

Senate Study Bill 3075 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

A BILL FOR

1 An Act revising the duties of the mental health, mental
2 retardation, developmental disabilities, and brain injury
3 commission and related provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

GENERAL AMENDMENTS

Section 1. Section 135C.23, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. This section does not prohibit the admission of a patient with a history of dangerous or disturbing behavior to an intermediate care facility for persons with mental illness, intermediate care facility for persons with mental retardation, nursing facility, or county care facility when the intermediate care facility for persons with mental illness, intermediate care facility for persons with mental retardation, nursing facility, or county care facility has a program which has received prior approval from the department to properly care for and manage the patient. An intermediate care facility for persons with mental illness, intermediate care facility for persons with mental retardation, nursing facility, or county care facility is required to transfer or discharge a resident with dangerous or disturbing behavior when the intermediate care facility for persons with mental illness, intermediate care facility for persons with mental retardation, nursing facility, or county care facility cannot control the resident's dangerous or disturbing behavior. The department, ~~in coordination with the state mental health, mental retardation, developmental disabilities, and brain injury commission created in section 225C.5,~~ shall adopt rules pursuant to chapter 17A for programs to be required in intermediate care facilities for persons with mental illness, intermediate care facilities for persons with mental retardation, nursing facilities, and county care facilities that admit patients or have residents with histories of dangerous or disturbing behavior.

Sec. 2. Section 229.24, subsection 3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If all or part of the costs associated with hospitalization of an individual under this chapter are chargeable to a county of legal settlement, the clerk of the district court

1 shall provide to the county of legal settlement and to the
2 county in which the hospitalization order is entered, ~~in a~~
3 ~~form prescribed by the mental health, mental retardation,~~
4 ~~developmental disabilities, and brain injury commission,~~ the
5 following information pertaining to the individual which would
6 be confidential under subsection 1:

7 Sec. 3. Section 230A.2, Code 2009, is amended to read as
8 follows:

9 **230A.2 Services offered.**

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

17 Sec. 4. Section 230A.15, Code 2009, is amended to read as
18 follows:

19 **230A.15 Comprehensive community mental health program.**

20 A community mental health center established or operating
21 as authorized by section 230A.1, or which a county or group
22 of counties has agreed to establish or support pursuant
23 to that section, may with approval of the board or boards
24 of supervisors of the county or counties supporting or
25 establishing the center, undertake to provide a comprehensive
26 community mental health program for the county or counties.
27 A center providing a comprehensive community mental health
28 program shall, at a minimum, make available to residents of the
29 county or counties it serves all of the ~~comprehensive~~ mental
30 health services described in the comprehensive state mental
31 health and disability services plan under section 225C.6B.

32 Sec. 5. Section 331.424A, subsection 1, Code Supplement
33 2009, is amended to read as follows:

34 1. For the purposes of this chapter, unless the context
35 otherwise requires, "*services fund*" means the county mental

1 health, mental retardation, and developmental disabilities
2 services fund created in subsection 2. ~~The county finance~~
3 ~~committee created in section 333A.2 shall consult with~~
4 ~~the state commission in adopting~~ shall adopt rules and
5 ~~prescribing forms~~ for administering the services fund. The
6 county finance committee created in section 333A.2 shall
7 prescribe forms in accordance with the rules adopted by the
8 state commission. The forms shall allow for reporting of
9 services for persons with brain injury and other optional
10 services funded through a services fund.

11 Sec. 6. Section 331.438, subsection 1, paragraph b, Code
12 2009, is amended to read as follows:

13 *b. "Qualified mental health, mental retardation, and*
14 *developmental disabilities services"* means the services
15 ~~specified on forms issued in the rules adopted by the county~~
16 ~~finance committee following consultation with the state~~
17 ~~commission for administering the services fund, pursuant to~~
18 section 331.424A.

19 Sec. 7. Section 331.438, subsection 4, paragraph b, Code
20 2009, is amended to read as follows:

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

22 (1) ~~Identify~~ Receive and review reports from the department
23 of human services identifying characteristics of the
24 ~~service~~ county services system, including amounts expended,
25 equity of funding among counties, funding sources, provider
26 types, service availability, and equity of service availability
27 among counties and among persons served.

28 ~~(2) Assess the accuracy and uniformity of recordkeeping and~~
29 ~~reporting in the service system.~~

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

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

34 ~~(5)~~ (2) Consider proposals for revising service county
35 services system administrative rules.

