-half of one percent of the gross~~
~~59 17 lottery revenue for the year shall be deposited in the~~
~~59 18 gambling treatment fund created in section 135.150.~~

59 19 b. ~~The expenses of conducting the lottery shall be~~
~~59 20 deducted from the authority's revenue prior to disbursement.~~

59 21 Expenses for advertising production and media purchases shall
59 22 not exceed four percent of the authority's gross revenue for
59 23 the year.

59 24 Sec. 56. Section 135.150, Code 2009, is amended to read as
59 25 follows:

59 26 135.150 GAMBLING TREATMENT FUND == PROGRAM == STANDARDS
59 27 AND LICENSING.

59 28 1. ~~A gambling treatment fund is created in the state~~
~~59 29 treasury under the control of the department. The fund~~
~~59 30 consists of all moneys appropriated to the fund. However, if~~
~~59 31 moneys appropriated to the fund in a fiscal year exceed six~~
~~59 32 million dollars, the amount exceeding six million dollars~~
~~59 33 shall be transferred to the rebuild Iowa infrastructure fund~~
~~59 34 created in section 8.57. Moneys in the fund are appropriated~~
~~59 35 to the department for the purposes described in this section.~~

60 1 2. 1. a. Moneys appropriated to the department under
60 2 this section shall be for the purpose of operating The

60 3 department shall operate a gambling treatment program and
60 4 shall be used for funding of administrative costs and to

60 5 provide programs which may include, but are not limited to,
60 6 outpatient and follow-up treatment for persons affected by
60 7 problem gambling, rehabilitation and residential treatment
60 8 programs, information and referral services, crisis call
60 9 access, education and preventive services, and financial
60 10 management and credit counseling services.

60 11 b. A person shall not maintain or conduct a gambling
60 12 treatment program funded under this section through the

60 13 department unless the person has obtained a license for the
60 14 program from the department. The department shall adopt rules
60 15 to establish standards for the licensing and operation of
60 16 gambling treatment programs under this section. The rules
60 17 shall specify, but are not limited to specifying, the
60 18 qualifications for persons providing gambling treatment
60 19 services, standards for the organization and administration of
60 20 gambling treatment programs, and a mechanism to monitor
60 21 compliance with this section and the rules adopted under this
60 22 section.

60 23 ~~3. Notwithstanding section 12C.7, subsection 2, interest~~
60 24 ~~or earnings on moneys deposited in the gambling treatment fund~~
60 25 ~~shall be credited to the gambling treatment fund.~~

60 26 ~~Notwithstanding section 8.33, moneys credited to the gambling~~
60 27 ~~treatment fund shall not revert to the fund from which~~
60 28 ~~appropriated at the close of a fiscal year.~~

60 29 ~~4. 2. The department shall report semiannually to the~~
60 30 ~~legislative government oversight committees regarding the~~
60 31 ~~operation of the gambling treatment fund and program. The~~
60 32 ~~report shall include, but is not limited to, information on~~
60 33 ~~revenues and expenses related to the fund for the previous~~
60 34 ~~period, fund balances for the period, and the moneys expended~~
60 35 ~~and grants awarded for operation of the gambling treatment~~
61 1 ~~program.~~

61 2 Sec. 57. GAMBLING TREATMENT FUND BALANCE TRANSFERRED ==
61 3 EFFECTIVE DATE.

61 4 1. Moneys in the gambling treatment fund that remain
61 5 unencumbered or unobligated at the close of the fiscal year
61 6 beginning July 1, 2008, are transferred to the general fund of
61 7 the state.

61 8 2. This section of this Act, being deemed of immediate
61 9 importance, takes effect upon enactment.

61 10 DIVISION VI
61 11 CHILD CARE CREDIT FUND ELIMINATION

61 12 Sec. 58. Sections 237A.28 and 422.100, Code 2009, are
61 13 repealed.

61 14 Sec. 59. CHILD CARE CREDIT FUND BALANCE TRANSFERRED ==
61 15 EFFECTIVE DATE.

