

Senate Study Bill 1218 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

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

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

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DIVISION I

DEPARTMENT ON AGING — FY 2011-2012

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for frail elders, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 10,302,577	
.....	FTEs	35.00

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

2. The amount appropriated in this section includes additional funding of \$450,000 for delivery of long-term care services to seniors with low or moderate incomes.

3. Of the funds appropriated in this section, \$179,946 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the

1 retired and senior volunteer program.

2 4. a. The department on aging shall establish and enforce
3 procedures relating to expenditure of state and federal funds
4 by area agencies on aging that require compliance with both
5 state and federal laws, rules, and regulations, including but
6 not limited to all of the following:

7 (1) Requiring that expenditures are incurred only for goods
8 or services received or performed prior to the end of the
9 fiscal period designated for use of the funds.

10 (2) Prohibiting prepayment for goods or services not
11 received or performed prior to the end of the fiscal period
12 designated for use of the funds.

13 (3) Prohibiting the prepayment for goods or services
14 not defined specifically by good or service, time period, or
15 recipient.

16 (4) Prohibiting the establishment of accounts from which
17 future goods or services which are not defined specifically by
18 good or service, time period, or recipient, may be purchased.

19 b. The procedures shall provide that if any funds are
20 expended in a manner that is not in compliance with the
21 procedures and applicable federal and state laws, rules, and
22 regulations, and are subsequently subject to repayment, the
23 area agency on aging expending such funds in contravention of
24 such procedures, laws, rules and regulations, not the state,
25 shall be liable for such repayment.

26 DIVISION II

27 DEPARTMENT OF PUBLIC HEALTH — FY 2011-2012

28 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is appropriated
29 from the general fund of the state to the department of public
30 health for the fiscal year beginning July 1, 2011, and ending
31 June 30, 2012, the following amounts, or so much thereof as is
32 necessary, to be used for the purposes designated:

33 1. ADDICTIVE DISORDERS

34 For reducing the prevalence of use of tobacco, alcohol, and
35 other drugs, and treating individuals affected by addictive

1 behaviors, including gambling, and for not more than the
2 following full-time equivalent positions:

3	\$ 24,603,190
4	FTEs 13.00

5 a. (1) Of the funds appropriated in this subsection,
6 \$4,353,830 shall be used for the tobacco use prevention and
7 control initiative, including efforts at the state and local
8 levels, as provided in chapter 142A.

9 (2) Of the funds allocated in this paragraph "a", \$453,830
10 shall be transferred to the alcoholic beverages division of
11 the department of commerce for enforcement of tobacco laws,
12 regulations, and ordinances in accordance with 2011 Iowa Acts,
13 House File 467, as enacted.

14 b. Of the funds appropriated in this subsection,
15 \$20,249,360 shall be used for problem gambling and substance
16 abuse prevention, treatment, and recovery services, including a
17 24-hour helpline, public information resources, professional
18 training, and program evaluation.

19 (1) Of the funds allocated in this paragraph "b",
20 \$17,132,508 shall be used for substance abuse prevention and
21 treatment.

22 (a) Of the funds allocated in this subparagraph (1),
23 \$899,300 shall be used for the public purpose of a grant
24 program to provide substance abuse prevention programming for
25 children.

26 (i) Of the funds allocated in this subparagraph division
27 (a), \$427,539 shall be used for grant funding for organizations
28 that provide programming for children by utilizing mentors.
29 Programs approved for such grants shall be certified or will
30 be certified within six months of receiving the grant award
31 by the Iowa commission on volunteer services as utilizing the
32 standards for effective practice for mentoring programs.

33 (ii) Of the funds allocated in this subparagraph division
34 (a), \$426,839 shall be used for grant funding for organizations
35 that provide programming that includes youth development and

1 leadership. The programs shall also be recognized as being
2 programs that are scientifically based with evidence of their
3 effectiveness in reducing substance abuse in children.

4 (iii) The department of public health shall utilize a
5 request for proposals process to implement the grant program.

6 (iv) All grant recipients shall participate in a program
7 evaluation as a requirement for receiving grant funds.

8 (v) Of the funds allocated in this subparagraph division
9 (a), up to \$44,922 may be used to administer substance abuse
10 prevention grants and for program evaluations.

11 (b) Of the funds allocated in this subparagraph (1),
12 \$273,062 shall be used for culturally competent substance abuse
13 treatment pilot projects.

14 (i) The department shall utilize the amount allocated
15 in this subparagraph division (b) for at least three pilot
16 projects to provide culturally competent substance abuse
17 treatment in various areas of the state. Each pilot project
18 shall target a particular ethnic minority population. The
19 populations targeted shall include but are not limited to
20 African American, Asian, and Latino.

21 (ii) The pilot project requirements shall provide for
22 documentation or other means to ensure access to the cultural
23 competence approach used by a pilot project so that such
24 approach can be replicated and improved upon in successor
25 programs.

26 (2) Of the funds allocated in this paragraph "b", up
27 to \$3,116,852 may be used for problem gambling prevention,
28 treatment, and recovery services.

29 (a) Of the funds allocated in this subparagraph (2),
30 \$2,579,000 shall be used for problem gambling prevention and
31 treatment.

32 (b) Of the funds allocated in this subparagraph (2), up to
33 \$437,852 may be used for a 24-hour helpline, public information
34 resources, professional training, and program evaluation.

35 (c) Of the funds allocated in this subparagraph (2), up

1 to \$100,000 may be used for the licensing of problem gambling
2 treatment programs.

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

7 c. Notwithstanding any provision of law to the contrary,
8 to standardize the availability, delivery, cost of delivery,
9 and accountability of problem gambling and substance abuse
10 treatment services statewide, the department shall continue
11 implementation of a process to create a system for delivery
12 of treatment services in accordance with the requirements
13 specified in 2008 Iowa Acts, chapter 1187, section 3,
14 subsection 4. To ensure the system provides a continuum of
15 treatment services that best meets the needs of Iowans, the
16 problem gambling and substance abuse treatment services in any
17 area may be provided either by a single agency or by separate
18 agencies submitting a joint proposal.

19 (1) The system for delivery of substance abuse and
20 problem gambling treatment shall include problem gambling
21 prevention by July 1, 2012. The department shall submit a
22 proposed legislative bill in accordance with section 2.16, for
23 consideration during the 2012 legislative session, addressing
24 any statutory revisions necessary for full implementation of
25 the system.

26 (2) The system for delivery of substance abuse and problem
27 gambling treatment shall include substance abuse prevention by
28 July 1, 2014.

29 (3) Of the funds allocated in paragraph "b", the department
30 may use up to \$100,000 for administrative costs to continue
31 developing and implementing the process in accordance with this
32 paragraph "c".

33 d. The requirement of section 123.53, subsection 5, is met
34 by the appropriations and allocations made in this Act for
35 purposes of substance abuse treatment and addictive disorders

1 for the fiscal year beginning July 1, 2011.

2 e. The department of public health shall work with all other
3 departments that fund substance abuse prevention and treatment
4 services and all such departments shall, to the extent
5 necessary, collectively meet the state maintenance of effort
6 requirements for expenditures for substance abuse services
7 as required under the federal substance abuse prevention and
8 treatment block grant.

9 f. The department shall amend or otherwise revise
10 departmental policies and contract provisions in order to
11 eliminate free t-shirt distribution, banner production, and
12 other unnecessary promotional expenditures.

13 2. HEALTHY CHILDREN AND FAMILIES

14 For promoting the optimum health status for children,
15 adolescents from birth through 21 years of age, and families,
16 and for not more than the following full-time equivalent
17 positions:

18	\$	2,594,270
19	FTEs	11.00

20 a. Of the funds appropriated in this subsection, not more
21 than \$739,318 shall be used for the healthy opportunities to
22 experience success (HOPES)-healthy families Iowa (HFI) program
23 established pursuant to section 135.106. The funding shall
24 be distributed to renew the grants that were provided to the
25 grantees that operated the program during the fiscal year
26 ending June 30, 2011.

27 b. Of the funds appropriated in this subsection, \$329,885
28 shall be used to continue to address the healthy mental
29 development of children from birth through five years of age
30 through local evidence-based strategies that engage both the
31 public and private sectors in promoting healthy development,
32 prevention, and treatment for children. A portion of the
33 funds allocated in this lettered paragraph may be used for a
34 full-time equivalent position to coordinate the activities
35 under this paragraph.

1 c. Of the funds appropriated in this subsection, \$31,597
2 shall be distributed to a statewide dental carrier to provide
3 funds to continue the donated dental services program patterned
4 after the projects developed by the dental lifeline network
5 to provide dental services to indigent elderly and disabled
6 individuals.

7 d. Of the funds appropriated in this subsection, \$112,677
8 shall be used for childhood obesity prevention.

9 e. Of the funds appropriated in this subsection, \$163,760
10 shall be used to provide audiological services and hearing
11 aids for children. The department may enter into a contract
12 to administer this paragraph.

13 3. CHRONIC CONDITIONS

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

17	\$	3,399,156
18	FTEs	5.00

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

23 b. Of the funds appropriated in this subsection, \$483,600
24 is allocated for continuation of the contracts for resource
25 facilitator services in accordance with section 135.22B,
26 subsection 9, and for brain injury training services and
27 recruiting of service providers to increase the capacity within
28 this state to address the needs of individuals with brain
29 injuries and such individuals' families.

30 c. Of the funds appropriated in this subsection, \$498,874
31 shall be used as additional funding to leverage federal funding
32 through the federal Ryan White Care Act, Tit. II, AIDS drug
33 assistance program supplemental drug treatment grants.

34 d. Of the funds appropriated in this subsection, \$31,254
35 shall be used for the public purpose of providing a grant to an

1 existing national-affiliated organization to provide education,
2 client-centered programs, and client and family support for
3 people living with epilepsy and their families.

4 e. Of the funds appropriated in this subsection, \$788,303
5 shall be used for child health specialty clinics.

6 f. Of the funds appropriated in this subsection, \$547,065
7 shall be used for the comprehensive cancer control program to
8 reduce the burden of cancer in Iowa through prevention, early
9 detection, effective treatment, and ensuring quality of life.

10 Of the funds allocated in this lettered paragraph, \$200,000
11 shall be used to support a melanoma research symposium, a
12 melanoma biorepository and registry, basic and translational
13 melanoma research, and clinical trials.

14 g. Of the funds appropriated in this subsection, \$126,450
15 shall be used for cervical and colon cancer screening.

16 h. Of the funds appropriated in this subsection, \$528,834
17 shall be used for the center for congenital and inherited
18 disorders. A portion of the funds allocated in this paragraph
19 may be used for one full-time equivalent position for
20 administration of the center.

21 i. Of the funds appropriated in this subsection, \$129,937
22 shall be used for the prescription drug donation repository
23 program created in chapter 135M.

24 4. COMMUNITY CAPACITY

25 For strengthening the health care delivery system at the
26 local level, and for not more than the following full-time
27 equivalent positions:

28	\$	4,826,699
29	FTEs	14.00

30 a. Of the funds appropriated in this subsection, \$100,000
31 is allocated for a child vision screening program implemented
32 through the university of Iowa hospitals and clinics in
33 collaboration with early childhood Iowa areas.

34 b. Of the funds appropriated in this subsection, \$111,308 is
35 allocated for continuation of an initiative implemented at the

1 university of Iowa and \$100,493 is allocated for continuation
2 of an initiative at the state mental health institute at
3 Cherokee to expand and improve the workforce engaged in
4 mental health treatment and services. The initiatives shall
5 receive input from the university of Iowa, the department
6 of human services, the department of public health, and the
7 mental health, mental retardation, developmental disabilities,
8 and brain injury commission to address the focus of the
9 initiatives.

10 c. Of the funds appropriated in this subsection, \$1,171,491
11 shall be used for essential public health services that promote
12 healthy aging throughout the lifespan, contracted through a
13 formula for local boards of health, to enhance health promotion
14 and disease prevention services.

15 d. Of the funds appropriated in this section, \$121,817 shall
16 be deposited in the governmental public health system fund
17 created in section 135A.8 to be used for the purposes of the
18 fund.

19 e. Of the funds appropriated in this subsection, \$106,279
20 shall be used for the mental health professional shortage area
21 program implemented pursuant to section 135.80.

22 f. Of the funds appropriated in this subsection,
23 \$38,263 shall be used for a grant to a statewide association
24 of psychologists that is affiliated with the American
25 psychological association to be used for continuation of a
26 program to rotate intern psychologists in placements in urban
27 and rural mental health professional shortage areas, as defined
28 in section 135.80.

29 g. Of the funds appropriated in this subsection, the
30 following amounts shall be allocated to the Iowa collaborative
31 safety net provider network established pursuant to section
32 135.153 to be used for the purposes designated. The following
33 amounts allocated under this lettered paragraph shall be
34 distributed to the specified provider and shall not be reduced
35 for administrative or other costs prior to distribution:

1 (1) For distribution to the Iowa primary care association
2 for statewide coordination of the Iowa collaborative safety net
3 provider network:
4 \$ 132,580
5 (2) For distribution to the Iowa family planning network
6 agencies for necessary infrastructure, statewide coordination,
7 provider recruitment, service delivery, and provision of
8 assistance to patients in determining an appropriate medical
9 home:
10 \$ 74,517
11 (3) For distribution to the local boards of health that
12 provide direct services for pilot programs in three counties to
13 assist patients in determining an appropriate medical home:
14 \$ 74,517
15 (4) For distribution to maternal and child health centers
16 for pilot programs in three counties to assist patients in
17 determining an appropriate medical home:
18 \$ 74,517
19 (5) For distribution to free clinics for necessary
20 infrastructure, statewide coordination, provider recruitment,
21 service delivery, and provision of assistance to patients in
22 determining an appropriate medical home:
23 \$ 124,050
24 (6) For distribution to rural health clinics for necessary
25 infrastructure, statewide coordination, provider recruitment,
26 service delivery, and provision of assistance to patients in
27 determining an appropriate medical home:
28 \$ 110,430
29 (7) For continuation of the safety net provider patient
30 access to specialty health care initiative as described in 2007
31 Iowa Acts, chapter 218, section 109:
32 \$ 260,000
33 (8) For continuation of the pharmaceutical infrastructure
34 for safety net providers as described in 2007 Iowa Acts,
35 chapter 218, section 108:

1 \$ 270,000

2 The Iowa collaborative safety net provider network may
3 continue to distribute funds allocated pursuant to this
4 lettered paragraph through existing contracts or renewal of
5 existing contracts.

6 h. (1) Of the funds appropriated in this subsection,
7 \$149,000 shall be used for continued implementation of
8 the recommendations of the direct care worker task force
9 established pursuant to 2005 Iowa Acts, chapter 88, based upon
10 the report submitted to the governor and the general assembly
11 in December 2006. The department may use a portion of the
12 funds allocated in this lettered paragraph for an additional
13 position to assist in the continued implementation.

14 (2) It is the intent of the general assembly that a
15 board of direct care workers shall be established within the
16 department of public health by July 1, 2014, contingent upon
17 the availability of funds to establish and maintain the board.

18 (3) The direct care worker advisory council shall submit
19 a final report no later than March 1, 2012, to the governor
20 and the general assembly, in accordance with 2010 Iowa
21 Acts, chapter 1192, section 2, subsection 4, paragraph "h",
22 subparagraph (3).

23 (4) The department of public health shall report to the
24 persons designated in this Act for submission of reports
25 regarding use of the funds allocated in this lettered
26 paragraph, on or before January 15, 2012.

27 i. (1) Of the funds appropriated in this subsection,
28 \$130,100 shall be used for allocation to an independent
29 statewide direct care worker association for education,
30 outreach, leadership development, mentoring, and other
31 initiatives intended to enhance the recruitment and retention
32 of direct care workers in health care and long-term care
33 settings.

34 (2) Of the funds appropriated in this subsection, \$58,000
35 shall be used to provide scholarships or other forms of

1 subsidization for direct care worker educational conferences,
2 training, or outreach activities.

3 j. The department may utilize one of the full-time
4 equivalent positions authorized in this subsection for
5 administration of the activities related to the Iowa
6 collaborative safety net provider network.

7 k. Of the funds appropriated in this subsection, the
8 department may use up to \$60,000 for up to one full-time
9 equivalent position to administer the volunteer health care
10 provider program pursuant to section 135.24.

11 l. Of the funds appropriated in this subsection, \$50,000
12 shall be used for a matching dental education loan repayment
13 program to be allocated to a dental nonprofit health service
14 corporation to develop the criteria and implement the loan
15 repayment program.

16 m. Of the funds appropriated in this subsection, up to
17 \$134,214 shall be used to support the department's activities
18 relating to health and long-term care access as specified
19 pursuant to chapter 135, division XXIV.

20 n. Of the funds appropriated in this subsection,
21 \$363,987 shall be used as state matching funds for the health
22 information network as enacted by this Act.