1 ~~{6} Consider provisions and adopt rules for counties to~~
2 ~~implement a central point of coordination to plan, budget,~~
3 ~~and monitor county expenditures for the service system. The~~
4 ~~provisions shall provide options for counties to implement~~
5 ~~the central point of coordination in collaboration with other~~
6 ~~counties.~~

7 ~~{7} Develop criteria for annual county mental health,~~
8 ~~mental retardation, and developmental disabilities plans.~~

9 ~~{8} (3) Adopt administrative rules identifying qualified~~
10 ~~mental health, mental retardation, and developmental~~
11 ~~disabilities service expenditures for purposes of state payment~~
12 ~~pursuant to subsection 1 relating to county management plans.~~

13 ~~{9} Adopt rules for the county central point of coordination~~
14 ~~and clinical assessment processes required under section~~
15 ~~331.440 and other rules necessary for the implementation of~~
16 ~~county management plans and expenditure reports required for~~
17 ~~state payment pursuant to section 331.439.~~

18 ~~{10} Consider recommendations to improve the programs and~~
19 ~~cost-effectiveness of state and county contracting processes~~
20 ~~and procedures, including strategies for negotiations relating~~
21 ~~to managed care. The recommendations implemented by the~~
22 ~~commission for the state and county regarding managed care~~
23 ~~shall include but are not limited to standards for limiting~~
24 ~~excess costs and profits, and for restricting cost shifting~~
25 ~~under a managed care system.~~

26 ~~{11} (4) Provide input, when appropriate, to the director~~
27 ~~of human services in any decision involving administrative~~
28 ~~rules which were adopted by the department of human services~~
29 ~~pertaining to the mental illness, mental retardation, and~~
30 ~~developmental disabilities services system administered by~~
31 ~~counties.~~

32 ~~{12} Identify the fiscal impact of existing or proposed~~
33 ~~legislation and administrative rules on state and county~~
34 ~~expenditures.~~

35 ~~{13} Adopt administrative rules providing statewide~~

1 ~~standards and a monitoring methodology to determine whether~~
2 ~~cost-effective individualized services are available as~~
3 ~~required pursuant to section 331.439, subsection 1, paragraph~~
4 ~~"b".~~

5 (14) (5) Consider recommendations for and adopt
6 administrative rules establishing statewide minimum standards
7 for services and other support required to be available to
8 persons covered by a county management plan under section
9 331.439.

10 (15) (6) Consider recommendations for measuring and
11 improving the quality of state and county mental health, mental
12 retardation, and developmental disabilities services and other
13 support.

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

26 Sec. 8. Section 331.439, subsection 1, unnumbered paragraph
27 1, Code 2009, is amended to read as follows:

28 The state payment to eligible counties under this section
29 shall be made as provided in sections 331.438 and 426B.2. A
30 county is eligible for the state payment, as defined in section
31 331.438, for a fiscal year if the director of human services,
32 ~~in consultation with the state commission,~~ determines for a
33 specific fiscal year that all of the following conditions are
34 met:

1 Sec. 9. Section 331.439, subsection 1, paragraph a, Code

2 2009, is amended to read as follows:

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

14 Sec. 10. Section 331.439, subsection 1, paragraph b,
15 unnumbered paragraph 1, Code 2009, is amended to read as
16 follows:

17 The county developed and implemented a county management
18 plan for the county's mental health, mental retardation, and
19 developmental disabilities services system in accordance with
20 the provisions of this paragraph "b". The plan shall comply
21 with the administrative rules adopted for this purpose by the
22 state commission and is subject to the approval of the director
23 of human services in consultation with the state commission.
24 The plan shall include a description of the county's service
25 management provision for mental health, mental retardation, and
26 developmental disabilities services. For mental retardation
27 and developmental disabilities service management, the plan
28 shall describe the county's development and implementation of a
29 ~~managed~~ system of cost-effective individualized services and
30 shall comply with the provisions of paragraph "f". The goal
31 of this part of the plan shall be to assist the individuals
32 served to be as independent, productive, and integrated into
33 the community as possible. The service management provisions
34 for mental health shall comply with the provisions of paragraph
35 "e". A county is subject to all of the following provisions
1 in regard to the county's services system management plan and

2 planning process:

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

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

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

27 Sec. 12. Section 331.439, subsection 1, paragraphs c, e, and
28 f, Code 2009, are amended to read as follows:

29 c. The county implements its county management plan under
30 paragraph "b" and other service management functions in a
31 manner that seeks to achieve all of the following purposes
32 identified in section 225C.1 for persons who are covered by the
33 plan or are otherwise subject to the county's ~~service~~ services
34 system management functions:

35 (1) The ~~service~~ services system seeks to empower persons
1 to exercise their own choices about the amounts and types of

2 services and other support received.