61 16 1. Moneys in the child care credit fund that remain
61 17 unencumbered or unobligated at the close of the fiscal year
61 18 beginning July 1, 2008, are transferred to the general fund of
61 19 the state.

61 20 2. This section of this Act, being deemed of immediate
61 21 importance, takes effect upon enactment.

61 22 DIVISION VII
61 23 SENIOR LIVING TRUST FUND ELIMINATION

61 24 Sec. 60. Section 8.55, subsection 2, Code 2009, is amended
61 25 to read as follows:

61 26 2. a. The maximum balance of the fund is the amount equal
61 27 to two and one-half percent of the adjusted revenue estimate
61 28 for the fiscal year. If the amount of moneys in the Iowa
61 29 economic emergency fund is equal to the maximum balance,
61 30 moneys in excess of this amount shall be transferred to the
61 31 general fund.

61 32 ~~b. Notwithstanding paragraph "a", any moneys in excess of~~
61 33 ~~the maximum balance in the economic emergency fund after the~~
61 34 ~~distribution of the surplus in the general fund of the state~~
61 35 ~~at the conclusion of each fiscal year shall not be transferred~~
62 1 ~~to the general fund of the state but shall be transferred to~~
62 2 ~~the senior living trust fund. The total amount appropriated,~~
62 3 ~~reverted, or transferred, in the aggregate, under this~~
62 4 ~~paragraph, section 8.57, subsection 2, and any other law~~
62 5 ~~providing for an appropriation or reversion or transfer of an~~
62 6 ~~appropriation to the credit of the senior living trust fund,~~
62 7 ~~for all fiscal years beginning on or after July 1, 2004, shall~~
62 8 ~~not exceed the amount specified in section 8.57, subsection 2,~~
62 9 ~~paragraph "c".~~

62 10 Sec. 61. Section 8.57, subsection 2, Code 2009, is amended
62 11 by striking the subsection.

62 12 Sec. 62. Section 16.182, Code 2009, is amended to read as
62 13 follows:

62 14 16.182 SENIOR LONG=TERM LIVING REVOLVING LOAN PROGRAM
62 15 FUND.

62 16 1. A senior long=term living revolving loan program fund
62 17 is created within the authority to further the goal of the
62 18 senior long=term living program as specified in section
62 19 249H.2. The moneys in the senior long=term living revolving
62 20 loan program fund shall be used by the authority for the
62 21 development and operation of a revolving loan program to
62 22 provide financing to construct affordable assisted living and
62 23 service=enriched affordable housing for seniors and persons

62 24 with disabilities, including through new construction or
62 25 acquisition and rehabilitation.

62 26 2. ~~Moneys received by the authority from the senior living~~
~~62 27 trust fund,~~ transferred by the authority for deposit in the
62 28 ~~senior long-term~~ living revolving loan program fund, moneys
62 29 appropriated to the ~~senior long-term~~ living revolving loan
62 30 program, and any other moneys available to and obtained or
62 31 accepted by the authority for placement in the ~~senior~~
62 32 ~~long-term~~ living revolving loan program fund shall be
62 33 deposited in the fund. Additionally, payment of interest,
62 34 recaptures of awards, and other repayments to the ~~senior~~
62 35 ~~long-term~~ living revolving loan program fund shall be
63 1 deposited in the fund. Notwithstanding section 12C.7,
63 2 subsection 2, interest or earnings on moneys in the ~~senior~~
63 3 ~~long-term~~ living revolving loan program fund shall be credited
63 4 to the fund. Notwithstanding section 8.33, moneys that remain
63 5 unencumbered or unobligated at the end of the fiscal year
63 6 shall not revert to any other fund but shall remain available
63 7 for the same purpose in the succeeding fiscal year.

63 8 3. The authority shall annually allocate moneys available
63 9 in the ~~senior long-term~~ living revolving loan program fund for
63 10 the development of affordable assisted living and
63 11 service-enriched affordable housing for seniors and persons
63 12 with disabilities. The authority shall develop a joint
63 13 application process for the allocation of federal low-income
63 14 housing tax credits and funds available under this section.
63 15 Moneys allocated to such developments may be in the form of
63 16 loans, grants, or a combination of loans and grants.