23 o. Of the funds appropriated in this subsection, \$25,000
24 shall be used for a pilot program established through a
25 grant to an organization that has an existing program for
26 children and adults and that is solely dedicated to preserving
27 sight and preventing blindness to provide vision screening
28 to elementary school children in one urban and one rural
29 school district in the state, on a voluntary basis, over a
30 multiyear period. The grantee organization shall develop
31 protocol for participating schools including the grade level
32 of the children to be screened, the training and certification
33 necessary for individuals conducting the vision screening,
34 vision screening equipment requirements, and documentation and
35 tracking requirements. Following the conclusion of the pilot

1 program, the grantee organization shall report findings and
2 recommendations for statewide implementation of the vision
3 screening program to the department of public health.

4 5. HEALTHY AGING

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

9 \$ 7,336,142

10 a. Of the funds appropriated in this subsection, \$2,009,187
11 shall be used for local public health nursing services.

12 b. Of the funds appropriated in this subsection, \$5,326,955
13 shall be used for home care aide services.

14 6. ENVIRONMENTAL HAZARDS

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

18 \$ 813,777

19 FTEs 4.00

20 Of the funds appropriated in this subsection, \$544,377 shall
21 be used for childhood lead poisoning provisions.

22 7. INFECTIOUS DISEASES

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

26 \$ 1,345,847

27 FTEs 4.00

28 8. PUBLIC PROTECTION

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

32 \$ 2,778,688

33 FTEs 125.00

34 a. Of the funds appropriated in this subsection, not more
35 than \$424,146 shall be credited to the emergency medical

1 services fund created in section 135.25. Moneys in the
2 emergency medical services fund are appropriated to the
3 department to be used for the purposes of the fund.

4 b. Of the funds appropriated in this subsection, \$210,619
5 shall be used for sexual violence prevention programming
6 through a statewide organization representing programs serving
7 victims of sexual violence through the department's sexual
8 violence prevention program. The amount allocated in this
9 lettered paragraph shall not be used to supplant funding
10 administered for other sexual violence prevention or victims
11 assistance programs.

12 c. Of the funds appropriated in this subsection, not more
13 than \$436,582 shall be used for the state poison control
14 center.

15 d. Of the funds appropriated in this subsection, \$50,000
16 shall be used for education, testing, training, and other costs
17 to conform the requirements for certification of emergency
18 medical care providers with national standards.

19 9. RESOURCE MANAGEMENT

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

23	\$	819,554
24	FTEs	7.00

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

30 DIVISION III

31 DEPARTMENT OF VETERANS AFFAIRS — FY 2011-2012

32 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
33 appropriated from the general fund of the state to the
34 department of veterans affairs for the fiscal year beginning
35 July 1, 2011, and ending June 30, 2012, the following amounts,

1 or so much thereof as is necessary, to be used for the purposes
2 designated:

3 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

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

8	\$	998,832
9	FTEs	16.34

10 2. IOWA VETERANS HOME

11 For salaries, support, maintenance, and miscellaneous
12 purposes:

13	\$	8,952,151
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14 a. The Iowa veterans home billings involving the department
15 of human services shall be submitted to the department on at
16 least a monthly basis.

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

22 c. Within available resources and in conformance with
23 associated state and federal program eligibility requirements,
24 the Iowa veterans home may implement measures to provide
25 financial assistance to or on behalf of veterans or their
26 spouses participating in the community reentry program.

27 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED
28 VETERANS

29 For provision of educational assistance pursuant to section
30 35.9:

31	\$	12,416
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32 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS
33 FUND STANDING APPROPRIATIONS. Notwithstanding the standing
34 appropriation in the following designated section for the
35 fiscal year beginning July 1, 2011, and ending June 30, 2012,

1 the amounts appropriated from the general fund of the state
2 pursuant to that section for the following designated purposes
3 shall not exceed the following amount:

4 For the county commissions of veterans affairs fund under
5 section 35A.16:

6 \$ 990,000

7 DIVISION IV

8 DEPARTMENT OF HUMAN SERVICES — FY 2011-2012

9 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

10 GRANT. There is appropriated from the fund created in section
11 8.41 to the department of human services for the fiscal year
12 beginning July 1, 2011, and ending June 30, 2012, from moneys
13 received under the federal temporary assistance for needy
14 families (TANF) block grant pursuant to the federal Personal
15 Responsibility and Work Opportunity Reconciliation Act of 1996,
16 Pub. L. No. 104-193, and successor legislation, and from moneys
17 received under the emergency contingency fund for temporary
18 assistance for needy families state program established
19 pursuant to the federal American Recovery and Reinvestment Act
20 of 2009, Pub. L. No. 111-5 § 2101, and successor legislation,
21 the following amounts, or so much thereof as is necessary, to
22 be used for the purposes designated:

23 1. To be credited to the family investment program account
24 and used for assistance under the family investment program
25 under chapter 239B:

26 \$ 21,500,738

27 2. To be credited to the family investment program account
28 and used for the job opportunities and basic skills (JOBS)
29 program and implementing family investment agreements in
30 accordance with chapter 239B:

31 \$ 12,411,528

32 3. To be used for the family development and
33 self-sufficiency grant program in accordance with section
34 216A.107:

35 \$ 2,898,980

1 Notwithstanding section 8.33, moneys appropriated in this
2 subsection that remain unencumbered or unobligated at the close
3 of the fiscal year shall not revert but shall remain available
4 for expenditure for the purposes designated until the close of
5 the succeeding fiscal year. However, unless such moneys are
6 encumbered or obligated on or before September 30, 2012, the
7 moneys shall revert.

8 4. For field operations:

9 \$ 31,296,232

10 5. For general administration:

11 \$ 3,744,000

12 6. For state child care assistance:

13 \$ 16,382,687

14 The funds appropriated in this subsection shall be
15 transferred to the child care and development block grant
16 appropriation made by the Eighty-fourth General Assembly, 2011
17 Session, for the federal fiscal year beginning October 1,
18 2011, and ending September 30, 2012. Of this amount, \$200,000
19 shall be used for provision of educational opportunities to
20 registered child care home providers in order to improve
21 services and programs offered by this category of providers
22 and to increase the number of providers. The department may
23 contract with institutions of higher education or child care
24 resource and referral centers to provide the educational
25 opportunities. Allowable administrative costs under the
26 contracts shall not exceed 5 percent. The application for a
27 grant shall not exceed two pages in length.

28 7. For mental health and developmental disabilities
29 community services:

30 \$ 4,894,052

31 8. For child and family services:

32 \$ 32,084,430

33 9. For child abuse prevention grants:

34 \$ 125,000

35 10. For pregnancy prevention grants on the condition that

1 family planning services are funded:

2 \$ 1,930,067

3 Pregnancy prevention grants shall be awarded to programs
4 in existence on or before July 1, 2011, if the programs are
5 comprehensive in scope and have demonstrated positive outcomes.
6 Grants shall be awarded to pregnancy prevention programs
7 which are developed after July 1, 2011, if the programs are
8 comprehensive in scope and are based on existing models that
9 have demonstrated positive outcomes. Grants shall comply with
10 the requirements provided in 1997 Iowa Acts, chapter 208,
11 section 14, subsections 1 and 2, including the requirement that
12 grant programs must emphasize sexual abstinence. Priority in
13 the awarding of grants shall be given to programs that serve
14 areas of the state which demonstrate the highest percentage of
15 unplanned pregnancies of females of childbearing age within the
16 geographic area to be served by the grant.

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

20 \$ 1,037,186

21 12. To be credited to the state child care assistance
22 appropriation made in this section to be used for funding of
23 community-based early childhood programs targeted to children
24 from birth through five years of age developed by early
25 childhood Iowa areas as provided in section 256I.11:

26 \$ 6,350,000

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

32 13. a. Notwithstanding any provision to the contrary,
33 including but not limited to requirements in section 8.41
34 or provisions in 2010 Iowa Acts regarding the receipt and
35 appropriation of federal block grants, federal funds from the

1 emergency contingency fund for temporary assistance for needy
 2 families state program established pursuant to the federal
 3 American Recovery and Reinvestment Act of 2009, Pub. L. No.
 4 111-5 § 2101, received by the state during the fiscal year
 5 beginning July 1, 2010, and ending June 30, 2011, not otherwise
 6 appropriated in this section and remaining available as of
 7 July 1, 2011, and received by the state during the fiscal
 8 year beginning July 1, 2011, and ending June 30, 2012, are
 9 appropriated to the extent as may be necessary to be used in
 10 the following priority order: the family investment program
 11 for the fiscal year and for state child care assistance program
 12 payments for individuals enrolled in the family investment
 13 program who are employed. The federal funds appropriated in
 14 this paragraph "a" shall be expended only after all other
 15 funds appropriated in subsection 1 for the assistance under
 16 the family investment program under chapter 239B have been
 17 expended.

18 b. The department shall, on a quarterly basis, advise the
 19 legislative services agency and department of management of
 20 the amount of funds appropriated in this subsection that was
 21 expended in the prior quarter.

22 14. Of the amounts appropriated in this section,
 23 \$12,962,008 for the fiscal year beginning July 1, 2011, shall
 24 be transferred to the appropriation of the federal social
 25 services block grant made for that fiscal year.

26 15. For continuation of the program allowing the department
 27 to maintain categorical eligibility for the food assistance
 28 program as required under the section of this division relating
 29 to the family investment account:

30 \$ 146,072

31 16. The department may transfer funds allocated in this
 32 section to the appropriations made in this Act for general
 33 administration and field operations for resources necessary to
 34 implement and operate the services referred to in this section
 35 and those funded in the appropriation made in this division of

1 this Act for the family investment program from the general
2 fund of the state.

3 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

4 1. Moneys credited to the family investment program (FIP)
5 account for the fiscal year beginning July 1, 2011, and
6 ending June 30, 2012, shall be used to provide assistance in
7 accordance with chapter 239B.

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

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

18 4. Moneys appropriated in this division of this Act and
19 credited to the FIP account for the fiscal year beginning July
20 1, 2011, and ending June 30, 2012, are allocated as follows:

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

27 \$ 20,000

28 b. To the department of human rights for staffing,
29 administration, and implementation of the family development
30 and self-sufficiency grant program in accordance with section
31 216A.107:

32 \$ 5,342,834

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

1 administration of the grant program.

2 (2) The department of human rights may continue to implement
3 the family development and self-sufficiency grant program
4 statewide during fiscal year 2011-2012.

5 c. For the diversion subaccount of the FIP account:
6 \$ 1,698,400

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

12 d. For the food stamp employment and training program:
13 \$ 66,588

14 (1) The department shall amend the food stamp employment and
15 training state plan in order to maximize to the fullest extent
16 permitted by federal law the use of the 50-50 match provisions
17 for the claiming of allowable federal matching funds from the
18 United States department of agriculture pursuant to the federal
19 food stamp employment and training program for providing
20 education, employment, and training services for eligible food
21 assistance program participants, including but not limited to
22 related dependent care and transportation expenses.

23 (2) The department shall continue the categorical federal
24 food assistance program eligibility at 160 percent of the
25 federal poverty level and continue to eliminate the asset test
26 from eligibility requirements, consistent with federal food
27 assistance program requirements. The department shall include
28 as many food assistance households as is allowed by federal
29 law. The eligibility provisions shall conform to all federal
30 requirements including requirements addressing individuals who
31 are incarcerated or otherwise ineligible.

32 e. For the JOBS program:
33 \$ 20,235,905

34 5. Of the child support collections assigned under FIP,
35 an amount equal to the federal share of support collections

1 shall be credited to the child support recovery appropriation
2 made in this division of this Act. Of the remainder of the
3 assigned child support collections received by the child
4 support recovery unit, a portion shall be credited to the FIP
5 account, a portion may be used to increase recoveries, and a
6 portion may be used to sustain cash flow in the child support
7 payments account. If as a consequence of the appropriations
8 and allocations made in this section the resulting amounts
9 are insufficient to sustain cash assistance payments and meet
10 federal maintenance of effort requirements, the department
11 shall seek supplemental funding. If child support collections
12 assigned under FIP are greater than estimated or are otherwise
13 determined not to be required for maintenance of effort, the
14 state share of either amount may be transferred to or retained
15 in the child support payment account.

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

19 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
20 is appropriated from the general fund of the state to the
21 department of human services for the fiscal year beginning July
22 1, 2011, and ending June 30, 2012, the following amount, or
23 so much thereof as is necessary, to be used for the purpose
24 designated:

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

28 \$ 50,171,027

29 1. Of the funds appropriated in this section, \$7,824,377 is
30 allocated for the JOBS program.

31 2. Of the funds appropriated in this section, \$2,463,854 is
32 allocated for the family development and self-sufficiency grant
33 program.

34 3. Notwithstanding section 8.39, for the fiscal year
35 beginning July 1, 2011, if necessary to meet federal

1 maintenance of effort requirements or to transfer federal
2 temporary assistance for needy families block grant funding
3 to be used for purposes of the federal social services block
4 grant or to meet cash flow needs resulting from delays in
5 receiving federal funding or to implement, in accordance with
6 this division of this Act, activities currently funded with
7 juvenile court services, county, or community moneys and state
8 moneys used in combination with such moneys, the department
9 of human services may transfer funds within or between any
10 of the appropriations made in this division of this Act and
11 appropriations in law for the federal social services block
12 grant to the department for the following purposes, provided
13 that the combined amount of state and federal temporary
14 assistance for needy families block grant funding for each
15 appropriation remains the same before and after the transfer:

- 16 a. For the family investment program.
- 17 b. For child care assistance.
- 18 c. For child and family services.
- 19 d. For field operations.
- 20 e. For general administration.
- 21 f. MH/MR/DD/BI community services (local purchase).

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

26 4. Of the funds appropriated in this section, \$195,678 shall
27 be used for continuation of a grant to an Iowa-based nonprofit
28 organization with a history of providing tax preparation
29 assistance to low-income Iowans in order to expand the usage of
30 the earned income tax credit. The purpose of the grant is to
31 supply this assistance to underserved areas of the state.

32 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
33 from the general fund of the state to the department of human
34 services for the fiscal year beginning July 1, 2011, and ending
35 June 30, 2012, the following amount, or so much thereof as is

1 necessary, to be used for the purposes designated:

2 For child support recovery, including salaries, support,
3 maintenance, and miscellaneous purposes, and for not more than
4 the following full-time equivalent positions:

5	\$ 13,119,255
6	FTEs 475.00

7 1. The department shall expend up to \$24,329, including
8 federal financial participation, for the fiscal year beginning
9 July 1, 2011, for a child support public awareness campaign.
10 The department and the office of the attorney general shall
11 cooperate in continuation of the campaign. The public
12 awareness campaign shall emphasize, through a variety of
13 media activities, the importance of maximum involvement of
14 both parents in the lives of their children as well as the
15 importance of payment of child support obligations.

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

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

27 4. With the exception of the funding amount specified, the
28 requirements established under 2001 Iowa Acts, chapter 191,
29 section 3, subsection 5, paragraph "c", subparagraph (3), shall
30 be applicable to parental obligation pilot projects for the
31 fiscal year beginning July 1, 2011, and ending June 30, 2012.
32 Notwithstanding 441 IAC 100.8, providing for termination of
33 rules relating to the pilot projects, the rules shall remain
34 in effect until June 30, 2012.

35 Sec. 9. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any

1 funds remaining in the health care trust fund created in
2 section 453A.35A for the fiscal year beginning July 1, 2011,
3 and ending June 30, 2012, are appropriated to the department
4 of human services to supplement the medical assistance program
5 appropriations made in this Act, for medical assistance
6 reimbursement and associated costs, including program
7 administration and costs associated with implementation.

8 Sec. 10. MEDICAL ASSISTANCE. There is appropriated from the
9 general fund of the state to the department of human services
10 for the fiscal year beginning July 1, 2011, and ending June 30,
11 2012, the following amount, or so much thereof as is necessary,
12 to be used for the purpose designated:

13 For medical assistance reimbursement and associated costs
14 as specifically provided in the reimbursement methodologies
15 in effect on June 30, 2011, except as otherwise expressly
16 authorized by law, including reimbursement for abortion
17 services which shall be available under the medical assistance
18 program only for those abortions which are medically necessary:
19 \$897,816,915

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

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

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

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

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

35 e. Any spontaneous abortion, commonly known as a

1 miscarriage, if not all of the products of conception are
2 expelled.

3 2. The department shall utilize not more than \$60,000 of
4 the funds appropriated in this section to continue the AIDS/HIV
5 health insurance premium payment program as established in 1992
6 Iowa Acts, Second Extraordinary Session, chapter 1001, section
7 409, subsection 6. Of the funds allocated in this subsection,
8 not more than \$5,000 may be expended for administrative
9 purposes.

10 3. Of the funds appropriated in this Act to the department
11 of public health for addictive disorders, \$950,000 for the
12 fiscal year beginning July 1, 2011, shall be transferred to
13 the department of human services for an integrated substance
14 abuse managed care system. The department shall not assume
15 management of the substance abuse system in place of the
16 managed care contractor unless such a change in approach is
17 specifically authorized in law. The departments of human
18 services and public health shall work together to maintain
19 the level of mental health and substance abuse services
20 provided by the managed care contractor through the Iowa plan
21 for behavioral health. Each department shall take the steps
22 necessary to continue the federal waivers as necessary to
23 maintain the level of services.