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

5 (3) The ~~service~~ services system seeks to provide services
6 and other support that are individualized, provided to produce
7 results, flexible, and cost-effective.

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

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

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

25 (a) The enrollment and eligibility process.

26 (b) The scope of services included.

27 (c) The method of plan administration.

28 (d) The process for managing utilization and access to
29 services and other assistance.

30 (e) The quality assurance process.

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

34 f. For mental retardation and developmental disabilities
35 services management, the county must either develop and
1 implement a ~~managed~~ system of care which addresses a full

2 array of appropriate services and cost-effective delivery of
3 services by contracting directly with service providers or
4 ~~contract by contracting~~ with a state-approved ~~managed-care~~
5 ~~contractor or contractors~~ private entity to manage the county
6 services system. ~~Any system or contract implemented under~~
7 ~~this paragraph~~ The county services system shall incorporate a
8 central point of coordination and clinical assessment process
9 developed in accordance with the provisions of section 331.440.
10 The elements of ~~the county managed system of care~~ a county
11 services system shall be specified in rules developed by the
12 department of human services in consultation with and adopted
13 by the state commission.

14 Sec. 13. Section 331.439, subsection 3, paragraph b, Code
15 2009, is amended to read as follows:

16 b. Based upon information contained in county management
17 plans and budgets and proposals made by representatives of
18 counties, the state commission shall recommend an allowed
19 growth factor adjustment to the governor by November 15
20 for the fiscal year which commences two years from the
21 beginning date of the fiscal year in progress at the time the
22 recommendation is made. The allowed growth factor adjustment
23 ~~shall~~ may address various costs including but not limited to
24 the costs associated with new consumers of service, service
25 cost inflation, and investments for economy and efficiency. In
26 developing the service cost inflation recommendation, the state
27 commission shall consider the cost trends indicated by the
28 gross expenditure amount reported in the expenditure reports
29 submitted by counties pursuant to subsection 1, paragraph
30 "a". The governor shall consider the state commission's
31 recommendation in developing the governor's recommendation for
32 an allowed growth factor adjustment for such fiscal year. The
33 governor's recommendation shall be submitted at the time the
34 governor's proposed budget for the succeeding fiscal year is
35 submitted in accordance with chapter 8.

1 Sec. 14. Section 331.439, subsection 7, Code 2009, is

2 amended to read as follows:

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

11 DIVISION II

12 CODE CHAPTER 225C AMENDMENTS

13 Sec. 15. Section 225C.4, subsection 1, paragraph a, Code
14 2009, is amended to read as follows:

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

31 Sec. 16. Section 225C.6, subsections 1 and 3, Code 2009, are
32 amended to read as follows:

33 1. To the extent funding is available, the commission shall
34 perform the following duties:

35 a. Advise the administrator on the administration of the
1 overall state disability services system.

2 **b.** Adopt necessary rules pursuant to chapter 17A which
3 relate to disability programs and services, including but not
4 limited to definitions of each disability included within the
5 term "*disability services*" as necessary for purposes of state,
6 county, and regional planning, programs, and services.

7 **c.** Adopt standards for community mental health centers,
8 services, and programs as recommended under section 230A.16.
9 The ~~commission~~ administrator shall determine whether to grant,
10 deny, or revoke the accreditation of the centers, services, and
11 programs.

12 **d.** ~~Adopt standards for the care of and services to persons~~
13 ~~with mental illness and mental retardation residing in county~~
14 ~~care facilities recommended under section 227.4~~ the provision
15 under medical assistance of individual case management
16 services.