63 17 4. The authority shall adopt rules pursuant to chapter 17A
63 18 to administer this section.

63 19 Sec. 63. Section 16.183, subsection 2, Code 2009, is
63 20 amended to read as follows:

63 21 2. ~~Moneys received by the authority from the senior living~~
~~63 22 trust fund,~~ transferred by the authority for deposit in the
63 23 home and community-based services revolving loan program fund,
63 24 moneys appropriated to the home and community-based services
63 25 revolving loan program, and any other moneys available to and
63 26 obtained or accepted by the authority for placement in the
63 27 home and community-based services revolving loan program fund
63 28 shall be deposited in the fund. Additionally, payment of
63 29 interest, recaptures of awards, and other repayments to the
63 30 ~~senior long-term~~ living revolving loan program fund shall be
63 31 deposited in the fund. Notwithstanding section 12C.7,
63 32 subsection 2, interest or earnings on moneys in the home and
63 33 community-based services revolving loan program fund shall be
63 34 credited to the fund. Notwithstanding section 8.33, moneys
63 35 that remain unencumbered or unobligated at the end of the
64 1 fiscal year shall not revert to any other fund but shall
64 2 remain available for the same purpose in the succeeding fiscal
64 3 year.

64 4 Sec. 64. Section 231.14, subsection 7, Code 2009, is
64 5 amended to read as follows:

64 6 7. Adopt a formula for the distribution of federal Act,
64 7 ~~and state elder services, and senior living program~~ funds
64 8 taking into account, to the maximum extent feasible, the best
64 9 available data on the geographic distribution of elders in the
64 10 state, and publish the formula for review and comment.

64 11 Sec. 65. Section 231.58, subsection 4, paragraph h, Code
64 12 2009, is amended to read as follows:

64 13 h. Provide direction and oversight for disbursement of
64 14 moneys ~~from the senior living trust fund created in section~~
~~64 15 249H.4 received for the purposes of the long-term living~~
~~64 16 program pursuant to chapter 249H.~~

64 17 Sec. 66. Section 249H.1, Code 2009, is amended to read as
64 18 follows:

64 19 249H.1 TITLE.

64 20 This chapter shall be known and may be cited as the "Iowa
64 21 ~~Senior Long-term~~ Living Program Act".

64 22 Sec. 67. Section 249H.2, subsection 1, paragraph f, Code
64 23 2009, is amended to read as follows:

64 24 f. ~~Grants are Funding is~~ necessary to cover the
64 25 expenditures related to the development of alternative health
64 26 care services. Development of these alternatives will improve
64 27 access to and delivery of long-term care services to
64 28 underserved individuals or in underserved areas, which will in
64 29 turn contain or reduce the cost and improve the quality of
64 30 health care services.

64 31 Sec. 68. Section 249H.2, subsection 1, paragraph g, Code
64 32 2009, is amended by striking the paragraph.

64 33 Sec. 69. Section 249H.3, Code 2009, is amended by striking
64 34 the section and inserting in lieu thereof the following:

64 35 249H.3 DEFINITIONS.

65 1 As used in this chapter, unless the context otherwise
65 2 requires:

65 3 1. "Assisted living" means assisted living as defined in
65 4 section 231C.2.

65 5 2. "Long-term care alternatives" means services that
65 6 provide alternatives to institutional-based services including
65 7 but not limited to those services specified as services under
65 8 the medical assistance home and community-based services
65 9 waiver for elder persons or adults with disabilities, elder
65 10 group homes certified under chapter 231B, assisted living
65 11 programs certified under chapter 231C, and the PACE program.

65 12 3. "Long-term care provider" means a provider of long-term
65 13 care alternatives.

65 14 4. "Long-term living program" means the program created in
65 15 this chapter to provide for development and support of
65 16 long-term care alternatives.