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

34 b. Of the funds appropriated in this section, \$100,000
35 shall be used for participation in one or more pilot projects

1 operated by a private provider to allow the individual or
2 individuals to receive service in the community in accordance
3 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
4 (1999), for the purpose of providing medical assistance or
5 other assistance to individuals with special needs who become
6 ineligible to continue receiving services under the early and
7 periodic screening, diagnosis, and treatment program under
8 the medical assistance program due to becoming 21 years of
9 age who have been approved for additional assistance through
10 the department's exception to policy provisions, but who have
11 health care needs in excess of the funding available through
12 the exception to the policy provisions.

13 5. Of the funds appropriated in this section, up to
14 \$3,050,082 may be transferred to the field operations
15 or general administration appropriations in this Act for
16 operational costs associated with Part D of the federal
17 Medicare Prescription Drug Improvement and Modernization Act
18 of 2003, Pub. L. No. 108-173.

19 6. Of the funds appropriated in this section, up to \$442,100
20 may be transferred to the appropriation in this Act for medical
21 contracts to be used for clinical assessment services and prior
22 authorization of services.

23 7. A portion of the funds appropriated in this section
24 may be transferred to the appropriations in this division of
25 this Act for general administration, medical contracts, the
26 children's health insurance program, or field operations to be
27 used for the state match cost to comply with the payment error
28 rate measurement (PERM) program for both the medical assistance
29 and children's health insurance programs as developed by the
30 centers for Medicare and Medicaid services of the United States
31 department of health and human services to comply with the
32 federal Improper Payments Information Act of 2002, Pub. L. No.
33 107-300.

34 8. It is the intent of the general assembly that the
35 department continue to implement the recommendations of

1 the assuring better child health and development initiative
2 II (ABCDII) clinical panel to the Iowa early and periodic
3 screening, diagnostic, and treatment services healthy mental
4 development collaborative board regarding changes to billing
5 procedures, codes, and eligible service providers.

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

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

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

20 11. a. Of the funds appropriated in this section,
21 \$7,425,684 is allocated for the state match for a
22 disproportionate share hospital payment of \$19,133,430 to
23 hospitals that meet both of the conditions specified in
24 subparagraphs (1) and (2). In addition, the hospitals that
25 meet the conditions specified shall either certify public
26 expenditures or transfer to the medical assistance program
27 an amount equal to provide the nonfederal share for a
28 disproportionate share hospital payment of \$7,500,000. The
29 hospitals that meet the conditions specified shall receive and
30 retain 100 percent of the total disproportionate share hospital
31 payment of \$26,633,430.

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

34 (2) The hospital is an Iowa state-owned hospital with more
35 than 500 beds and eight or more distinct residency specialty

1 or subspecialty programs recognized by the American college of
2 graduate medical education.

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

12 12. The university of Iowa hospitals and clinics shall
13 either certify public expenditures or transfer to the medical
14 assistance appropriation an amount equal to provide the
15 nonfederal share for increased medical assistance payments for
16 inpatient and outpatient hospital services of \$9,900,000. The
17 university of Iowa hospitals and clinics shall receive and
18 retain 100 percent of the total increase in medical assistance
19 payments.

20 13. Of the funds appropriated in this section, up to
21 \$4,480,304 may be transferred to the IowaCare account created
22 in section 249J.24.

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

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

32 16. Any new or renewed contract entered into by the
33 department with a third party to administer behavioral health
34 services under the medical assistance program shall provide
35 that any interest earned on payments from the state during

1 the state fiscal year shall be remitted to the department
2 and treated as recoveries to offset the costs of the medical
3 assistance program.

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

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

15 19. Of the funds appropriated in this section, \$349,011
16 shall be used for the administration of the health insurance
17 premium payment program, including salaries, support,
18 maintenance, and miscellaneous purposes for the fiscal year
19 beginning July 1, 2011.

20 20. a. The department may implement cost containment
21 strategies recommended by the governor, and may adopt emergency
22 rules for such implementation.

23 b. The department shall not implement the cost containment
24 strategy to require a primary care referral for the provision
25 of chiropractic services.

26 c. The department may increase the amounts allocated for
27 salaries, support, maintenance, and miscellaneous purposes
28 associated with the medical assistance program, as necessary,
29 to implement the cost containment strategies. The department
30 shall report any such increase to the legislative services
31 agency and the department of management.

32 d. If the savings to the medical assistance program exceed
33 the cost, the department may transfer any savings generated
34 for the fiscal year due to medical assistance program cost
35 containment efforts initiated pursuant to 2010 Iowa Acts,

1 chapter 1031, Executive Order No. 20, issued December 16, 2009,
2 or cost containment strategies initiated pursuant to this
3 subsection, to the appropriation made in this division of this
4 Act for medical contracts or general administration to defray
5 the increased contract costs associated with implementing such
6 efforts.

7 e. The department shall report the implementation of
8 any cost containment strategies under this subsection to
9 the individuals specified in this division of this Act for
10 submission of reports on a quarterly basis.

11 21. Notwithstanding any provision of law to the contrary,
12 the department of human services shall amend the section
13 1915(b) waiver and Iowa plan contract to include remedial
14 services under the Iowa plan contract effective July 1, 2011.

15 22. Of the funds appropriated in this section, \$5,000,000
16 shall be used to reduce the waiting lists of the medical
17 assistance home and community-based services waivers, including
18 the waiver for persons with intellectual disabilities for
19 which the nonfederal share is paid as state case services and
20 other support pursuant to section 331.440. The department
21 shall distribute the funding allocated under this subsection
22 proportionately among all home and community-based services
23 waivers.

24 23. a. The department may submit medical assistance program
25 state plan amendments to the centers for Medicare and Medicaid
26 services of the United States department of health and human
27 services, and may adopt administrative rules pursuant to
28 chapter 17A to implement any of the following if the respective
29 state plan amendment is approved:

30 (1) Health homes pursuant to section 2703 of the federal
31 Patient Protection and Affordable Care Act, Pub. L. No.
32 111-148. The department shall collaborate with the medical
33 home system advisory council created pursuant to section
34 135.159 in developing such health homes.

35 (2) Accountable care organization pilot programs, if such

1 programs are advantageous to the medical assistance program.

2 b. Any health home or accountable care organization
3 pilot program implemented pursuant to this subsection shall
4 demonstrate value to the state with a positive return on
5 investment within two years of implementation, and may utilize
6 care coordination fees, pay-for-performance fees, or shared
7 saving strategies if approved as part of the state plan
8 amendment.

9 24. The department, in consultation with the Iowa pharmacy
10 association and other appropriate entities, shall develop
11 recommendations to replace the reimbursement methodology of
12 average wholesale price minus 12 percent for covered brand-name
13 prescription drugs, generic drugs, and over-the-counter drugs.
14 The department shall report the recommendations to the persons
15 designated in this division of this Act for submission of
16 reports by December 15, 2011.

17 Sec. 11. MEDICAL CONTRACTS. There is appropriated from the
18 general fund of the state to the department of human services
19 for the fiscal year beginning July 1, 2011, and ending June 30,
20 2012, the following amount, or so much thereof as is necessary,
21 to be used for the purpose designated:

22 For medical contracts:

23 \$ 9,893,844

24 1. The department of inspections and appeals shall
25 provide all state matching funds for survey and certification
26 activities performed by the department of inspections
27 and appeals. The department of human services is solely
28 responsible for distributing the federal matching funds for
29 such activities.

30 2. Of the funds appropriated in this section, \$150,000 shall
31 be used for implementation of a uniform cost report to be used
32 in the development of specified Medicaid reimbursement rates
33 over a multiyear timeframe. The department of human services,
34 in collaboration with affected providers, shall finalize a
35 uniform cost report that includes provider type-specific cost

1 schedules by December 15, 2011. The uniform cost report shall
2 be applied to providers of home and community-based services
3 waiver services, habilitation services, case management
4 services and community mental health centers, residential care
5 facilities, psychiatric medical institutions for children, and
6 intermediate care facilities for the mentally retarded in the
7 development of Medicaid reimbursement rates. The department
8 shall collaborate with affected Medicaid providers to test
9 the effectiveness of the cost report and determine the fiscal
10 impact of implementing the uniform cost report during the
11 fiscal year beginning July 1, 2012. A report of the findings
12 and fiscal impact shall be submitted to the governor and the
13 general assembly by December 31, 2013. The rates paid in the
14 fiscal year beginning July 1, 2014, shall be established using
15 uniform cost reports submitted in the fiscal year beginning
16 July 1, 2012. Implementation of the uniform cost report shall
17 be limited to the extent of the funding available.

18 3. a. Of the funds appropriated in this section, \$100,000
19 shall be used for implementation of an electronic medical
20 record system, including system purchase or development, for
21 home and community-based services providers and mental health
22 services providers that comply with the requirements of federal
23 and state laws and regulation by the fiscal year beginning July
24 1, 2013.

25 b. The department shall analyze the costs and benefits of
26 providing an electronic medical record and billing system for
27 home and community-based services providers and mental health
28 services providers that comply with the requirements of federal
29 and state laws and regulation. The analysis shall include a
30 review of all of the following: including the capability for
31 an electronic medical record and billing system within the
32 procurement for the Medicaid management information system,
33 developing the system, and utilizing capacity within the health
34 information network established by the department of public
35 health as enacted in this Act. If the analysis demonstrates

1 that a program may be implemented in a cost-effective manner
2 and within available funds, the department may take steps to
3 implement such a system. The department shall report the
4 results of the analysis, activities, and recommendations to the
5 persons designated in this division of this Act for submission
6 of reports by December 15, 2011.

7 c. Notwithstanding section 8.33, funds allocated in this
8 subsection that remain unencumbered or unobligated at the close
9 of the fiscal year shall not revert but shall remain available
10 in succeeding fiscal years to be used for the purposes
11 designated.

12 4. Of the amount appropriated in this section, \$3,500,000
13 shall be used for technology upgrades necessary to support
14 Medicaid claims and other health operations, worldwide federal
15 Health Insurance Portability and Accountability Act of 1996
16 (HIPAA) claims, transactions, and coding requirements, and the
17 Iowa automated benefits calculation system. Notwithstanding
18 section 8.33, funds allocated in this subsection that remain
19 unencumbered or unobligated at the close of the fiscal year
20 shall not revert but shall remain available in succeeding
21 fiscal years to be used for the purposes designated.

22 5. Of the funds appropriated in this section, \$100,000 shall
23 be used for an accountable care organization pilot project
24 as specified in the division of this Act relating to prior
25 appropriations and related changes.

26 6. Of the funds appropriated in this section, \$200,000 shall
27 be used for the development of a provider payment system plan
28 to provide recommendations to reform the health care provider
29 payment system as an effective way to promote coordination of
30 care, lower costs, and improve quality as specified in the
31 division of this Act relating to cost containment.

32 7. Of the funds appropriated in this section, \$20,000 shall
33 be used for the development of a plan to establish an all-payer
34 claims database to provide for the collection and analysis of
35 claims data from multiple payers of health care as specified in

1 the division of this Act relating to cost containment.

2 8. The department shall amend the state Medicaid health
3 information technology plan to include costs related to the
4 one-time development costs of the health information network
5 as enacted in this Act.

6 9. Of the amount appropriated in this section, up to
7 \$250,000 may be transferred to the appropriation for general
8 administration in this division of this Act to be used for
9 additional full-time equivalent positions in the development of
10 key health initiatives such as cost containment, development
11 and oversight of managed care programs, and development of
12 health strategies targeted toward improved quality and reduced
13 costs in the Medicaid program.

14 10. Of the funds appropriated in this section, \$50,000 shall
15 be used for home and community-based services waiver quality
16 assurance programs, including the review and streamlining
17 of processes and policies related to oversight and quality
18 management to meet state and federal requirements. The
19 department shall submit a report to the persons designated by
20 this division of this Act for submission of reports by December
21 15, 2011, regarding the modifications to the quality assurance
22 programs.

23 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

24 1. There is appropriated from the general fund of the
25 state to the department of human services for the fiscal year
26 beginning July 1, 2011, and ending June 30, 2012, the following
27 amount, or so much thereof as is necessary, to be used for the
28 purpose designated:

29 For the state supplementary assistance program:

30 \$ 16,850,747

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

1 The department may adopt emergency rules to implement this
2 subsection.

3 3. If during the fiscal year beginning July 1, 2011,
4 the department projects that state supplementary assistance
5 expenditures for a calendar year will not meet the federal
6 pass-through requirement specified in Tit. XVI of the federal
7 Social Security Act, section 1618, as codified in 42 U.S.C.
8 § 1382g, the department may take actions including but not
9 limited to increasing the personal needs allowance for
10 residential care facility residents and making programmatic
11 adjustments or upward adjustments of the residential care
12 facility or in-home health-related care reimbursement rates
13 prescribed in this division of this Act to ensure that federal
14 requirements are met. In addition, the department may make
15 other programmatic and rate adjustments necessary to remain
16 within the amount appropriated in this section while ensuring
17 compliance with federal requirements. The department may adopt
18 emergency rules to implement the provisions of this subsection.

19 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.

20 1. There is appropriated from the general fund of the
21 state to the department of human services for the fiscal year
22 beginning July 1, 2011, and ending June 30, 2012, the following
23 amount, or so much thereof as is necessary, to be used for the
24 purpose designated:

25 For maintenance of the healthy and well kids in Iowa (hawk-i)
26 program pursuant to chapter 514I, including supplemental dental
27 services, for receipt of federal financial participation under
28 Tit. XXI of the federal Social Security Act, which creates the
29 children's health insurance program:

30 \$ 32,806,102

31 2. Of the funds appropriated in this section, \$128,950 is
32 allocated for continuation of the contract for advertising and
33 outreach with the department of public health.

34 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
35 from the general fund of the state to the department of human

1 services for the fiscal year beginning July 1, 2011, and ending
2 June 30, 2012, the following amount, or so much thereof as is
3 necessary, to be used for the purpose designated:

4 For child care programs:

5 \$ 55,265,509

6 1. Of the funds appropriated in this section, \$53,896,082
7 shall be used for state child care assistance in accordance
8 with section 237A.13.

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

16 3. Of the funds appropriated in this section, \$432,453 is
17 allocated for the statewide program for child care resource
18 and referral services under section 237A.26. A list of the
19 registered and licensed child care facilities operating in the
20 area served by a child care resource and referral service shall
21 be made available to the families receiving state child care
22 assistance in that area.

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

27 5. The department may use any of the funds appropriated
28 in this section as a match to obtain federal funds for use in
29 expanding child care assistance and related programs. For
30 the purpose of expenditures of state and federal child care
31 funding, funds shall be considered obligated at the time
32 expenditures are projected or are allocated to the department's
33 service areas. Projections shall be based on current and
34 projected caseload growth, current and projected provider
35 rates, staffing requirements for eligibility determination

1 and management of program requirements including data systems
2 management, staffing requirements for administration of the
3 program, contractual and grant obligations and any transfers
4 to other state agencies, and obligations for decategorization
5 or innovation projects.

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

11 7. If a uniform reduction ordered by the governor under
12 section 8.31 or other operation of law, transfer, or federal
13 funding reduction reduces the appropriation made in this
14 section for the fiscal year, the percentage reduction in the
15 amount paid out to or on behalf of the families participating
16 in the state child care assistance program shall be equal to or
17 less than the percentage reduction made for any other purpose
18 payable from the appropriation made in this section and the
19 federal funding relating to it. The percentage reduction to
20 the other allocations made in this section shall be the same as
21 the uniform reduction ordered by the governor or the percentage
22 change of the federal funding reduction, as applicable.

23 If there is an unanticipated increase in federal funding
24 provided for state child care assistance, the entire amount
25 of the increase shall be used for state child care assistance
26 payments. If the appropriations made for purposes of the
27 state child care assistance program for the fiscal year are
28 determined to be insufficient, it is the intent of the general
29 assembly to appropriate sufficient funding for the fiscal year
30 in order to avoid establishment of waiting list requirements.

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

1 purposes designated until the close of the succeeding fiscal
2 year.

3 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
4 from the general fund of the state to the department of human
5 services for the fiscal year beginning July 1, 2011, and ending
6 June 30, 2012, the following amounts, or so much thereof as is
7 necessary, to be used for the purposes designated:

8 1. For operation of the Iowa juvenile home at Toledo and for
9 salaries, support, maintenance, and miscellaneous purposes, and
10 for not more than the following full-time equivalent positions:

11 \$ 8,258,251
12 FTEs 114.00

13 2. For operation of the state training school at Eldora and
14 for salaries, support, maintenance, and miscellaneous purposes,
15 and for not more than the following full-time equivalent
16 positions:

17 \$ 10,638,677
18 FTEs 164.30

19 Of the funds appropriated in this subsection, \$91,150 shall
20 be used for distribution to licensed classroom teachers at this
21 and other institutions under the control of the department of
22 human services based upon the average student yearly enrollment
23 at each institution as determined by the department.

24 3. A portion of the moneys appropriated in this section
25 shall be used by the state training school and by the Iowa
26 juvenile home for grants for adolescent pregnancy prevention
27 activities at the institutions in the fiscal year beginning
28 July 1, 2011.

29 4. For the fiscal year beginning July 1, 2011,
30 notwithstanding section 232.52, subsection 2, and section
31 907.3A, subsection 1, the court shall not order the placement
32 of a child at the Iowa juvenile home or the state training
33 school under section 232.52, if that placement is not in
34 accordance with the population guidelines for the respective
35 juvenile institution established pursuant to section 233A.1 or

1 233B.1.