17 **e.** Unless another governmental body sets standards for a
18 service available to persons with disabilities, adopt state
19 standards for that service. ~~The commission shall provide that~~
20 ~~a service provider's compliance with standards for a service~~
21 ~~set by a nationally recognized body shall be deemed to be in~~
22 ~~compliance with the state standards adopted by the commission~~
23 ~~for that service. The commission shall adopt state standards~~
24 ~~for those residential and community-based providers of services~~
25 ~~to persons with mental illness or developmental disabilities~~
26 ~~that are not otherwise subject to licensure by the department~~
27 ~~of human services or department of inspections and appeals,~~
28 ~~including but not limited to remedial services payable under~~
29 ~~the medical assistance program and other services payable from~~
30 ~~funds credited to a county mental health, mental retardation,~~
31 ~~and developmental disabilities services fund created in section~~
32 ~~331.424A. In addition, the~~ The commission shall review the
33 licensing standards used by the department of human services
34 or department of inspections and appeals for those facilities
35 providing disability services ~~to persons with mental illness~~
1 ~~or developmental disabilities.~~

2 *f.* Assure that proper reconsideration and appeal procedures
3 are available to persons aggrieved by decisions, actions, or
4 circumstances relating to accreditation.

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

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

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

10 (2) Recommendations formulated by the commission for
11 changes in law.

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

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

17 (2) The effectiveness of the services being provided by
18 disability service providers in this state and by each of the
19 state mental health institutes established under chapter 226
20 and by each of the state resource centers established under
21 chapter 222.

22 *j.* Advise the administrator, the council on human services,
23 the governor, and the general assembly on budgets and
24 appropriations concerning disability services.

25 *k.* Coordinate activities with the governor's developmental
26 disabilities council and the mental health planning council,
27 created pursuant to federal law. Work with other state
28 agencies on coordinating, collaborating, and communicating
29 concerning activities involving persons with disabilities.

30 ~~*l.* Establish standards for the provision under medical~~
31 ~~assistance of individual case management services. The~~
32 ~~commission shall determine whether to grant, deny, or revoke~~
33 ~~the accreditation of the services.~~

34 ~~*m.*~~ *l.* Identify basic financial eligibility standards for
35 disability services. The standards shall include but are not
1 limited to the following:

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

18 (2) A requirement that a person who is eligible for
19 federally funded services and other support must apply for the
20 services and support.

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

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

31 (b) A burial, medical savings, or assistive technology
32 account.

33 ~~n.~~ m. Identify disability services outcomes and indicators
34 to support the ability of eligible persons with a disability to
35 live, learn, work, and recreate in communities of the persons'
1 choice. The identification duty includes but is not limited to

2 responsibility for identifying, collecting, and analyzing data
3 as necessary to issue reports on outcomes and indicators at the
4 county and state levels.

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

7 ~~p. Work with other state agencies on coordinating,
8 collaborating, and communicating concerning activities
9 involving persons with disabilities.~~

10 ~~q. Perform analyses and other functions associated with
11 a redesign of the mental health and developmental disability
12 services systems for adults and for children.~~

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

24 Sec. 17. Section 225C.6A, Code 2009, is amended to read as
25 follows:

26 **225C.6A Mental health, developmental disability, and brain
27 injury service system redesign implementation.**

28 ~~1. Purpose. It is the intent of the general assembly
29 to implement a redesign of the mental health, developmental
30 disability, and brain injury service system over a period of
31 years in order to transition to a coordinated system for Iowans
32 with mental illness, mental retardation or other developmental
33 disabilities, or brain injury. Because of the significance of
34 the redesign to the persons who may be affected by it and the
35 degree of uncertainty regarding the extent of funding changes
1 necessary for implementation, the department and the commission~~

~~2 shall not implement a redesign provision through rulemaking or
3 other means unless specific statutory authority provides for
4 the provision's implementation.~~

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

9 ~~a. 1.~~ 1. Identify sources of revenue to support statewide
10 delivery of core disability services to eligible disability
11 populations.

12 ~~b. Further develop adult disability services system redesign
13 proposals and propose a redesign of the children's disability
14 service system. The redesign of the children's system shall
15 address issues associated with an individual's transition
16 between the two systems.~~

17 2. Ensure there is a continuous improvement process for
18 development and maintenance of the disability services system
19 for adults and children. The process shall include but is not
20 limited to data collection and reporting provisions.

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

29 ~~(2)~~ b. In implementing a system under this paragraph
30 ~~"e"~~ subsection for collecting and analyzing state, county,
31 and private contractor data, the department shall establish a
32 client identifier for the individuals receiving services. The
33 client identifier shall be used in lieu of the individual's
34 name or social security number. The client identifier shall
35 consist of the last four digits of an individual's social
1 security number, the first three letters of the individual's

2 last name, the individual's date of birth, and the individual's
3 gender in an order determined by the department.