65 17 5. "PACE program" means a program of all-inclusive care
65 18 for the elderly established pursuant to 42 U.S.C. } 1396(u)(4)
65 19 that provides delivery of comprehensive health and social
65 20 services to seniors by integrating acute and long-term care
65 21 services, and that is operated by a public, private,
65 22 nonprofit, or proprietary entity. "Pre-PACE program" means a
65 23 PACE program in the initial start-up phase that provides the
65 24 same scope of services as a PACE program.

65 25 6. "Persons with disabilities" means individuals eighteen
65 26 years of age or older with disabilities as disability is
65 27 defined in section 225B.2.

65 28 7. "Senior" means elder as defined in section 231.4 and as
65 29 defined under the PACE program pursuant to 42 U.S.C. }
65 30 1396(u)(4).

65 31 8. "Senior living coordinating unit" means the senior
65 32 living coordinating unit created within the department of
65 33 elder affairs pursuant to section 231.58, or its designee.

65 34 Sec. 70. Section 249H.7, subsection 1, Code 2009, is
65 35 amended to read as follows:

66 1 1. ~~Beginning October 1, 2000, the~~ The department of elder
66 2 affairs, in consultation with the senior living coordinating
66 3 unit, shall use funds specifically appropriated ~~from the~~
66 4 ~~senior living trust fund~~ for activities related to the design,
66 5 maintenance, or expansion of home and community-based services
66 6 for seniors, including but not limited to adult day services,
66 7 personal care, respite, homemaker, chore, and transportation
66 8 services designed to promote the independence of and to delay
66 9 the use of institutional care by seniors with low and moderate
66 10 incomes. At any time that moneys are specifically
66 11 appropriated, the department of elder affairs, in consultation
66 12 with the senior living coordinating unit, shall disburse the
66 13 funds to the area agencies on aging.

66 14 Sec. 71. Section 249H.9, Code 2009, is amended to read as
66 15 follows:

66 16 249H.9 SENIOR LONG-TERM LIVING PROGRAM INFORMATION ==
66 17 ELECTRONIC ACCESS == EDUCATION == ADVISORY COUNCIL.

66 18 1. The department of elder affairs and the area agencies
66 19 on aging, in consultation with the senior living coordinating
66 20 unit and the department of human services, shall create, on a
66 21 county basis, a database directory of all health care and
66 22 support services available to seniors and adults with
66 23 disabilities. The department of elder affairs shall make the

66 24 database electronically available to the public, and shall
66 25 update the database on at least a monthly basis.

66 26 2. The department of elder affairs shall seek foundation
66 27 funding to develop and provide an educational program for
66 28 individuals aged twenty-one and older which assists
66 29 participants in planning for and financing health care
66 30 services and other supports in their senior years.

66 31 3. The department of human services shall develop and
66 32 distribute an informational packet to the public that
66 33 explains, in layperson terms, the law, regulations, and rules
66 34 under the medical assistance program and other applicable
66 35 programs relative to health care services options for seniors

67 1 and adults with disabilities, including but not limited to
67 2 those relating to transfer of assets, prepaid funeral
67 3 expenses, and life insurance policies.

67 4 4. The director of human services, the director of the
67 5 department of elder affairs, the director of public health,
67 6 the director of the department of inspections and appeals, the
67 7 director of revenue, and the commissioner of insurance shall
67 8 constitute ~~a senior~~ an advisory council to provide oversight
67 9 in the development and operation of all informational aspects
67 10 of the senior long-term living program under this ~~section~~

67 11 chapter.

67 12 Sec. 72. GRANTS FROM SENIOR LIVING TRUST FUND ==

67 13 NONREVERSION.

67 14 1. Any nursing facility conversion and long-term care
67 15 services development grants awarded and moneys appropriated
67 16 for grants on or before June 30, 2005, from the senior living
67 17 trust fund pursuant to section 249H.4, Code 2009, shall be
67 18 considered to be obligated and shall remain available to be
67 19 disbursed to eligible applicants after that date if necessary.