2 Sec. 16. CHILD AND FAMILY SERVICES.

3 1. There is appropriated from the general fund of the
4 state to the department of human services for the fiscal year
5 beginning July 1, 2011, and ending June 30, 2012, the following
6 amount, or so much thereof as is necessary, to be used for the
7 purpose designated:

8 For child and family services:

9 \$ 83,077,336

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

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

28 4. a. Of the funds appropriated in this section, up to
29 \$30,169,129 is allocated as the statewide expenditure target
30 under section 232.143 for group foster care maintenance and
31 services. If the department projects that such expenditures
32 for the fiscal year will be less than the target amount
33 allocated in this lettered paragraph, the department may
34 reallocate the excess to provide additional funding for shelter
35 care or the child welfare emergency services addressed with the

1 allocation for shelter care.

2 b. If at any time after September 30, 2011, annualization
3 of a service area's current expenditures indicates a service
4 area is at risk of exceeding its group foster care expenditure
5 target under section 232.143 by more than 5 percent, the
6 department and juvenile court services shall examine all
7 group foster care placements in that service area in order to
8 identify those which might be appropriate for termination.
9 In addition, any aftercare services believed to be needed
10 for the children whose placements may be terminated shall be
11 identified. The department and juvenile court services shall
12 initiate action to set dispositional review hearings for the
13 placements identified. In such a dispositional review hearing,
14 the juvenile court shall determine whether needed aftercare
15 services are available and whether termination of the placement
16 is in the best interest of the child and the community.

17 5. In accordance with the provisions of section 232.188,
18 the department shall continue the child welfare and juvenile
19 justice funding initiative during fiscal year 2011-2012. Of
20 the funds appropriated in this section, \$1,717,753 is allocated
21 specifically for expenditure for fiscal year 2011-2012 through
22 the decategorization service funding pools and governance
23 boards established pursuant to section 232.188.

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

29 7. Notwithstanding section 234.35 or any other provision
30 of law to the contrary, state funding for shelter care and
31 the child welfare emergency services contracting implemented
32 to provide for or prevent the need for shelter care shall be
33 limited to \$7,570,116. The department may execute contracts
34 that result from the department's request for proposal, bid
35 number ACFS-11-114, to provide the range of child welfare

1 emergency services described in the request for proposals, and
2 any subsequent amendments to the request for proposals.

3 8. Federal funds received by the state during the fiscal
4 year beginning July 1, 2011, as the result of the expenditure
5 of state funds appropriated during a previous state fiscal
6 year for a service or activity funded under this section are
7 appropriated to the department to be used as additional funding
8 for services and purposes provided for under this section.
9 Notwithstanding section 8.33, moneys received in accordance
10 with this subsection that remain unencumbered or unobligated at
11 the close of the fiscal year shall not revert to any fund but
12 shall remain available for the purposes designated until the
13 close of the succeeding fiscal year.

14 9. Of the funds appropriated in this section, at least
15 \$3,696,285 shall be used for protective child care assistance.

16 10. a. Of the funds appropriated in this section, up to
17 \$2,062,488 is allocated for the payment of the expenses of
18 court-ordered services provided to juveniles who are under the
19 supervision of juvenile court services, which expenses are a
20 charge upon the state pursuant to section 232.141, subsection
21 4. Of the amount allocated in this lettered paragraph, up to
22 \$1,556,287 shall be made available to provide school-based
23 supervision of children adjudicated under chapter 232, of which
24 not more than \$15,000 may be used for the purpose of training.
25 A portion of the cost of each school-based liaison officer
26 shall be paid by the school district or other funding source as
27 approved by the chief juvenile court officer.

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

33 c. Notwithstanding section 232.141 or any other provision
34 of law to the contrary, the amounts allocated in this
35 subsection shall be distributed to the judicial districts

1 as determined by the state court administrator and to the
2 department's service areas as determined by the administrator
3 of the department's division of child and family services.
4 The state court administrator and the division administrator
5 shall make the determination of the distribution amounts on or
6 before June 15, 2011. However, if this subsection is enacted
7 on or after June 15, 2011, the determination shall be made not
8 later than 10 calendar days after the effective date of this
9 subsection.

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

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

31 f. Of the funds allocated in this subsection, not more than
32 \$83,000 may be used by the judicial branch for administration
33 of the requirements under this subsection.

34 g. Of the funds allocated in this subsection, \$17,000
35 shall be used by the department of human services to support

1 the interstate commission for juveniles in accordance with
2 the interstate compact for juveniles as provided in section
3 232.173.

4 11. Of the funds appropriated in this section, \$5,922,602 is
5 allocated for juvenile delinquent graduated sanctions services.
6 Any state funds saved as a result of efforts by juvenile court
7 services to earn federal Tit. IV-E match for juvenile court
8 services administration may be used for the juvenile delinquent
9 graduated sanctions services.

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

14 13. If the department receives federal approval to
15 implement a waiver under Tit. IV-E of the federal Social
16 Security Act to enable providers to serve children who remain
17 in the children's families and communities, for purposes of
18 eligibility under the medical assistance program, children who
19 participate in the waiver shall be considered to be placed in
20 foster care.

21 14. Of the funds appropriated in this section, \$3,069,832 is
22 allocated for the preparation for adult living program pursuant
23 to section 234.46.

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

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

30	a. Marshall county:		
31	.....	\$	62,708
32	b. Woodbury county:		
33	.....	\$	125,682
34	c. Polk county:		
35	.....	\$	195,892

1 d. The third judicial district:
2 \$ 67,934

3 e. The eighth judicial district:
4 \$ 67,934

5 16. Of the funds appropriated in this section, \$227,337
6 shall be used for the public purpose of providing a grant to
7 a nonprofit human services organization providing services to
8 individuals and families in multiple locations in southwest
9 Iowa and Nebraska for support of a project providing immediate,
10 sensitive support and forensic interviews, medical exams, needs
11 assessments, and referrals for victims of child abuse and their
12 nonoffending family members.

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

16 18. Of the funds appropriated in this section, \$202,000 is
17 allocated for use pursuant to section 235A.1 for continuation
18 of the initiative to address child sexual abuse implemented
19 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
20 21.

21 19. Of the funds appropriated in this section, \$630,240 is
22 allocated for the community partnership for child protection
23 sites.

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

27 21. Of the funds appropriated in this section, \$1,200,495
28 is allocated for funding of the state match for the federal
29 substance abuse and mental health services administration
30 (SAMHSA) system of care grant.

31 22. Of the funds appropriated in this section, at least
32 \$147,158 shall be used for the child welfare training academy.

33 23. Of the funds appropriated in this section, \$25,000
34 shall be used for the public purpose of providing a grant to
35 a child welfare services provider headquartered in a county

1 with a population between 205,000 and 215,000 in the latest
2 certified federal census that provides multiple services
3 including but not limited to a psychiatric medical institution
4 for children, shelter, residential treatment, after school
5 programs, school-based programming, and an Asperger's syndrome
6 program, to be used for support services for children with
7 autism spectrum disorder and their families.

8 24. Of the funds appropriated in this section, \$257,173
9 shall be used for continuation of the central Iowa system of
10 care program grant through June 30, 2012.

11 Sec. 17. ADOPTION SUBSIDY.

12 1. There is appropriated from the general fund of the
13 state to the department of human services for the fiscal year
14 beginning July 1, 2011, and ending June 30, 2012, the following
15 amount, or so much thereof as is necessary, to be used for the
16 purpose designated:

17 For adoption subsidy payments and services:
18 \$ 34,466,591

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

23 3. Federal funds received by the state during the
24 fiscal year beginning July 1, 2011, as the result of the
25 expenditure of state funds during a previous state fiscal
26 year for a service or activity funded under this section are
27 appropriated to the department to be used as additional funding
28 for the services and activities funded under this section.
29 Notwithstanding section 8.33, moneys received in accordance
30 with this subsection that remain unencumbered or unobligated
31 at the close of the fiscal year shall not revert to any fund
32 but shall remain available for expenditure for the purposes
33 designated until the close of the succeeding fiscal year.

34 Sec. 18. JUVENILE DETENTION HOME FUND.

35 1. Moneys deposited in the juvenile detention home fund

1 created in section 232.142 during the fiscal year beginning
2 July 1, 2011, and ending June 30, 2012, are appropriated to
3 the department of human services for the fiscal year beginning
4 July 1, 2011, and ending June 30, 2012, for distribution of an
5 amount equal to a percentage of the costs of the establishment,
6 improvement, operation, and maintenance of county or
7 multicounty juvenile detention homes in the fiscal year
8 beginning July 1, 2010. Moneys appropriated for distribution
9 in accordance with this section shall be allocated among
10 eligible detention homes, prorated on the basis of an eligible
11 detention home's proportion of the costs of all eligible
12 detention homes in the fiscal year beginning July 1, 2010.
13 The percentage figure shall be determined by the department
14 based on the amount available for distribution for the fund.
15 Notwithstanding section 232.142, subsection 3, the financial
16 aid payable by the state under that provision for the fiscal
17 year beginning July 1, 2011, shall be limited to the amount
18 appropriated for the purposes of this section.

19 2. Representatives of chief juvenile court officers,
20 the department of human rights, and the department of human
21 services shall work with juvenile detention centers and other
22 stakeholders to review the current methodology for distribution
23 of moneys from the juvenile detention home fund, consider
24 alternative distribution methodologies, and report findings
25 and recommendations to the persons designated by this division
26 of this Act for the submission of reports by December 15,
27 2011. It is the intent of the general assembly to shift
28 responsibility for administering the fund from the department
29 of human services to the division of criminal and juvenile
30 justice planning of the department of human rights, effective
31 with the fiscal year beginning July 1, 2012.

32 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

33 1. There is appropriated from the general fund of the
34 state to the department of human services for the fiscal year
35 beginning July 1, 2011, and ending June 30, 2012, the following

1 amount, or so much thereof as is necessary, to be used for the
2 purpose designated:

3 For the family support subsidy program subject to the
4 enrollment restrictions in section 225C.37, subsection 3:
5 \$ 1,167,998

6 2. The department shall use at least \$385,500 of the moneys
7 appropriated in this section for the family support center
8 component of the comprehensive family support program under
9 section 225C.47. Not more than \$25,000 of the amount allocated
10 in this subsection shall be used for administrative costs.

11 3. If at any time during the fiscal year, the amount of
12 funding available for the family support subsidy program
13 is reduced from the amount initially used to establish the
14 figure for the number of family members for whom a subsidy
15 is to be provided at any one time during the fiscal year,
16 notwithstanding section 225C.38, subsection 2, the department
17 shall revise the figure as necessary to conform to the amount
18 of funding available.

19 Sec. 20. CONNER DECREE. There is appropriated from the
20 general fund of the state to the department of human services
21 for the fiscal year beginning July 1, 2011, and ending June 30,
22 2012, the following amount, or so much thereof as is necessary,
23 to be used for the purpose designated:

24 For building community capacity through the coordination
25 and provision of training opportunities in accordance with the
26 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
27 Iowa, July 14, 1994):
28 \$ 33,622

29 Sec. 21. MENTAL HEALTH INSTITUTES.

30 There is appropriated from the general fund of the state to
31 the department of human services for the fiscal year beginning
32 July 1, 2011, and ending June 30, 2012, the following amounts,
33 or so much thereof as is necessary, to be used for the purposes
34 designated:

35 1. For the state mental health institute at Cherokee for

1 salaries, support, maintenance, and miscellaneous purposes, and
 2 for not more than the following full-time equivalent positions:
 3 \$ 5,877,308
 4 FTEs 168.50

5 2. For the state mental health institute at Clarinda for
 6 salaries, support, maintenance, and miscellaneous purposes, and
 7 for not more than the following full-time equivalent positions:
 8 \$ 6,411,734
 9 FTEs 86.10

10 3. For the state mental health institute at Independence for
 11 salaries, support, maintenance, and miscellaneous purposes, and
 12 for not more than the following full-time equivalent positions:
 13 \$ 10,275,685
 14 FTEs 233.00

15 4. For the state mental health institute at Mount Pleasant
 16 for salaries, support, maintenance, and miscellaneous purposes,
 17 and for not more than the following full-time equivalent
 18 positions:
 19 \$ 944,323
 20 FTEs 91.72

21 Sec. 22. STATE RESOURCE CENTERS.

22 1. There is appropriated from the general fund of the
 23 state to the department of human services for the fiscal year
 24 beginning July 1, 2011, and ending June 30, 2012, the following
 25 amounts, or so much thereof as is necessary, to be used for the
 26 purposes designated:

27 a. For the state resource center at Glenwood for salaries,
 28 support, maintenance, and miscellaneous purposes:
 29 \$ 18,607,801

30 b. For the state resource center at Woodward for salaries,
 31 support, maintenance, and miscellaneous purposes:
 32 \$ 12,885,658

33 2. The department may continue to bill for state resource
 34 center services utilizing a scope of services approach used for
 35 private providers of ICFMR services, in a manner which does not

1 shift costs between the medical assistance program, counties,
2 or other sources of funding for the state resource centers.

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

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

21 5. If existing capacity limitations are reached in
22 operating units, a waiting list is in effect for a service or
23 a special need for which a payment source or other funding
24 is available for the service or to address the special need,
25 and facilities for the service or to address the special need
26 can be provided within the available payment source or other
27 funding, the superintendent of a state resource center may
28 authorize opening not more than two units or other facilities
29 and begin implementing the service or addressing the special
30 need during fiscal year 2011-2012.

31 Sec. 23. MI/MR/DD STATE CASES.

32 1. There is appropriated from the general fund of the
33 state to the department of human services for the fiscal year
34 beginning July 1, 2011, and ending June 30, 2012, the following
35 amount, or so much thereof as is necessary, to be used for the

1 purpose designated:

2 For distribution to counties for state case services
3 for persons with mental illness, mental retardation, and
4 developmental disabilities in accordance with section 331.440:
5 \$ 12,169,482

6 2. For the fiscal year beginning July 1, 2011, and ending
7 June 30, 2012, \$200,000 is allocated for state case services
8 from the amounts appropriated from the fund created in section
9 8.41 to the department of human services from the funds
10 received from the federal government under 42 U.S.C. ch. 6A,
11 subch. XVII, relating to the community mental health center
12 block grant, for the federal fiscal years beginning October
13 1, 2009, and ending September 30, 2010, beginning October 1,
14 2010, and ending September 30, 2011, and beginning October 1,
15 2011, and ending September 30, 2012. The allocation made in
16 this subsection shall be made prior to any other distribution
17 allocation of the appropriated federal funds.

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

23 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
24 — COMMUNITY SERVICES FUND. There is appropriated from
25 the general fund of the state to the mental health and
26 developmental disabilities community services fund created in
27 section 225C.7 for the fiscal year beginning July 1, 2011, and
28 ending June 30, 2012, the following amount, or so much thereof
29 as is necessary, to be used for the purpose designated:

30 For mental health and developmental disabilities community
31 services in accordance with this division of this Act:
32 \$ 14,211,100

33 1. Of the funds appropriated in this section, \$14,187,556
34 shall be allocated to counties for funding of community-based
35 mental health and developmental disabilities services. The

1 moneys shall be allocated to a county as follows:

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

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

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

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

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

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

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

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

33 (1) Fifty percent based upon the county's proportion of the
34 state's population of persons with an annual income which is
35 equal to or less than the poverty guideline established by the

1 federal office of management and budget.

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

5 5. A county is eligible for funds under this section if the
6 county qualifies for a state payment as described in section
7 331.439.

8 6. The latest certified census issued by the United States
9 bureau of the census shall be applied for the population
10 factors utilized in this section.

11 Sec. 25. SEXUALLY VIOLENT PREDATORS.

12 1. There is appropriated from the general fund of the
13 state to the department of human services for the fiscal year
14 beginning July 1, 2011, and ending June 30, 2012, the following
15 amount, or so much thereof as is necessary, to be used for the
16 purpose designated:

17	For costs associated with the commitment and treatment of	
18	sexually violent predators in the unit located at the state	
19	mental health institute at Cherokee, including costs of legal	
20	services and other associated costs, including salaries,	
21	support, maintenance, and miscellaneous purposes, and for not	
22	more than the following full-time equivalent positions:	
23	.....	\$ 7,550,727
24	.....	FTEs 89.50

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

34 Sec. 26. FIELD OPERATIONS. There is appropriated from the
35 general fund of the state to the department of human services

1 for the fiscal year beginning July 1, 2011, and ending June 30,
2 2012, the following amount, or so much thereof as is necessary,
3 to be used for the purposes designated:

4 For field operations, including salaries, support,
5 maintenance, and miscellaneous purposes, and for not more than
6 the following full-time equivalent positions:

7 \$ 54,789,921
8 FTEs 1,781.00

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

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

17 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
18 from the general fund of the state to the department of human
19 services for the fiscal year beginning July 1, 2011, and ending
20 June 30, 2012, the following amount, or so much thereof as is
21 necessary, to be used for the purpose designated:

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

25 \$ 14,596,745
26 FTEs 290.00

27 1. Of the funds appropriated in this section, \$38,543
28 allocated for the prevention of disabilities policy council
29 established in section 225B.3.