4 ~~(3)~~ c. Each county shall report to the department annually
5 on or before December 1, for the preceding fiscal year the
6 following information for each individual served: demographic
7 information, expenditure data, and data concerning the services
8 and other support provided to each individual, as specified in
9 administrative rule adopted by the commission.

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

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

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

29 ~~g.~~ 4. Work with county representatives and other qualified
30 persons to develop an implementation plan for replacing the
31 county of legal settlement approach to determining service
32 system funding responsibilities with an approach based upon
33 residency. The plan shall address a statewide standard for
34 proof of residency, outline a plan for establishing a data
35 system for identifying residency of eligible individuals,
1 address residency issues for individuals who began residing in

2 a county due to a court order or criminal sentence or to obtain
3 services in that county, recommend an approach for contesting
4 a residency determination, and address other implementation
5 issues.

6 Sec. 18. Section 225C.6B, subsection 1, Code 2009, is
7 amended to read as follows:

8 1. *Intent.*

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

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

25 c. In addition, it is the intent of the general assembly
26 to promote policies and practices that achieve for consumers
27 the earliest possible detection of mental health problems and
28 the need for disability services and for early intervention;
29 to stress that all health care programs address mental
30 health disorders with the same urgency as physical health
31 disorders; to promote the policies of all public programs
32 that serve adults and children with mental disorders or with
33 a need for disability services, including but not limited to
34 child welfare, Medicaid, education, housing, criminal and
35 juvenile justice, substance abuse treatment, and employment
1 services; to consider the special mental health and disability

2 services needs of adults and children; and to promote recovery
3 and resiliency as expected outcomes for all consumers.

4 Sec. 19. Section 225C.6B, subsection 2, Code 2009, is
5 amended by striking the subsection and inserting in lieu
6 thereof the following:

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

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

18 2. The commission shall adopt rules pursuant to chapter 17A
19 establishing minimum standards for supported community living
20 services. The ~~commission~~ administrator shall determine whether
21 to grant, deny, or revoke approval for any supported community
22 living service.

23 Sec. 21. Section 225C.52, subsection 1, Code 2009, is
24 amended to read as follows:

25 1. Establishing a comprehensive community-based mental
26 health services system for children and youth is part of
27 fulfilling the requirements of the division and the commission
28 to facilitate a comprehensive, continuous, and integrated state
29 mental health and disability services plan in accordance with
30 sections 225C.4, 225C.6, and 225C.6A, and other provisions
31 of this chapter. The purpose of establishing the children's
32 system is to improve access for children and youth with
33 serious emotional disturbances and youth with other qualifying
34 mental health disorders to mental health treatment, services,
35 and other support in the least restrictive setting possible
1 so the children and youth can live with their families

2 and remain in their communities. The children's system is
3 also intended to meet the needs of children and youth who
4 have mental health disorders that co-occur with substance
5 abuse, mental retardation, developmental disabilities, or
6 other disabilities. The children's system shall emphasize
7 community-level collaborative efforts between children and
8 youth and the families and the state's systems of education,
9 child welfare, juvenile justice, health care, substance abuse,
10 and mental health.

11 Sec. 22. REPEAL. Section 225C.27, Code 2009, is repealed.

12 DIVISION III

13 COMMISSION AND WAIVER NAME CHANGE

14 Sec. 23. Section 225C.2, subsection 3, Code 2009, is amended
15 to read as follows:

16 3. "*Commission*" means the mental health, ~~mental retardation,~~
17 ~~developmental disabilities, and brain injury~~ and disability
18 services commission.

19 Sec. 24. Section 225C.5, subsection 1, unnumbered paragraph
20 1, Code Supplement 2009, is amended to read as follows:

21 A mental health, ~~mental retardation, developmental~~
22 ~~disabilities, and brain injury~~ and disability
23 services commission is created as the state policy-making body
24 for the provision of services to persons with mental illness,
25 mental retardation or other developmental disabilities,
26 or brain injury. The commission's voting members shall
27 be appointed to three-year staggered terms by the governor
28 and are subject to confirmation by the senate. Commission
29 members shall be appointed on the basis of interest and
30 experience in the fields of mental health, mental retardation
31 or other developmental disabilities, and brain injury, in a
32 manner so as to ensure adequate representation from persons
33 with disabilities and individuals knowledgeable concerning
34 disability services. The department shall provide staff
35 support to the commission, and the commission may utilize staff
1 support and other assistance provided to the commission by