67 20 2. Notwithstanding section 8.33, moneys committed from the
67 21 senior living trust fund, section 249H.4, Code 2009, to
67 22 grantees under contract to provide for conversion to assisted
67 23 living programs or for development of long-term care
67 24 alternatives that remain unexpended at the close of any fiscal
67 25 year shall not revert to any fund but shall remain available
67 26 for expenditure for the purposes of the contract until the
67 27 contract has been completed.

67 28 3. Any funds remaining in the senior living trust fund at
67 29 the end of the fiscal year beginning July 1, 2009, that remain
67 30 unexpended or unobligated, shall be transferred to the general
67 31 fund of the state. At such time as funds awarded as grants as
67 32 provided in subsections 1 or 2 are not being spent for the
67 33 purposes of the grant or are no longer committed or
67 34 encumbered, those funds shall also be transferred to the
67 35 general fund of the state.

68 1 Sec. 73. Sections 249H.4, 249H.4A, 249H.5, and 249H.11,
68 2 Code 2009, are repealed.

68 3 Sec. 74. EFFECTIVE DATE.

68 4 1. The sections of this division of this Act, other than
68 5 the sections addressing nonreversion and transfer of senior
68 6 living trust fund moneys and amending sections 8.55 and 8.57,
68 7 take effect July 1, 2010.

68 8 2. The sections of this division of this Act addressing
68 9 nonreversion and transfer of senior living trust fund moneys
68 10 and amending sections 8.55 and 8.57, take effect July 1, 2009.

68 11 DIVISION VIII

68 12 HEALTH CARE TRUST FUND ELIMINATION

68 13 Sec. 75. Section 453A.35, Code 2009, is amended to read as
68 14 follows:

68 15 453A.35 TAX AND FEES PAID TO GENERAL FUND == ~~STANDING~~

~~68 16 APPROPRIATION TO HEALTH CARE TRUST FUND.~~

~~68 17 1. The proceeds derived from the sale of stamps and the
68 18 payment of taxes, fees, and penalties provided for under this
68 19 chapter, and the permit fees received from all permits issued
68 20 by the department, shall be credited to the general fund of
68 21 the state. However, beginning July 1, 2007, of the revenues~~

~~68 22 generated from the tax on cigarettes pursuant to section
68 23 453A.6, subsection 1, and from the tax on tobacco products as
68 24 specified in section 453A.43, subsections 1, 2, 3, and 4, and
68 25 credited to the general fund of the state under this
68 26 subsection, there is appropriated, annually, to the health
68 27 care trust fund created in section 453A.35A, the first one
68 28 hundred twenty-seven million six hundred thousand dollars.~~

~~68 29 2. All permit fees provided for in this chapter and
68 30 collected by cities in the issuance of permits granted by the
68 31 cities shall be paid to the treasurer of the city where the
68 32 permit is effective, or to another city officer as designated
68 33 by the council, and credited to the general fund of the city.
68 34 Permit fees so collected by counties shall be paid to the
68 35 county treasurer.~~

69 1 Sec. 76. Section 453A.35A, Code 2009, is repealed.

69 2 Sec. 77. HEALTH CARE TRUST FUND == REMAINING FUNDS ==
69 3 EFFECTIVE DATE.

69 4 1. Any funds remaining in the health care trust fund,
69 5 created in section 453A.35A, Code 2009, at the end of the
69 6 fiscal year beginning July 1, 2008, are transferred to the
69 7 general fund of the state.

69 8 2. This section, being deemed of immediate importance,
69 9 takes effect upon enactment.

69 10 DIVISION IX

69 11 STATUTORY CHANGES

69 12 Sec. 78. Section 234.12A, subsection 1, Code 2009, is
69 13 amended to read as follows:

69 14 1. The department of human services shall maintain an
69 15 electronic benefits transfer program utilizing electronic
69 16 funds transfer systems for the food assistance program. The
69 17 electronic benefits transfer program implemented under this
69 18 section shall at a minimum provide for all of the following:

69 19 a. ~~A retailer shall not be required~~ require a retailer to
69 20 make cash disbursements or to provide, purchase, or upgrade
69 21 electronic funds transfer system equipment as a condition of