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

33 3. Of the funds appropriated in this section, \$132,300 shall
34 be used to contract with a statewide association representing
35 community providers of mental health, mental retardation and

1 brain injury services programs to provide technical assistance,
2 support, and consultation to providers of habilitation
3 services and home and community-based waiver services for
4 adults with disabilities under the medical assistance program.
5 Notwithstanding section 8.47 or any other provision of law to
6 the contrary, the department may utilize a sole source approach
7 to contract with the association.

8 4. Of the funds appropriated in this section, \$176,400
9 shall be used to contract with an appropriate entity to
10 expand the provision of nationally accredited and recognized
11 internet-based training to include mental health and disability
12 services providers. Notwithstanding section 8.47 or any other
13 provision of law to the contrary, the department may utilize a
14 sole source approach to enter into such contract.

15 5. Of the funds appropriated in this section, \$500,000
16 shall be used for implementation of child protection system
17 improvements addressed in 2011 Iowa Acts, House File 562, as
18 enacted.

19 6. Notwithstanding section 8.33, moneys appropriated in
20 this section that remain unencumbered or unobligated at the
21 close of the fiscal year shall not revert but shall remain
22 available for expenditure for the purposes designated until the
23 close of the succeeding fiscal year.

24 Sec. 28. VOLUNTEERS. There is appropriated from the general
25 fund of the state to the department of human services for the
26 fiscal year beginning July 1, 2011, and ending June 30, 2012,
27 the following amount, or so much thereof as is necessary, to be
28 used for the purpose designated:

29 For development and coordination of volunteer services:
30 \$ 84,660

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

34 1. a. (1) For the fiscal year beginning July 1, 2011,
35 the total state funding amount for the nursing facility budget

1 shall not exceed \$223,202,551.

2 (2) For the fiscal year beginning July 1, 2011, the
3 department shall rebase case-mix nursing facility rates
4 effective July 1, 2011. However, total nursing facility budget
5 expenditures, including both case-mix and noncase-mix shall
6 not exceed the amount specified in subparagraph (1). When
7 calculating case-mix per diem cost and the patient-day-weighted
8 medians used in rate-setting for nursing facilities effective
9 July 1, 2011, the inflation factor applied from the midpoint
10 of the cost report period to the first day of the state fiscal
11 year rate period shall be adjusted to maintain state funding
12 within the amount specified in subparagraph (1).

13 (3) The department, in cooperation with nursing facility
14 representatives, shall review projections for state funding
15 expenditures for reimbursement of nursing facilities on a
16 quarterly basis and the department shall determine if an
17 adjustment to the medical assistance reimbursement rate is
18 necessary in order to provide reimbursement within the state
19 funding amount for the fiscal year. Notwithstanding 2001
20 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
21 "c", and subsection 3, paragraph "a", subparagraph (2),
22 if the state funding expenditures for the nursing facility
23 budget for the fiscal year is projected to exceed the amount
24 specified in subparagraph (1), the department shall adjust
25 the reimbursement for nursing facilities reimbursed under the
26 case-mix reimbursement system to maintain expenditures of the
27 nursing facility budget within the specified amount for the
28 fiscal year.

29 (4) For the fiscal year beginning July 1, 2011, special
30 population nursing facilities shall be reimbursed in accordance
31 with the methodology in effect on June 30, 2011.

32 b. For the fiscal year beginning July 1, 2011, the
33 department shall reimburse pharmacy dispensing fees using a
34 single rate of \$4.34 per prescription or the pharmacy's usual
35 and customary fee, whichever is lower. However, the department

1 shall adjust the dispensing fee specified in this paragraph
2 to distribute an additional \$2,400,000 in reimbursements for
3 pharmacy dispensing fees under this paragraph for the fiscal
4 year.

5 c. (1) For the fiscal year beginning July 1, 2011,
6 reimbursement rates for outpatient hospital services shall be
7 rebased effective January 1, 2012.

8 (2) For the fiscal year beginning July 1, 2011,
9 reimbursement rates for inpatient hospital services shall be
10 rebased effective October 1, 2011.

11 (3) The total amount of increased funding available for
12 reimbursement attributable to rebasing under this paragraph
13 for the fiscal year beginning July 1, 2011, shall not exceed
14 \$4,500,000.

15 (4) For the fiscal year beginning July 1, 2011, the graduate
16 medical education and disproportionate share hospital fund
17 shall remain at the amount in effect on June 30, 2011, except
18 that the portion of the fund attributable to graduate medical
19 education shall be reduced in an amount that reflects the
20 elimination of graduate medical education payments made to
21 out-of-state hospitals.

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

28 d. For the fiscal year beginning July 1, 2011, reimbursement
29 rates for rural health clinics, hospices, and acute mental
30 hospitals shall be increased in accordance with increases under
31 the federal Medicare program or as supported by their Medicare
32 audited costs.

33 e. For the fiscal year beginning July 1, 2011, independent
34 laboratories and rehabilitation agencies shall be reimbursed
35 using the same methodology in effect on June 30, 2011.

1 f. For the fiscal year beginning July 1, 2011, reimbursement
2 rates for home health agencies shall remain at the rates in
3 effect on June 30, 2011, not to exceed a home health agency's
4 actual allowable cost.

5 g. For the fiscal year beginning July 1, 2011, federally
6 qualified health centers shall receive cost-based reimbursement
7 for 100 percent of the reasonable costs for the provision of
8 services to recipients of medical assistance.

9 h. For the fiscal year beginning July 1, 2011, the
10 reimbursement rates for dental services shall remain at the
11 rates in effect on June 30, 2011.

12 i. (1) For the fiscal year beginning July 1, 2011,
13 state-owned psychiatric medical institutions for children shall
14 receive cost-based reimbursement for 100 percent of the actual
15 and allowable costs for the provision of services to recipients
16 of medical assistance.

17 (2) For the nonstate-owned psychiatric medical institutions
18 for children, reimbursement rates shall remain at the rates
19 in effect on June 30, 2011. The department, in consultation
20 with representatives of the nonstate-owned psychiatric medical
21 institutions for children, shall develop a reimbursement
22 methodology to include all ancillary medical services costs
23 and any other changes required for federal compliance, to be
24 implemented on July 1, 2012. To the extent possible, the
25 reimbursement methodology shall be developed in a manner so as
26 to be budget neutral to the institutions and cost effective for
27 the state.

28 j. For the fiscal year beginning July 1, 2011, unless
29 otherwise specified in this Act, all noninstitutional medical
30 assistance provider reimbursement rates shall remain at the
31 rates in effect on June 30, 2011, except for area education
32 agencies, local education agencies, infant and toddler services
33 providers, and those providers whose rates are required to be
34 determined pursuant to section 249A.20.

35 k. Notwithstanding any provision to the contrary, for the

1 fiscal year beginning July 1, 2011, the reimbursement rate for
2 anesthesiologists shall remain at the rate in effect on June
3 30, 2011.

4 1. Notwithstanding section 249A.20, for the fiscal year
5 beginning July 1, 2011, the average reimbursement rate for
6 health care providers eligible for use of the federal Medicare
7 resource-based relative value scale reimbursement methodology
8 under that section shall remain at the rate in effect on June
9 30, 2011; however, this rate shall not exceed the maximum level
10 authorized by the federal government.

11 m. For the fiscal year beginning July 1, 2011, the
12 reimbursement rate for residential care facilities shall not
13 be less than the minimum payment level as established by the
14 federal government to meet the federally mandated maintenance
15 of effort requirement. The flat reimbursement rate for
16 facilities electing not to file annual cost reports shall not
17 be less than the minimum payment level as established by the
18 federal government to meet the federally mandated maintenance
19 of effort requirement.

20 n. For the fiscal year beginning July 1, 2011, inpatient
21 mental health services provided at hospitals shall be rebased
22 effective October 1, 2011, subject to Medicaid program upper
23 payment limit rules; community mental health centers and
24 providers of mental health services to county residents
25 pursuant to a waiver approved under section 225C.7, subsection
26 3, shall be reimbursed at 100 percent of the reasonable
27 costs for the provision of services to recipients of medical
28 assistance; and psychiatrists shall be reimbursed at the
29 medical assistance program fee for service rate.

30 o. For the fiscal year beginning July 1, 2011, the
31 reimbursement rate for consumer-directed attendant care shall
32 remain at the rates in effect on June 30, 2011.

33 p. For the fiscal year beginning July 1, 2011, the
34 reimbursement rate for providers of family planning services
35 that are eligible to receive a 90 percent federal match shall

1 remain at the rates in effect on June 30, 2011.

2 q. For the fiscal year beginning July 1, 2011, the
3 department shall adjust the rates in effect on June 30,
4 2011, for providers of home and community-based services
5 waiver services to distribute an additional \$1,500,000 in
6 reimbursements to such providers for the fiscal year.

7 2. For the fiscal year beginning July 1, 2011, the
8 reimbursement rate for providers reimbursed under the
9 in-home-related care program shall not be less than the minimum
10 payment level as established by the federal government to meet
11 the federally mandated maintenance of effort requirement.

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

18 4. For the fiscal year beginning July 1, 2011,
19 notwithstanding section 234.38, the foster family basic daily
20 maintenance rate and the maximum adoption subsidy rate for
21 children ages 0 through 5 years shall be \$15.74, the rate for
22 children ages 6 through 11 years shall be \$16.37, the rate for
23 children ages 12 through 15 years shall be \$17.92, and the
24 rate for children and young adults ages 16 and older shall be
25 \$18.16. The maximum supervised apartment living foster care
26 reimbursement rate shall be \$25.00 per day. For youth ages
27 18 to 21 who have exited foster care, the maximum preparation
28 for adult living program maintenance rate shall be \$574.00 per
29 month. The maximum payment for adoption subsidy nonrecurring
30 expenses shall be limited to \$500 and the disallowance of
31 additional amounts for court costs and other related legal
32 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,
33 section 408 shall be continued.

34 5. For the fiscal year beginning July 1, 2011, the maximum
35 reimbursement rates under the supervised apartment living

1 program and for social services providers under contract
2 shall remain at the rates in effect on June 30, 2011, or the
3 provider's actual and allowable cost plus inflation for each
4 service, whichever is less. However, if a new service or
5 service provider is added after June 30, 2011, the initial
6 reimbursement rate for the service or provider shall be
7 based upon actual and allowable costs. Providers may also
8 be eligible for an additional amount as specified under the
9 department's request for proposal, bid number ACFS-11-115.

10 6. For the fiscal year beginning July 1, 2011, the
11 reimbursement rates for family-centered service providers,
12 family foster care service providers, group foster care service
13 providers, and the resource family recruitment and retention
14 contractor shall remain at the rates in effect on June 30,
15 2011.

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

24 8. a. For the fiscal year beginning July 1, 2011, the
25 reimbursement rate paid for shelter care and the child welfare
26 emergency services implemented to provide or prevent the need
27 for shelter care shall be established in a contract based on
28 the requirements of the department's request for proposal, bid
29 number ACFS-11-114.

30 b. For the fiscal year beginning July 1, 2011, the combined
31 service and maintenance components of the reimbursement rate
32 paid for shelter care services shall be based on the financial
33 and statistical report submitted to the department. The
34 maximum reimbursement rate shall be \$92.36 per day. The
35 department shall reimburse a shelter care provider at the

1 provider's actual and allowable unit cost, plus inflation, not
2 to exceed the maximum reimbursement rate.

3 c. Notwithstanding section 232.141, subsection 8, for the
4 fiscal year beginning July 1, 2011, the amount of the statewide
5 average of the actual and allowable rates for reimbursement of
6 juvenile shelter care homes that is utilized for the limitation
7 on recovery of unpaid costs shall remain at the amount in
8 effect for this purpose in the fiscal year beginning July 1,
9 2010.

10 9. For the fiscal year beginning July 1, 2011, the
11 department shall calculate reimbursement rates for intermediate
12 care facilities for persons with mental retardation at the
13 80th percentile. Beginning July 1, 2011, the rate calculation
14 methodology shall utilize the consumer price index inflation
15 factor applicable to the fiscal year beginning July 1, 2011.

16 10. For the fiscal year beginning July 1, 2011, for child
17 care providers reimbursed under the state child care assistance
18 program, the department shall set provider reimbursement
19 rates based on the rate reimbursement survey completed in
20 December 2004. Effective July 1, 2011, the child care provider
21 reimbursement rates shall remain at the rates in effect on June
22 30, 2011. The department shall set rates in a manner so as
23 to provide incentives for a nonregistered provider to become
24 registered by applying the increase only to registered and
25 licensed providers.

26 11. The department may adopt emergency rules to implement
27 this section.

28 Sec. 30. EMERGENCY RULES.

29 1. If specifically authorized by a provision of this
30 division of this Act, the department of human services or
31 the mental health, and disability services commission may
32 adopt administrative rules under section 17A.4, subsection
33 3, and section 17A.5, subsection 2, paragraph "b", to
34 implement the provisions and the rules shall become effective
35 immediately upon filing or on a later effective date specified

1 in the rules, unless the effective date is delayed by the
2 administrative rules review committee. Any rules adopted in
3 accordance with this section shall not take effect before
4 the rules are reviewed by the administrative rules review
5 committee. The delay authority provided to the administrative
6 rules review committee under section 17A.4, subsection 7, and
7 section 17A.8, subsection 9, shall be applicable to a delay
8 imposed under this section, notwithstanding a provision in
9 those sections making them inapplicable to section 17A.5,
10 subsection 2, paragraph "b". Any rules adopted in accordance
11 with the provisions of this section shall also be published as
12 notice of intended action as provided in section 17A.4.

13 2. If during the fiscal year beginning July 1, 2011, the
14 department of human services is adopting rules in accordance
15 with this section or as otherwise directed or authorized by
16 state law, and the rules will result in an expenditure increase
17 beyond the amount anticipated in the budget process or if the
18 expenditure was not addressed in the budget process for the
19 fiscal year, the department shall notify the persons designated
20 by this division of this Act for submission of reports,
21 the chairpersons and ranking members of the committees on
22 appropriations, and the department of management concerning the
23 rules and the expenditure increase. The notification shall be
24 provided at least 30 calendar days prior to the date notice of
25 the rules is submitted to the administrative rules coordinator
26 and the administrative code editor.

27 Sec. 31. CIVIL MONETARY PENALTIES — DIRECT CARE WORKER
28 INITIATIVES PROPOSAL. The department of human services shall
29 develop a proposal, in collaboration with the department of
30 public health, requesting federal approval for the use of
31 a portion of the funds received by the department of human
32 services as civil monetary penalties from nursing facilities
33 to support direct care worker initiatives that enhance the
34 quality of care in nursing facilities. The proposal shall
35 request use of the funds for direct care worker initiatives

1 based on recommendations of the direct care worker task force
2 established pursuant to 2005 Iowa Acts, chapter 88, as included
3 in the report submitted to the governor and the general
4 assembly in December 2006. Upon completion of the proposal,
5 the department of human services shall submit the proposal to
6 the centers for Medicare and Medicaid services of the United
7 States department of health and human services for approval.
8 The department of human services shall notify the persons
9 designated in this division of this Act for submission of
10 reports upon receipt of approval of the proposal.

11 Sec. 32. FEDERAL GRANTS REPORTING. During the fiscal
12 year beginning July 1, 2011, the departments and agencies
13 receiving an appropriation in this Act from the general fund
14 of the state shall report to the persons designated by this
15 Act for submission of reports and the department of management
16 within 60 calendar days of applying for or renewing a federal
17 grant with a value over \$1,000. The report shall list the
18 federal funding source and address the potential need for the
19 commitment of state funding in order to match or continue the
20 funding provided by the federal grant in the present or the
21 future.

22 Sec. 33. REPORTS. Any reports or information required to be
23 compiled and submitted under this Act shall be submitted to the
24 chairpersons and ranking members of the joint appropriations
25 subcommittee on health and human services, the legislative
26 services agency, and the legislative caucus staffs on or
27 before the dates specified for submission of the reports or
28 information.

29 Sec. 34. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
30 APPLICABILITY. The following provisions of this division of
31 this Act, being deemed of immediate importance, take effect
32 upon enactment and if approved by the governor on or after July
33 1, 2011, apply retroactively to June 30, 2011:

34 The provision under the appropriation for child and family
35 services, relating to requirements of section 232.143 for

1 representatives of the department of human services and
2 juvenile court services to establish a plan for continuing
3 group foster care expenditures for fiscal year 2011-2012.