2 other persons. The commission shall meet at least four times
3 per year. The membership of the commission shall consist of
4 the following persons who, at the time of appointment to the
5 commission, are active members of the indicated groups:

6 Sec. 25. Section 249A.12, subsection 4, paragraph b, Code
7 2009, is amended to read as follows:

8 ~~b. Effective July 1, 1995, the~~ The state shall be
9 responsible for all of the nonfederal share of medical
10 assistance home and community-based services waivers
11 for persons with ~~mental retardation~~ intellectual
12 disabilities services provided to minors and a county is not
13 required to reimburse the department and shall not be billed
14 for the nonfederal share of the costs of the services.

15 Sec. 26. Section 249A.12, subsection 5, paragraph a,
16 unnumbered paragraph 1, Code 2009, is amended to read as
17 follows:

18 The mental health, ~~mental retardation, developmental~~
19 ~~disabilities, and brain injury and disability~~
20 services commission shall recommend to the department
21 the actions necessary to assist in the transition of
22 individuals being served in an intermediate care facility for
23 persons with mental retardation, who are appropriate for the
24 transition, to services funded under a medical assistance
25 home and community-based services waiver for persons with
26 ~~mental retardation~~ intellectual disabilities in a manner which
27 maximizes the use of existing public and private facilities.
28 The actions may include but are not limited to submitting any
29 of the following or a combination of any of the following
30 as a request for a revision of the medical assistance home
31 and community-based services waiver for persons with ~~mental~~
32 ~~retardation in effect as of June 30, 1996~~ intellectual
33 disabilities:

34 Sec. 27. Section 249A.12, subsection 5, paragraph a,
35 subparagraph (1), Code 2009, is amended to read as follows:

1 (1) Allow for the transition of intermediate care

2 facilities for persons with mental retardation licensed under
3 chapter 135C ~~as of June 30, 1996~~, to services funded under the
4 medical assistance home and community-based services waiver for
5 persons with ~~mental retardation~~ intellectual disabilities. The
6 request shall be for inclusion of additional persons under the
7 waiver associated with the transition.

8 Sec. 28. Section 249A.12, subsection 6, paragraphs a and b,
9 Code 2009, are amended to read as follows:

10 a. ~~Effective July 1, 2003, the~~ The provisions of the
11 home and community-based services waiver for persons with
12 ~~mental retardation~~ intellectual disabilities shall include
13 adult day care, prevocational, and transportation services.
14 Transportation shall be included as a separately payable
15 service.

16 b. The department of human services shall seek federal
17 approval to amend the home and community-based services
18 waiver for persons with ~~mental retardation~~ intellectual
19 disabilities to include day habilitation services. Inclusion
20 of day habilitation services in the waiver shall take effect
21 upon receipt of federal approval ~~and no later than July 1,~~
22 ~~2004.~~

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

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

28 Sec. 30. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
29 DISABILITIES, AND BRAIN INJURY COMMISSION TERMINOLOGY CHANGES
30 — CODE EDITOR'S DIRECTIVE.

31 1. Sections 230A.16, 230A.17, 230A.18, 249A.12, 331.438,
32 and 426B.4, Code 2009, and sections 249A.4, 249A.31, and
33 426B.5, Code Supplement 2009, are amended by striking the term
34 "mental health, mental retardation, developmental disabilities,
35 and brain injury commission" and inserting in lieu thereof the
1 term "mental health and disability services commission".

2 Code section 135C.23, relating to requirements for admission
3 to a health care facility (defined to include residential care
4 facilities, nursing facilities, intermediate care facilities
5 for persons with mental illness, and intermediate care
6 facilities for persons with mental retardation), is amended to
7 eliminate a requirement for the department of inspections and
8 appeals to coordinate with the commission in the adoption of
9 rules. The affected rules require programs for health care
10 facilities that admit patients or have residents with a history
11 of dangerous or disturbing behavior.

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

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

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

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

35 Code section 331.438, relating to county MH/MR/DD services
1 expenditures and the county and state planning associated with

2 the expenditures, is amended to strike a reference to the
3 expenditure reporting forms. In addition, the bill reduces the
4 number of duties for the commission enumerated in that section
5 from 16 to six.

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

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

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

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

2 existing requirement for the commission to coordinate with
3 other bodies is expanded to include the mental health planning
4 council and other state agencies generally.

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

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

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

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

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