69 22 participation in the program.
69 23 b. ~~A retailer providing electronic funds transfer system~~
69 24 ~~equipment for transactions pursuant to the program shall be~~
69 25 ~~reimbursed seven cents for each approved transaction pursuant~~
69 26 ~~to the program utilizing the retailer's equipment.~~
69 27 c. ~~A retailer that provides electronic funds transfer~~
69 28 ~~system equipment for transactions pursuant to the program and~~
69 29 ~~who makes cash disbursements pursuant to the program utilizing~~
69 30 ~~the retailer's equipment shall be paid a fee of seven cents by~~
69 31 ~~the department for each cash disbursement transaction by the~~
69 32 ~~retailer.~~

69 33 EXPLANATION

69 34 This bill relates to and makes appropriations for health
69 35 and human services for fiscal year 2009=2010 to the department
70 1 of veterans affairs, the Iowa veterans home, the department of
70 2 elder affairs, the department of public health, Iowa finance
70 3 authority, state board of regents, department of inspections
70 4 and appeals, and the department of human services.

70 5 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division
70 6 appropriates funding from the general fund of the state for
70 7 the department of elder affairs, the department of public
70 8 health, and the department of veterans affairs.

70 9 The division appropriates funding from the general fund of
70 10 the state and the federal temporary assistance for needy
70 11 families block grant to the department of human services. The
70 12 allocation for the family development and self-sufficiency
70 13 grant program is made directly to the department of human
70 14 rights.

70 15 The reimbursement section addresses reimbursement for
70 16 providers reimbursed by the department of human services and
70 17 allows the department to reduce the rates established by the
70 18 section if funding is insufficient or reduced.

70 19 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT
70 20 ACCOUNT, IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION ACCOUNT,
70 21 AND PROPERTY TAX RELIEF FUND. This division makes
70 22 appropriations for fiscal year 2009=2010 from the senior
70 23 living trust fund to the department of elder affairs, the
70 24 department of human services, the department of inspections
70 25 and appeals, and the Iowa finance authority. The senior
70 26 living trust fund is eliminated in another division of the
70 27 bill effective July 1, 2010.

70 28 The division makes an appropriation from the pharmaceutical
70 29 settlement account to the department of human services to
70 30 supplement the medical contracts appropriation.

70 31 The division makes appropriations from the IowaCare account
70 32 to the state board of regents for distribution to the
70 33 university of Iowa hospitals and clinics, and to the
70 34 department of human services for distribution to a publicly
70 35 owned acute care teaching hospital in a county with a
71 1 population over 350,000. The division makes an appropriation
71 2 to the department of human services from the health care
71 3 transformation account for various health care reform
71 4 initiatives. The division includes a transfer from the
71 5 account for health care transformation to the IowaCare
71 6 account.

71 7 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING == FISCAL YEAR
71 8 2009=2010. This division reduces and allocates the
71 9 appropriation made in 2008 Iowa Acts, chapter 1191, for mental
71 10 health, mental retardation, developmental disabilities
71 11 (MH/MR/DD) services allowed growth factor adjustment funding
71 12 for fiscal year 2009=2010.

71 13 CHANGES TO EXISTING APPROPRIATIONS. This division amends,
71 14 limits, or replaces existing appropriations for fiscal year
71 15 2009=2010.

71 16 A previous directive to the department of human services is
71 17 eliminated that would have required that beginning July 1,
71 18 2009, any new or renewed contract entered into by the
71 19 department with a third party to administer behavioral health
71 20 services under the Medicaid program must provide that any
71 21 interest earned on payments from the state during the state
71 22 fiscal year be remitted to the department for deposit in a
71 23 separate account. Additionally, a directive that beginning
71 24 July 1, 2008, the department maintain a separate account for
71 25 the deposit of all such funds remitted by such third-party
71 26 payor is eliminated.