4 DIVISION V

5 PHARMACEUTICAL SETTLEMENT ACCOUNT,
6 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER REIMBURSEMENT FUND,
7 HEALTH CARE
8 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
9 QUALITY ASSURANCE TRUST FUND, AND
10 HOSPITAL HEALTH CARE ACCESS TRUST FUND

11 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
12 appropriated from the pharmaceutical settlement account created
13 in section 249A.33 to the department of human services for the
14 fiscal year beginning July 1, 2011, and ending June 30, 2012,
15 the following amount, or so much thereof as is necessary, to be
16 used for the purpose designated:

17 Notwithstanding any provision of law to the contrary, to
18 supplement the appropriations made in this Act for medical
19 contracts under the medical assistance program:

20 \$ 5,433,613

21 Sec. 36. APPROPRIATIONS FROM IOWACARE ACCOUNT.

22 1. There is appropriated from the IowaCare account
23 created in section 249J.24 to the state board of regents for
24 distribution to the university of Iowa hospitals and clinics
25 for the fiscal year beginning July 1, 2011, and ending June 30,
26 2012, the following amount, or so much thereof as is necessary,
27 to be used for the purposes designated:

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

33 \$ 27,284,584

34 a. Funds appropriated in this subsection shall not be used
35 to perform abortions except medically necessary abortions, and

1 shall not be used to operate the early termination of pregnancy
2 clinic except for the performance of medically necessary
3 abortions. For the purpose of this subsection, an abortion is
4 the purposeful interruption of pregnancy with the intention
5 other than to produce a live-born infant or to remove a dead
6 fetus, and a medically necessary abortion is one performed
7 under one of the following conditions:

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

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

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

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

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

24 b. Notwithstanding any provision of law to the contrary,
25 the amount appropriated in this subsection shall be distributed
26 based on claims submitted, adjudicated, and paid by the Iowa
27 Medicaid enterprise.

28 c. The university of Iowa hospitals and clinics shall
29 certify public expenditures in an amount equal to provide
30 the nonfederal share on total expenditures not to exceed
31 \$20,000,000.

32 2. There is appropriated from the IowaCare account
33 created in section 249J.24 to the state board of regents for
34 distribution to the university of Iowa hospitals and clinics
35 for the fiscal year beginning July 1, 2011, and ending June 30,

1 2012, the following amount, or so much thereof as is necessary,
2 to be used for the purposes designated:

3 For salaries, support, maintenance, equipment, and
4 miscellaneous purposes, for the provision of medical and
5 surgical treatment of indigent patients, for provision of
6 services to members of the expansion population pursuant to
7 chapter 249J, and for medical education:
8 \$ 44,226,279

9 Notwithstanding any provision of law to the contrary, the
10 amount appropriated in this subsection shall be distributed
11 based on claims submitted, adjudicated, and paid by the Iowa
12 Medicaid enterprise.

13 3. There is appropriated from the IowaCare account
14 created in section 249J.24, to the state board of regents for
15 distribution to university of Iowa physicians for the fiscal
16 year beginning July 1, 2011, and ending June 30, 2012, the
17 following amount, or so much thereof as is necessary to be used
18 for the purposes designated:

19 For salaries, support, maintenance, equipment, and
20 miscellaneous purposes for the provision of medical and
21 surgical treatment of indigent patients, for provision of
22 services to members of the expansion population pursuant to
23 chapter 249J, and for medical education:
24 \$ 16,277,753

25 Notwithstanding any provision of law to the contrary, the
26 amount appropriated in this subsection shall be distributed
27 based on claims submitted, adjudicated, and paid by the Iowa
28 Medicaid enterprise. Once the entire amount appropriated in
29 this subsection has been distributed, claims shall continue to
30 be submitted and adjudicated by the Iowa Medicaid enterprise;
31 however, no payment shall be made based upon such claims.

32 4. There is appropriated from the IowaCare account created
33 in section 249J.24 to the department of human services for the
34 fiscal year beginning July 1, 2011, and ending June 30, 2012,
35 the following amount, or so much thereof as is necessary, to be

1 used for the purposes designated:

2 For distribution to a publicly owned acute care teaching
3 hospital located in a county with a population over 350,000 for
4 the provision of medical and surgical treatment of indigent
5 patients, for provision of services to members of the expansion
6 population pursuant to chapter 249J, and for medical education:
7 \$ 65,000,000

8 a. Notwithstanding any provision of law to the contrary,
9 the amount appropriated in this subsection shall be distributed
10 based on claims submitted, adjudicated, and paid by the Iowa
11 Medicaid enterprise plus a monthly disproportionate share
12 hospital payment. Any amount appropriated in this subsection
13 in excess of \$60,000,000 shall be distributed only if the sum
14 of the expansion population claims adjudicated and paid by the
15 Iowa Medicaid enterprise plus the estimated disproportionate
16 share hospital payments exceeds \$60,000,000. The amount paid
17 in excess of \$60,000,000 shall not adjust the original monthly
18 payment amount but shall be distributed monthly based on actual
19 claims adjudicated and paid by the Iowa Medicaid enterprise
20 plus the estimated disproportionate share hospital amount. Any
21 amount appropriated in this subsection in excess of \$60,000,000
22 shall be allocated only if federal funds are available to match
23 the amount allocated. Pursuant to paragraph "b", of the amount
24 appropriated in this subsection, not more than \$4,000,000 shall
25 be distributed for prescription drugs and podiatry services.

26 b. Notwithstanding any provision of law to the contrary, the
27 hospital identified in this subsection, shall be reimbursed for
28 outpatient prescription drugs and podiatry services provided to
29 members of the expansion population pursuant to all applicable
30 medical assistance program rules, in an amount not to exceed
31 \$4,000,000.

32 c. Notwithstanding the total amount of proceeds distributed
33 pursuant to section 249J.24, subsection 4, paragraph "a",
34 unnumbered paragraph 1, for the fiscal year beginning July
35 1, 2011, and ending June 30, 2012, the county treasurer of a

1 county with a population of over 350,000 in which a publicly
2 owned acute care teaching hospital is located shall distribute
3 the proceeds collected pursuant to section 347.7 in a total
4 amount of \$38,000,000, which would otherwise be distributed to
5 the county hospital, to the treasurer of state for deposit in
6 the IowaCare account.

7 d. (1) Notwithstanding the amount collected and
8 distributed for deposit in the IowaCare account pursuant to
9 section 249J.24, subsection 6, paragraph "a", subparagraph
10 (1), the first \$19,000,000 in proceeds collected pursuant to
11 section 347.7 between July 1, 2011, and December 31, 2011,
12 shall be distributed to the treasurer of state for deposit in
13 the IowaCare account and collections during this time period
14 in excess of \$19,000,000 shall be distributed to the acute
15 care teaching hospital identified in this subsection. Of the
16 collections in excess of the \$19,000,000 received by the acute
17 care teaching hospital under this subparagraph (1), \$2,000,000
18 shall be distributed by the acute care teaching hospital to the
19 treasurer of state for deposit in the IowaCare account in the
20 month of January 2012, following the July 1 through December
21 31, 2011, period.

22 (2) Notwithstanding the amount collected and distributed
23 for deposit in the IowaCare account pursuant to section
24 249J.24, subsection 6, paragraph "a", subparagraph (2),
25 the first \$19,000,000 in collections pursuant to section
26 347.7 between January 1, 2012, and June 30, 2012, shall be
27 distributed to the treasurer of state for deposit in the
28 IowaCare account and collections during this time period in
29 excess of \$19,000,000 shall be distributed to the acute care
30 teaching hospital identified in this subsection. Of the
31 collections in excess of the \$19,000,000 received by the acute
32 care teaching hospital under this subparagraph (2), \$2,000,000
33 shall be distributed by the acute care teaching hospital to the
34 treasurer of state for deposit in the IowaCare account in the
35 month of July 2012, following the January 1 through June 30,

1 2012, period.

2 5. There is appropriated from the IowaCare account created
3 in section 249J.24 to the department of human services for the
4 fiscal year beginning July 1, 2011, and ending June 30, 2012,
5 the following amount, or so much thereof as is necessary to be
6 used for the purpose designated:

7 For payment to the regional provider network specified
8 by the department pursuant to section 249J.7 for provision
9 of covered services to members of the expansion population
10 pursuant to chapter 249J:

11 \$ 3,472,176

12 Notwithstanding any provision of law to the contrary, the
13 amount appropriated in this subsection shall be distributed
14 based on claims submitted, adjudicated, and paid by the Iowa
15 Medicaid enterprise. Once the entire amount appropriated in
16 this subsection has been distributed, claims shall continue to
17 be submitted and adjudicated by the Iowa Medicaid enterprise;
18 however, no payment shall be made based upon such claims.

19 6. There is appropriated from the IowaCare account created
20 in section 249J.24 to the department of human services for the
21 fiscal year beginning July 1, 2011, and ending June 30, 2012,
22 the following amount, or so much thereof as is necessary to be
23 used for the purposes designated:

24 For a care coordination pool to pay the expansion population
25 providers consisting of the university of Iowa hospitals and
26 clinics, the publicly owned acute care teaching hospital as
27 specified in section 249J.7, and current medical assistance
28 program providers that are not expansion population network
29 providers pursuant to section 249J.7, for services covered by
30 the full benefit medical assistance program but not under the
31 IowaCare program pursuant to section 249J.6, that are provided
32 to expansion population members:

33 \$ 1,500,000

34 a. Notwithstanding sections 249J.6 and 249J.7, the amount
35 appropriated in this subsection is intended to provide

1 payment for medically necessary services provided to expansion
2 population members for continuation of care provided by the
3 university of Iowa hospitals and clinics or the publicly owned
4 acute care teaching hospital as specified in section 249J.7.
5 Payment may only be made for services that are not otherwise
6 covered under section 249J.6, and which are follow-up services
7 to covered services provided by the hospitals specified in this
8 paragraph "a".

9 b. The funds appropriated in this subsection are intended
10 to provide limited payment for continuity of care services for
11 an expansion population member, and are intended to cover the
12 costs of services to expansion population members, regardless
13 of the member's county of residence or medical home assignment,
14 if the care is related to specialty or hospital services
15 provided by the hospitals specified in paragraph "a".

16 c. The funds appropriated in this subsection are
17 not intended to provide for expanded coverage under the
18 IowaCare program, and shall not be used to cover emergency
19 transportation services.

20 d. The department shall adopt administrative rules pursuant
21 to chapter 17A to establish a prior authorization process and
22 to identify covered services for reimbursement under this
23 subsection.

24 7. There is appropriated from the IowaCare account created
25 in section 249J.24 to the department of human services for the
26 fiscal year beginning July 1, 2011, and ending June 30, 2012,
27 the following amount or so much thereof as is necessary to be
28 used for the purposes designated:

29 For a laboratory test and radiology pool for services
30 authorized by a federally qualified health center designated
31 by the department as part of the IowaCare regional provider
32 network that does not have the capability to provide these
33 services on site:

34 \$ 500,000

35 Notwithstanding sections 249J.6 and 249J.7, the amount

1 created in section 249J.23 to the department of human services
2 for the fiscal year beginning July 1, 2011, and ending June
3 30, 2012, the following amounts, or so much thereof as is
4 necessary, to be used for the purposes designated:

5 1. For the provision of an IowaCare nurse helpline for the
6 expansion population as provided in section 249J.6:
7 \$ 100,000

8 2. For other health promotion partnership activities
9 pursuant to section 249J.14:
10 \$ 600,000

11 3. For the costs related to audits, performance
12 evaluations, and studies required pursuant to chapter 249J:
13 \$ 125,000

14 4. For administrative costs associated with chapter 249J:
15 \$ 1,132,412

16 5. For planning and development, in cooperation with the
17 department of public health, of a phased-in program to provide
18 a dental home for children in accordance with section 249J.14:
19 \$ 1,000,000

20 6. For continuation of the establishment of the tuition
21 assistance for individuals serving individuals with
22 disabilities pilot program, as enacted in 2008 Iowa Acts,
23 chapter 1187, section 130:
24 \$ 50,000

25 7. For medical contracts:
26 \$ 2,000,000

27 8. For payment to the publicly owned acute care teaching
28 hospital located in a county with a population of over 350,000
29 that is a participating provider pursuant to chapter 249J:
30 \$ 290,000

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

1 9. For transfer to the department of public health to be
2 used for the costs of medical home system advisory council
3 established pursuant to section 135.159, including for the
4 incorporation of the work and duties of the prevention and
5 chronic care management advisory council pursuant to section
6 135.161, as amended by this Act:

7 \$ 233,357

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

16 Sec. 39. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
17 INSPECTIONS AND APPEALS. There is appropriated from the
18 Medicaid fraud account created in section 249A.7 to the
19 department of inspections and appeals for the fiscal year
20 beginning July 1, 2011, and ending June 30, 2012, the following
21 amount, or so much thereof as is necessary, to be used for the
22 purposes designated:

23 For the inspection and certification of assisted living
24 programs and adult day care services, including program
25 administration and costs associated with implementation:
26 \$ 1,339,527

27 Sec. 40. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF HUMAN
28 SERVICES. There is appropriated from the Medicaid fraud
29 account created in section 249A.7 to the department of human
30 services for the fiscal year beginning July 1, 2011, and ending
31 June 30, 2012, the following amount, or so much thereof as is
32 necessary, to be used for the purposes designated:

33 To supplement the appropriation made in this Act from the
34 general fund of the state to the department of human services
35 for medical assistance:

1 \$ 2,000,000

2 Sec. 41. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN
3 SERVICES. Notwithstanding any provision to the contrary and
4 subject to the availability of funds, there is appropriated
5 from the quality assurance trust fund created in section
6 249L.4 to the department of human services for the fiscal year
7 beginning July 1, 2011, and ending June 30, 2012, the following
8 amounts, or so much thereof as is necessary for the purposes
9 designated:

10 1. To supplement the appropriation made in this Act from the
11 general fund of the state to the department of human services
12 for medical assistance:

13 \$ 60,496,712

14 2. To increase the monthly upper cost limit for services
15 under the medical assistance home and community-based services
16 waiver for the elderly:

17 \$ 1,000,000

18 Sec. 42. HOSPITAL HEALTH CARE ACCESS TRUST FUND —
19 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
20 the contrary and subject to the availability of funds, there is
21 appropriated from the hospital health care access trust fund
22 created in section 249M.4 to the department of human services
23 for the fiscal year beginning July 1, 2011, and ending June
24 30, 2012, the following amounts, or so much thereof as is
25 necessary, for the purposes designated:

26 1. To supplement the appropriation made in this Act from the
27 general fund of the state to the department of human services
28 for medical assistance:

29 \$ 39,223,800

30 2. For deposit in the nonparticipating provider
31 reimbursement fund created in section 249J.24A to be used for
32 the purposes of the fund:

33 \$ 776,200

34 Sec. 43. MEDICAL ASSISTANCE PROGRAM — NONREVERSION
35 FOR FY 2011-2012. Notwithstanding section 8.33, if moneys

1 appropriated for purposes of the medical assistance program
2 for the fiscal year beginning July 1, 2011, and ending June
3 30, 2012, from the general fund of the state, the Medicaid
4 fraud account, the quality assurance trust fund, and the
5 hospital health care access trust fund, are in excess of actual
6 expenditures for the medical assistance program and remain
7 unencumbered or unobligated at the close of the fiscal year,
8 the excess moneys shall not revert but shall remain available
9 for expenditure for the purposes of the medical assistance
10 program until the close of the succeeding fiscal year.

11 DIVISION VI

12 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR
13 2011-2012

14 Sec. 44. MENTAL HEALTH, MENTAL RETARDATION, AND
15 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX

16 RELIEF. Notwithstanding the standing appropriation in section
17 426B.1, subsection 2, for the fiscal year beginning July 1,
18 2011, and ending June 30, 2012, the amount appropriated from
19 the general fund of the state pursuant to that provision shall
20 not exceed the following amount:

21 \$ 81,199,911

22 Sec. 45. 2010 Iowa Acts, chapter 1193, section 1, is amended
23 to read as follows:

24 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING
25 — FY 2011-2012.

26 1. Notwithstanding section 331.439, subsection 3, the
27 allowed growth factor adjustment for county mental health,
28 mental retardation, and developmental disabilities service
29 expenditures for the fiscal year beginning July 1, 2011, shall
30 be established by statute which shall be enacted within thirty
31 calendar days of the convening of the Eighty-fourth General
32 Assembly, 2011 Session, on January 10, 2011. The governor
33 shall submit to the general assembly a recommendation for such
34 allowed growth factor adjustment and the amounts of related
35 appropriations to the general assembly on or before January 11,

1 2011.

2 2. The appropriation and allocations made in this section
3 fulfill the requirements of the governor and general assembly
4 under subsection 1.

5 3. There is appropriated from the general fund of the
6 state to the department of human services for the fiscal year
7 beginning July 1, 2011, and ending June 30, 2012, the following
8 amount, or so much thereof as is necessary, to be used for the
9 purpose designated:

10 For distribution to counties of the county mental health,
11 mental retardation, and developmental disabilities allowed
12 growth factor adjustment for fiscal year 2011-2012 as provided
13 in this section in lieu of the allowed growth factor provisions
14 of section 331.438, subsection 2, and section 331.439,
15 subsection 3, and chapter 426B:

16 \$ 48,697,893

17 Sec. 46. 2010 Iowa Acts, chapter 1193, section 1, as
18 amended by this division of this Act, is amended by adding the
19 following new subsections:

20 NEW SUBSECTION. 4. Of the amount appropriated in this
21 section, \$12,000,000 shall be distributed as provided in this
22 subsection.

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

25 (1) The county is levying for the maximum amount allowed
26 for the county's mental health, mental retardation, and
27 developmental disabilities services fund under section 331.424A
28 for taxes due and payable in the fiscal year beginning July 1,
29 2011, or the county is levying for at least 90 percent of the
30 maximum amount allowed for the county's services fund and that
31 levy rate is more than \$2 per \$1,000 of the assessed value of
32 all taxable property in the county.

33 (2) In the fiscal year beginning July 1, 2009, the
34 county's mental health, mental retardation, and developmental
35 disabilities services fund ending balance under generally

1 accepted accounting principles was equal to or less than 15
2 percent of the county's actual gross expenditures for that
3 fiscal year.

4 b. The amount of a county's distribution from the allocation
5 made in this subsection shall be determined based upon the
6 county's proportion of the general population of the counties
7 eligible to receive a distribution under this subsection. The
8 latest certified federal census issued by the United States
9 bureau of the census shall be applied in determining population
10 for the purposes of this paragraph.

11 c. The distributions made pursuant to this subsection
12 are subject to the distribution provisions and withholding
13 requirements established in this section for the county mental
14 health, mental retardation, and developmental disabilities
15 allowed growth factor adjustment for the fiscal year beginning
16 July 1, 2011.

17 NEW SUBSECTION. 5. The following amount of the funding
18 appropriated in this section is the allowed growth factor
19 adjustment for fiscal year 2011-2012, and shall be credited to
20 the allowed growth funding pool created in the property tax
21 relief fund and for distribution in accordance with section
22 426B.5, subsection 1:

23 \$ 36,697,893

24 NEW SUBSECTION. 6. The following formula amounts shall be
25 utilized only to calculate preliminary distribution amounts for
26 the allowed growth factor adjustment for fiscal year 2011-2012
27 under this section by applying the indicated formula provisions
28 to the formula amounts and producing a preliminary distribution
29 total for each county:

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

34 \$ 49,773,346

35 b. For calculation of a distribution amount for counties

1 from the mental health and developmental disabilities (MH/DD)
2 community services fund in accordance with the formula provided
3 in the appropriation made for the MH/DD community services fund
4 for the fiscal year beginning July 1, 2011:

5 \$ 14,187,556

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

18 b. An ending balance percentage for each county shall
19 be determined by expressing the county's ending balance on a
20 modified accrual basis under generally accepted accounting
21 principles for the fiscal year beginning July 1, 2009, in the
22 county's mental health, mental retardation, and developmental
23 disabilities services fund created under section 331.424A, as a
24 percentage of the county's gross expenditures from that fund
25 for that fiscal year. If a county borrowed moneys for purposes
26 of providing services from the county's services fund on or
27 before July 1, 2009, and the county's services fund ending
28 balance for that fiscal year includes the loan proceeds or an
29 amount designated in the county budget to service the loan for
30 the borrowed moneys, those amounts shall not be considered
31 to be part of the county's ending balance for purposes of
32 calculating an ending balance percentage under this subsection.

33 c. For purposes of calculating withholding factors and
34 for ending balance amounts used for other purposes under law,
35 the county ending balances shall be adjusted, using forms

1 developed for this purpose by the county finance committee,
2 to disregard the temporary funding increase provided to the
3 counties for the fiscal year through the federal American
4 Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5. In
5 addition, a county may adjust the ending balance amount by
6 rebating to the department all or a portion of the allowed
7 growth and MH/DD services fund moneys the county received for
8 the fiscal year beginning July 1, 2010, in accordance with
9 2009 Iowa Acts, chapter 179, section 1, as amended by 2009
10 Iowa Acts, chapter 1192, sections 47 and 48, or from any other
11 services fund moneys available to the county. The rebate must
12 be remitted to the department on or before June 1, 2011, in
13 order to be counted. However, if this division of this Act
14 is enacted after June 1, 2011, the rebate must be remitted no
15 later than 10 calendar days after the date of the governor's
16 approval of this Act. The amount rebated by a county shall be
17 subtracted dollar-for-dollar from the county's ending balance
18 amount for the fiscal year beginning July 1, 2009, for purposes
19 of calculating the withholding factor and for other ending
20 balance purposes for the fiscal year beginning July 1, 2011.
21 The rebates received by the department shall be credited to the
22 property tax relief fund and distributed as additional funding
23 for the fiscal year beginning July 1, 2011, in accordance with
24 the formula provisions in this section.

25 d. The withholding factor for a county shall be the
26 following applicable percent:

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

33 (2) For an ending balance percentage of 5 percent or more
34 but less than 10 percent, a withholding factor of 0 percent.
35 In addition, a county that is subject to this lettered

1 paragraph shall receive an inflation adjustment equal to 2
2 percent of the gross expenditures reported for the county's
3 services fund for the fiscal year.

4 (3) For an ending balance percentage of 10 percent or more
5 but less than 25 percent, a withholding factor of 25 percent.
6 However, for counties with an ending balance percentage of 10
7 percent or more but less than 15 percent, the amount withheld
8 shall be limited to the amount by which the county's ending
9 balance was in excess of the ending balance percentage of 10
10 percent.

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

13 NEW SUBSECTION. 8. The total withholding amounts applied
14 pursuant to subsection 7 shall be equal to a withholding target
15 amount of \$13,075,453. If the department of human services
16 determines that the amount appropriated is insufficient or
17 the amount to be withheld in accordance with subsection 7 is
18 not equal to the target withholding amount, the department
19 shall adjust the withholding factors listed in subsection 7 as
20 necessary to achieve the target withholding amount. However,
21 in making such adjustments to the withholding factors, the
22 department shall strive to minimize changes to the withholding
23 factors for those ending balance percentage ranges that are
24 lower than others and shall only adjust the zero withholding
25 factor or the inflation adjustment percentages specified in
26 subsection 7, paragraph "d", when the amount appropriated is
27 insufficient.

28 Sec. 47. 2010 Iowa Acts, chapter 1193, section 99, is
29 amended to read as follows:

30 SEC. 99. MH/MR/DD SERVICES FUND TRANSFER. Notwithstanding
31 section 331.424A, subsection 5, and section 331.432, subsection
32 3, for the fiscal year beginning July 1, 2010, and ending June
33 30, 2011, a county may transfer moneys from other funds of the
34 county to the county's mental health, mental retardation, and
35 developmental disabilities services fund created in section

1 331.424A. A county transferring moneys from other funds of the
2 county to the county's services fund pursuant to this section
3 shall submit a report detailing the transfers made and funds
4 affected. The county shall submit the report along with the
5 county expenditure and information report submitted by December
6 1, ~~2010~~ 2011, in accordance with section 331.439.

7 Sec. 48. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
8 APPLICABILITY. The section of this division of this Act
9 amending 2010 Iowa Acts, chapter 1193, section 99, being deemed
10 of immediate importance, takes effect upon enactment and is
11 retroactively applicable to December 1, 2010.

12 DIVISION VII

13 PRIOR APPROPRIATIONS AND RELATED CHANGES

14 COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM

15 Sec. 49. NEW SECTION. 16.185 **Community housing and services**
16 **for persons with disabilities revolving loan program fund.**

17 1. A community housing and services for persons with
18 disabilities revolving loan program fund is created within the
19 authority to further the availability of affordable housing and
20 supportive services for Medicaid waiver-eligible individuals
21 with behaviors that provide significant barriers to accessing
22 traditional rental and supportive services opportunities. The
23 moneys in the fund are annually appropriated to the authority
24 to be used for the development and operation of a revolving
25 loan program to provide financing to construct affordable
26 permanent supportive housing or develop infrastructure in
27 which to provide supportive services, including through new
28 construction, acquisition and rehabilitation of existing
29 housing or infrastructure, or conversion or adaptive reuse.

30 2. Moneys transferred by the authority for deposit in the
31 community housing and services for persons with disabilities
32 revolving loan program fund, moneys appropriated to the
33 community housing and services for persons with disabilities
34 revolving loan program, and any other moneys available to and
35 obtained or accepted by the authority for placement in the

1 fund shall be credited to the fund. Additionally, payment of
2 interest, recaptures of awards, and other repayments to the
3 community housing and services for persons with disabilities
4 revolving loan program fund shall be credited to the fund.
5 Notwithstanding section 12C.7, subsection 2, interest or
6 earnings on moneys in the fund shall be credited to the fund.
7 Notwithstanding section 8.33, moneys credited to the fund from
8 any other fund that remain unencumbered or unobligated at the
9 close of the fiscal year shall not revert to the other fund.

10 3. a. The authority shall annually allocate moneys
11 available in the fund for the development of permanent
12 supportive housing for Medicaid waiver-eligible individuals.
13 The authority shall develop a joint application process for the
14 allocation of United States housing and urban development HOME
15 investment partnerships program funding and the funds available
16 under this section. Moneys allocated to such projects may be
17 in the form of loans, forgivable loans, or a combination of
18 loans and forgivable loans.

19 b. The authority shall annually allocate moneys available
20 in the fund for the development of infrastructure in which
21 to provide supportive services for Medicaid waiver-eligible
22 individuals who meet the psychiatric medical institution for
23 children level of care. Moneys allocated to such projects may
24 be in the form of loans, forgivable loans, or a combination of
25 loans and forgivable loans.

26 4. a. A project shall demonstrate written approval of the
27 project by the department of human services to the authority
28 prior to application for funding under this section.

29 b. In order to be approved by the department of human
30 services for application for funding for development of
31 permanent supportive housing under this section, a project
32 shall include all of the following components:

33 (1) Provision of services to any of the following Medicaid
34 waiver-eligible individuals:

35 (a) Individuals who are currently underserved in community

1 placements, including individuals who are physically aggressive
2 or have behaviors that are difficult to manage or individuals
3 who meet the psychiatric medical institution for children level
4 of care.

5 (b) Individuals who are currently residing in out-of-state
6 facilities.

7 (c) Individuals who are currently receiving care in a
8 licensed health care facility.

9 (2) A plan to provide each individual with crisis
10 stabilization services to ensure that the individual's
11 behavioral issues are appropriately addressed by the provider.

12 (3) Policies and procedures that prohibit discharge of the
13 individual from the waiver services provided by the project
14 provider unless an alternative placement that is acceptable to
15 the client or the client's guardian is identified.

16 *c.* In order to be approved by the department of human
17 services for application for funding for development of
18 infrastructure in which to provide supportive services under
19 this section, a project shall include all of the following
20 components:

21 (1) Provision of services to Medicaid waiver-eligible
22 individuals who meet the psychiatric medical institution for
23 children level of care.

24 (2) Policies and procedures that prohibit discharge of the
25 individual from the waiver services provided by the project
26 provider unless an alternative placement that is acceptable to
27 the client or the client's guardian is identified.

28 *d.* Housing provided through a project under this section is
29 exempt from the requirements of chapter 1350.

30 5. The authority, in collaboration with the department of
31 human services, shall adopt rules pursuant to chapter 17A to
32 administer this section.

33 VIETNAM CONFLICT VETERANS BONUS

34 Sec. 50. Section 35A.8A, subsection 2, paragraph d, Code
35 2011, is amended to read as follows:

1 *d.* The person files an application for compensation under
2 this section, in a manner determined by the department of
3 veterans affairs, by ~~July 1, 2010~~ May 1, 2011.

4 VIETNAM CONFLICT VETERANS

5 BONUS FUND

6 Sec. 51. 2008 Iowa Acts, chapter 1187, section 68, as
7 amended by 2009 Iowa Acts, chapter 182, section 82, and 2010
8 Iowa Acts, chapter 1192, section 55, is amended to read as
9 follows:

10 Notwithstanding section 8.33, moneys appropriated in this
11 section that remain unencumbered or unobligated at the close of
12 the fiscal year shall not revert but shall remain available for
13 expenditure for the purposes designated until the ~~close of the~~
14 ~~fiscal year beginning July 1, 2010~~ repeal of section 35A.8A.
15 Upon such repeal, the remaining moneys shall be transferred to
16 the veterans trust fund and, notwithstanding section 35A.13,
17 subsection 3, shall only be expended in accordance with an
18 appropriation for purposes of a bonus enacted for veterans of
19 the conflicts in Panama, Grenada, Lebanon, or the Persian Gulf.

20 INJURED VETERANS GRANT PROGRAM

21 Sec. 52. 2008 Iowa Acts, chapter 1187, section 69,
22 unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter
23 182, section 83, and 2010 Iowa Acts, chapter 1192, section 56,
24 is amended to read as follows:

25 Notwithstanding section 8.33, moneys appropriated in this
26 subsection that remain unencumbered or unobligated at the close
27 of the fiscal year shall not revert but shall remain available
28 for expenditure for the purposes designated until the close of
29 the fiscal year beginning July 1, ~~2010~~ 2011.

30 BEHAVIORAL HEALTH SERVICES

31 ACCOUNT — MEDICAL ASSISTANCE

32 Sec. 53. 2009 Iowa Acts, chapter 182, section 9, subsection
33 16, paragraph b, as amended by 2010 Iowa Acts, chapter 1192,
34 section 63, is amended to read as follows:

35 b. The department shall continue to maintain a separate

1 account within the medical assistance budget for the deposit
2 of all funds remitted pursuant to a contract with a third
3 party to administer behavioral health services under the
4 medical assistance program established pursuant to 2008 Iowa
5 Acts, chapter 1187, section 9, subsection 20. Notwithstanding
6 section 8.33, other than funds remaining from the appropriation
7 allocations made for implementation of the emergency mental
8 health crisis services and system, for implementation of the
9 mental health services system for children and youth, and
10 for training of child welfare services providers in 2008
11 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph
12 "c", subparagraphs (1), (2), and (6), as authorized in 2009
13 Iowa Acts, chapter 182, section 72, shall not revert but
14 shall remain available in succeeding fiscal years to be used
15 for the purposes designated until expended and any other
16 funds remaining in the account that remain unencumbered or
17 unobligated at the end of the fiscal year shall not revert
18 but shall remain available in succeeding fiscal years
19 ~~and are appropriated to the department to be used for the~~
20 ~~medical assistance program~~ to be used for purposes of crisis
21 stabilization and other mental and behavioral health service
22 improvements.

23 CHILD WELFARE DECATEGORIZATION

24 FY 2009-2010 NONREVERSION

25 Sec. 54. 2009 Iowa Acts, chapter 182, section 14, subsection
26 5, is amended by adding the following new unnumbered paragraph:
27 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
28 232.188, subsection 5, moneys from the allocations made
29 in this subsection or made from any other source for the
30 decategorization of child welfare and juvenile justice funding
31 initiative under section 232.188 for the fiscal year beginning
32 July 1, 2009, that are designated as carryover funding that
33 remain unencumbered or unobligated at the close of the fiscal
34 year beginning July 1, 2010, shall not revert but shall be
35 transferred to the community housing and services for persons

1 with disabilities revolving loan program fund created in
2 section 16.185, as enacted by this division of this Act.

3 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 — ALLOCATION
4 FOR INFANT AND TODDLER CARE QUALITY

5 Sec. 55. 2009 Iowa Acts, chapter 183, section 62, subsection
6 3, is amended to read as follows:

7 3. For the purposes of this subsection, "federal poverty
8 level" means the poverty level defined by the most recently
9 revised poverty income guidelines published by the United
10 States department of health and human services. The program
11 shall provide financial assistance to families with infants
12 and toddlers less than thirty-six months of age ~~two~~ that have
13 a family income of more than 145 percent but not more than 185
14 percent of the federal poverty level. However, the department
15 may adjust the qualifying criteria or the financial assistance
16 purpose provisions specified in this subsection or make other
17 changes as necessary for implementation to conform with federal
18 requirements for the funding. Outcome reporting and other
19 grant requirements shall be developed by the department in
20 cooperation with the Iowa empowerment board.

21 Sec. 56. 2009 Iowa Acts, chapter 183, section 62, subsection
22 4, is amended to read as follows:

23 4. The financial assistance shall be for any of the
24 following purposes:

25 a. For making temporary payments to qualifying families
26 whose members are recently unemployed and seeking work to use
27 in meeting immediate family needs.

28 b. For providing sliding scale subsidies for qualifying
29 families for child care provided to the families' infants
30 and toddlers by providers who are accredited by the national
31 association for the education of young children or the national
32 association for family child care, or who have a rating at
33 level ~~3~~ 2 or higher under the child care quality rating system
34 implemented pursuant to section 237A.30.

35 c. For expanding training and other support for infant care

1 providers in the community and this state.

2 d. For ensuring child care environments are healthy and
3 safe.

4 e. For promoting positive relationships between parents
5 and providers in their mutual efforts to care for very young
6 children.

7 f. For ensuring that parents have the information and
8 resources needed to choose quality child care.

9 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

10 Sec. 57. 2010 Iowa Acts, chapter 1192, section 1, subsection
11 2, is amended to read as follows:

12 2. a. Of the funds appropriated in this section, \$1,246,514
13 shall be transferred to the department of human services in
14 equal amounts on a quarterly basis for reimbursement of case
15 management services provided under the medical assistance
16 elderly waiver. The department of human services shall adopt
17 rules for case management services provided under the medical
18 assistance elderly waiver in consultation with the department
19 on aging.