71 27 A previous appropriation made in 2008 Iowa Acts, chapter
71 28 1188, for the medical assistance, hawk=i, and hawk=i expansion
71 29 programs for FY 2009=2010 is reduced. The division also
71 30 provides that expansion of eligibility for the hawk=i program
71 31 to 300 percent of the federal poverty level may be delayed if
71 32 the department of human services determines that sufficient

71 33 state funding is not available.
71 34 Standing appropriations of certain amounts of birth
71 35 certification registration fees made in Code section 144.13A
72 1 for the center for congenital and inherited disorders central
72 2 registry and child abuse prevention and treatment programs are
72 3 replaced with appropriations of specific amounts for the same
72 4 purposes.
72 5 Standing appropriations made for commissions of inquiry
72 6 under Code section 229.35, for the expenses of transfers of
72 7 persons with mental illness under Code section 230.8, and for
72 8 the commitments of persons with no or unknown legal settlement
72 9 in the state under Code section 230.11 are limited to specific
72 10 amounts. The \$95 million standing appropriation from the
72 11 general fund to the property tax relief fund in Code section
72 12 426B.1 is reduced to approximately \$87.5 million. The \$6.6
72 13 million standing appropriation from the property tax relief
72 14 fund to supplement the medical assistance program
72 15 appropriations is reduced to approximately \$6.1 million.
72 16 The \$1 million standing appropriation from the general fund
72 17 for the county commissions of veterans affairs fund under Code
72 18 section 35A.16 is reduced to approximately \$548,000.
72 19 GAMBLING TREATMENT FUND ELIMINATION. This division
72 20 eliminates the gambling treatment fund and the percentage of
72 21 gambling revenues designated for the fund. These revenues
72 22 will instead be credited to the general fund of the state.
72 23 A transition section provides for the unobligated revenues
72 24 remaining in the gambling treatment fund at the close of FY
72 25 2008=2009 to be transferred to the general fund of the state.
72 26 This section takes effect upon enactment.
72 27 CHILD CARE CREDIT FUND ELIMINATION. This division repeals
72 28 the child care credit fund created in Code section 237A.28 and
72 29 the standing appropriation in Code section 422.100 of \$2.6
72 30 million from individual income tax withholding receipts to the
72 31 child care credit fund. Moneys in the child care credit fund
72 32 were subject to a standing appropriation for the state child
72 33 care assistance program.
72 34 A transition section provides for the unobligated revenues
72 35 remaining in the child care credit fund at the close of FY
73 1 2008=2009 to be transferred to the general fund of the state.
73 2 This section takes effect upon enactment.
73 3 SENIOR LIVING TRUST FUND. This division eliminates the
73 4 senior living trust fund along with the revenue sources for
73 5 the fund in Code section 8.55, relating to the Iowa economic
73 6 emergency fund, and Code section 8.57, relating to transfer of
73 7 the ending balance of the general fund of the state.
73 8 References to the trust fund are eliminated. The senior
73 9 living program in Code chapter 249H is changed to the
73 10 long-term living program and references in various Code
73 11 sections are revised accordingly. The Code changes take
73 12 effect July 1, 2010.
73 13 Code changes involving revenue for the fund in Code
73 14 sections 8.55 and 8.57, nonreversion provisions for contracted
73 15 funds, and the transition provisions providing for transfer of
73 16 unencumbered moneys in the trust fund at the close of FY
73 17 2009=2010 take effect July 1, 2009.
73 18 HEALTH CARE TRUST FUND ELIMINATION. This division
73 19 eliminates the health care trust fund created in Code section
73 20 453A.35A and the standing appropriation of \$127.6 million of
73 21 certain cigarette and tobacco product tax proceeds to the
73 22 trust fund in Code section 453A.35. These proceeds will
73 23 instead be credited to the general fund.
73 24 A transition Code section provides for the unobligated
73 25 revenues remaining in the health care trust fund at the close
73 26 of FY 2008=2009 to be transferred to the general fund of the
73 27 state. This Code section takes effect upon enactment.
73 28 STATUTORY CHANGES. This division includes various
73 29 statutory changes.
73 30 Code section 234.12A relating to the electronic benefits
73 31 transfer program for the food assistance program, is amended
73 32 to eliminate fees paid to retailers for certain transactions.
73 33 LSB 1013XG 83
73 34 pf/jp/14.2