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

1 ~~the medical assistance program.~~

2 IOWA VETERANS HOME

3 Sec. 58. 2010 Iowa Acts, chapter 1192, section 3, subsection
4 2, is amended by adding the following new paragraph:

5 NEW PARAGRAPH. d. The funds appropriated in this subsection
6 to the Iowa veterans home that remain available for expenditure
7 for the succeeding fiscal year pursuant to section 35D.18,
8 subsection 5, shall be distributed to be used in the succeeding
9 fiscal year in accordance with this lettered paragraph. The
10 first \$500,000 shall remain available to be used for the
11 purposes of the Iowa veterans home. On or before October 15,
12 2011, the department of management shall transfer the remaining
13 balance to the appropriation to the department of human
14 services for medical assistance.

15 MEDICAL ASSISTANCE PROGRAM

16 Sec. 59. 2010 Iowa Acts, chapter 1192, section 11, is
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 25. The department may increase the amounts
19 allocated for salaries, support, maintenance, and miscellaneous
20 purposes associated with the medical assistance program as
21 necessary to implement cost containment efforts in order to
22 accomplish medical assistance program savings. These amounts
23 may be transferred to the appropriation made in this division
24 of this Act for the health insurance premium payment program.

25 STATE SUPPLEMENTARY ASSISTANCE PROGRAM

26 Sec. 60. 2010 Iowa Acts, chapter 1192, section 14, is
27 amended by adding the following new subsection:

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

33 CHILD WELFARE TRAINING ACADEMY

34 Sec. 61. 2010 Iowa Acts, chapter 1192, section 19,
35 subsection 22, is amended to read as follows:

1 22. Of the funds appropriated in this section, at least
2 \$47,158 shall be used for the child welfare training academy.
3 Notwithstanding section 8.33, moneys allocated in this
4 subsection that remain unencumbered or unobligated at the close
5 of the fiscal year shall not revert but shall remain available
6 for expenditure for the purposes designated until the close of
7 the succeeding fiscal year.

8 ADOPTION SUBSIDY TRANSFER AND NONREVERSION

9 Sec. 62. 2010 Iowa Acts, chapter 1192, section 20, is
10 amended by adding the following new subsections:

11 NEW SUBSECTION. 4. Of the funds appropriated in this
12 section, \$60,000 shall be transferred to the appropriation
13 made in this division of this Act for the state mental health
14 institute at Cherokee to be used for childrens' beds at the
15 institute.

16 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
17 appropriated in this section that remain unencumbered or
18 unobligated at the close of the fiscal year shall not revert
19 but shall remain available for expenditure for the purposes
20 designated until the close of the succeeding fiscal year.

21 DEPARTMENT OF HUMAN SERVICES — FIELD OPERATIONS

22 Sec. 63. 2010 Iowa Acts, chapter 1192, section 29, is
23 amended by adding the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
25 moneys appropriated in this section that remain unencumbered or
26 unobligated at the close of the fiscal year shall not revert
27 but shall remain available for expenditure for the purposes
28 designated until the close of the succeeding fiscal year.

29 DEPARTMENT OF HUMAN SERVICES — GENERAL ADMINISTRATION

30 Sec. 64. 2010 Iowa Acts, chapter 1192, section 30, is
31 amended by adding the following new subsection:

32 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
33 appropriated in this section and the designated allocations
34 that remain unencumbered or unobligated at the close of the
35 fiscal year shall not revert but shall remain available for

1 expenditure for the purposes designated until the close of the
2 succeeding fiscal year.

3 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

4 Sec. 65. 2010 Iowa Acts, chapter 1192, section 37,
5 subsection 1, is amended to read as follows:

6 1. a. Of the funds appropriated in this section, \$1,010,000
7 shall be transferred to the department of human services in
8 equal amounts on a quarterly basis for reimbursement of case
9 management services provided under the medical assistance
10 elderly waiver.

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

28 QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES

29 Sec. 66. 2010 Iowa Acts, chapter 1192, section 44, is
30 amended to read as follows:

31 SEC. 44. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN
32 SERVICES. Notwithstanding any provision to the contrary and
33 subject to the availability of funds, there is appropriated
34 from the quality assurance trust fund created in section
35 249L.4 to the department of human services for the fiscal year

1 beginning July 1, 2010, and ending June 30, 2011, the following
2 amounts, or so much thereof as is necessary for the purposes
3 designated:

4 To supplement the appropriation made in this Act from the
5 general fund of the state to the department of human services
6 for medical assistance:

7 \$ ~~13,900,000~~
8 33,708,458

9 1. Of the funds appropriated in this section, \$7,500,000
10 shall be used for nursing facility reimbursement under the
11 medical assistance program in accordance with the nursing
12 facility reimbursement provisions of division IV of this
13 Act, to continue application of the administrative rules
14 changes relating to nursing facility reimbursement and payment
15 procedures made pursuant to 2010 Iowa Acts, Senate File 2366,
16 if enacted, for the fiscal year beginning July 1, 2010, and
17 ending June 30, 2011, and to restore the 5 percent reduction
18 made in nursing facility reimbursement in accordance with
19 executive order number 19 issued October 8, 2009.

20 2. The costs associated with the implementation of this
21 section shall be funded exclusively through moneys appropriated
22 from the quality assurance trust fund, and shall result in
23 budget neutrality to the general fund of the state for the
24 fiscal year beginning July 1, 2010, and ending June 30, 2011.

25 INJURED VETERANS TRUST FUND

26 Sec. 67. INJURED VETERANS TRUST FUND. There is appropriated
27 from the general fund of the state to the department of
28 veterans affairs for the fiscal year beginning July 1,
29 2010, and ending June 30, 2011, the following amount, or so
30 much thereof as is necessary, to be used for the purposes
31 designated:

32 To be credited to the injured veterans trust fund created
33 pursuant to section 35A.14 to be used for the injured veterans
34 grant program:

35 \$ 1,000,000

1 The department shall review the rules and statutory
2 provisions pertaining to the injured veterans grant program and
3 propose amendments to improve the program. Notwithstanding
4 section 8.33, moneys appropriated in this section that remain
5 unencumbered or unobligated at the close of the fiscal year
6 shall not revert but shall remain available for expenditure for
7 the purposes designated until expended.

8 MERCHANT MARINE BONUS FUND TRANSFER

9 Sec. 68. DEPARTMENT OF CULTURAL AFFAIRS — MERCHANT MARINE
10 BONUS FUND.

11 1. The appropriation made from the merchant marine bonus
12 fund to the department of cultural affairs for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, in 2010 Iowa
14 Acts, chapter 1193, section 82, shall be transferred on the
15 effective date of this section to the department of veterans
16 affairs to be used for departmental costs.

17 2. Moneys transferred pursuant to this section that remain
18 unencumbered or unobligated at the close of the fiscal year
19 shall be credited to the veterans trust fund created in section
20 35A.13.

21 Sec. 69. DECATEGORIZATION PROJECT FUNDING. For the
22 period beginning June 1, 2010, and ending June 30, 2012, a
23 child welfare and juvenile justice funding decategorization
24 initiative project that is incorporated and owns real property
25 may utilize project funding to purchase liability insurance.

26 STATE INSTITUTION — APPROPRIATION TRANSFERS

27 Sec. 70. DEPARTMENT OF HUMAN SERVICES. There is transferred
28 between the following designated appropriations made to the
29 department of human services for the fiscal year beginning July
30 1, 2010, and ending June 30, 2011, not more than the following
31 amounts:

32 1. From the appropriation made for purposes of the state
33 resource center at Glenwood in 2010 Iowa Acts, chapter 1192,
34 section 25, subsection 1, paragraph "a", to the appropriation
35 made for purposes of the Iowa juvenile home at Toledo in 2010

1 Iowa Acts, chapter 1192, section 17, subsection 1:
2 \$ 400,000

3 2. From the appropriation made for purposes of the state
4 resource center at Woodward in 2010 Iowa Acts, chapter 1192,
5 section 25, subsection 1, paragraph "b", to the appropriation
6 made for purposes of the state mental health institute at
7 Independence in 2010 Iowa Acts, chapter 1192, section 24,
8 subsection 1, paragraph "c":

9 \$ 400,000

10 Sec. 71. ACCOUNTABLE CARE ORGANIZATION — PILOT.

11 1. a. If an entity applies for certification from the
12 secretary of the United States department of health and
13 human services prior to January 1, 2012, and is subsequently
14 certified to administer an accountable care organization
15 pilot project, pursuant to the federal Patient Protection and
16 Accountability Act, Pub. L. No. 111-148, the department of
17 human services shall work with the entity to provide access to
18 the complete deidentified claims data of the medical assistance
19 recipients receiving health care services through the pilot
20 project for the purposes of identifying areas of utilization,
21 need, and potential cost savings to the medical assistance
22 program subject to all applicable state and federal laws and
23 regulations. The department may also employ new payment
24 models, information technology, and data analytics provisions
25 necessary to the administration of the pilot project.

26 b. The department of human services shall work with an
27 entity to administer an accountable care organization pilot
28 project, only if the centers for Medicare and Medicaid services
29 of the United States department of health and human services
30 approves participation of the medical assistance program in
31 the pilot project and the entity meets all of the following
32 requirements:

33 (1) At a minimum, includes the participation of a
34 prospective payment system hospital, ten primary care
35 physicians, a home health care practice, a palliative care

1 services, a hospice service, and a community mental health
2 center, all of which agree to be paid under a partial or global
3 payment for identified services.

4 (2) Requires all participating providers to utilize
5 electronic health records.

6 (3) Includes delivery of mental health services to
7 recipients of medical assistance through collaboration with
8 the regional community mental health center, a federally
9 qualified health center, and at least one nursing facility as
10 consistent with any other law enacted by the Eighty-fourth
11 general assembly, 2011 session, that redesigns the mental
12 health delivery system in the state.

13 c. The entity certified to implement the pilot project shall
14 report to the joint appropriations subcommittee for health and
15 human services during the 2012 legislative session detailing
16 the progress and expected outcomes of the pilot project.

17 Sec. 72. EMERGENCY RULES. For purposes of the initial
18 rules to implement the provisions of section 16.185, as enacted
19 by this division of this Act, the Iowa finance authority may
20 adopt administrative rules under section 17A.4, subsection
21 3, and section 17A.5, subsection 2, paragraph "b", to
22 implement the provisions and the rules shall become effective
23 immediately upon filing or on a later effective date specified
24 in the rules, unless the effective date is delayed by the
25 administrative rules review committee. Any rules adopted in
26 accordance with this section shall not take effect before
27 the rules are reviewed by the administrative rules review
28 committee. The delay authority provided to the administrative
29 rules review committee under section 17A.4, subsection 7, and
30 section 17A.8, subsection 9, shall be applicable to a delay
31 imposed under this section, notwithstanding a provision in
32 those sections making them inapplicable to section 17A.5,
33 subsection 2, paragraph "b". Any rules adopted in accordance
34 with the provisions of this section shall also be published as
35 a notice of intended action as provided in section 17A.4.

1 evidence-based best practices regarding the implementation
2 of the medical home as defined in section 135.157 ~~and the~~
3 ~~prevention and chronic care management initiative pursuant to~~
4 ~~section 135.161~~. The director shall act as chairperson of the
5 advisory panel.

6 3. The clinicians advisory panel shall meet on a quarterly
7 basis to receive updates from the director regarding strategic
8 planning and implementation progress on the medical home ~~and~~
9 ~~the prevention and chronic care management initiative~~ and shall
10 provide clinical consultation to the department regarding the
11 medical home ~~and the initiative~~.

12 Sec. 79. Section 136.3, subsection 14, Code 2011, is amended
13 to read as follows:

14 14. Perform those duties authorized pursuant to sections
15 135.156, and 135.159, ~~and 135.161~~, and other provisions of law.

16 Sec. 80. REPEAL. Section 135.161, Code 2011, is repealed.

17 Sec. 81. EFFECTIVE DATE. This division of this Act takes
18 effect December 31, 2011.

19 DIVISION IX

20 MISCELLANEOUS

21 Sec. 82. Section 29C.20B, Code 2011, is amended to read as
22 follows:

23 **29C.20B Disaster case management.**

24 1. The ~~rebuild Iowa office~~ homeland security and emergency
25 management division shall work with the department of
26 human services and nonprofit, voluntary, and faith-based
27 organizations active in disaster recovery and response
28 in coordination with ~~the homeland security and emergency~~
29 ~~management division~~ the department of human services to
30 establish a statewide system of disaster case management
31 to be activated following the governor's proclamation of a
32 disaster emergency or the declaration of a major disaster by
33 the president of the United States for individual assistance
34 purposes. Under the system, the ~~department of human services~~
35 homeland security and emergency management division shall

1 coordinate case management services locally through local
2 committees as established in each local emergency management
3 commission's emergency plan. ~~Beginning July 1, 2011, the~~
4 ~~department of human services shall assume the duties of the~~
5 ~~rebuild Iowa office under this subsection.~~

6 2. ~~The department of human services~~ homeland security
7 and emergency management division, in conjunction with the
8 ~~rebuild Iowa office, the homeland security and emergency~~
9 ~~management division~~ department of human services, and an
10 Iowa representative to the national voluntary organizations
11 active in disaster, shall adopt rules pursuant to chapter
12 17A to create coordination mechanisms and standards for the
13 establishment and implementation of a statewide system of
14 disaster case management which shall include at least all of
15 the following:

- 16 a. Disaster case management standards.
17 b. Disaster case management policies.
18 c. Reporting requirements.
19 d. Eligibility criteria.
20 e. Coordination mechanisms necessary to carry out the
21 services provided.
22 f. Develop formal working relationships with agencies and
23 create interagency agreements for those considered to provide
24 disaster case management services.
25 g. Coordination of all available services for individuals
26 from multiple agencies.

27 Sec. 83. Section 135.106, Code 2011, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 4. It is the intent of the general
30 assembly that priority for home visitation funding be given to
31 approaches using evidence-based or promising models for home
32 visitation.

33 Sec. 84. Section 135H.6, subsection 8, Code 2011, is amended
34 to read as follows:

35 8. The department of human services may give approval to

1 conversion of beds approved under subsection 6, to beds which
2 are specialized to provide substance abuse treatment. However,
3 the total number of beds approved under subsection 6 and this
4 subsection shall not exceed four hundred thirty. Conversion
5 of beds under this subsection shall not require a revision of
6 the certificate of need issued for the psychiatric institution
7 making the conversion. Beds for children who do not reside
8 in this state and whose service costs are not paid by public
9 funds in this state are not subject to the limitations on the
10 number of beds and certificate of need requirements otherwise
11 applicable under this section.

12 Sec. 85. Section 147.136, Code 2011, is amended to read as
13 follows:

14 **147.136 Scope of recovery.**

15 1. In Except as otherwise provided in subsection 2, in an
16 action for damages for personal injury against a physician and
17 surgeon, osteopathic physician and surgeon, dentist, podiatric
18 physician, optometrist, pharmacist, chiropractor, or nurse
19 licensed to practice that profession in this state, or against
20 a hospital licensed for operation in this state, based on the
21 alleged negligence of the practitioner in the practice of the
22 profession or occupation, or upon the alleged negligence of
23 the hospital in patient care, in which liability is admitted
24 or established, the damages awarded shall not include actual
25 economic losses incurred or to be incurred in the future by the
26 claimant by reason of the personal injury, including but not
27 limited to, the cost of reasonable and necessary medical care,
28 rehabilitation services, and custodial care, and the loss of
29 services and loss of earned income, to the extent that those
30 losses are replaced or are indemnified by insurance, or by
31 governmental, employment, or service benefit programs or from
32 any other source ~~except the assets of the claimant or of the~~
33 ~~members of the claimant's immediate family.~~

34 2. This section shall not bar recovery of economic losses
35 replaced or indemnified by any of the following:

1 a. Benefits received under the medical assistance program
2 under chapter 249A.

3 b. The assets of the claimant or of the members of the
4 claimant's immediate family.

5 Sec. 86. Section 153.14, subsection 1, Code 2011, is amended
6 to read as follows:

7 1. Students of dentistry who practice dentistry upon
8 patients at clinics in connection with their regular course
9 of instruction at ~~the state~~ an accredited dental college,
10 students of dental hygiene who practice upon patients at
11 clinics in connection with their regular course of instruction
12 at state-approved schools, and students of dental assisting
13 who practice upon patients at clinics in connection with a
14 regular course of instruction determined by the board pursuant
15 to section 153.39.

16 Sec. 87. Section 154A.24, subsection 3, paragraph s, Code
17 2011, is amended by striking the paragraph.

18 Sec. 88. NEW SECTION. 155A.43 Pharmaceutical collection and
19 disposal program — annual allocation.

20 Of the fees collected pursuant to sections 124.301 and
21 147.80 and chapter 155A by the board of pharmacy, and retained
22 by the board pursuant to section 147.82, not more than one
23 hundred twenty-five thousand dollars, may be allocated annually
24 by the board for administering the pharmaceutical collection
25 and disposal program originally established pursuant to 2009
26 Iowa Acts, chapter 175, section 9. The program shall provide
27 for the management and disposal of unused, excess, and expired
28 pharmaceuticals. The board of pharmacy may cooperate with the
29 Iowa pharmacy association and may consult with the department
30 and sanitary landfill operators in administering the program.

31 Sec. 89. Section 225B.8, Code 2011, is amended to read as
32 follows:

33 **225B.8 Repeal.**

34 This chapter is repealed July 1, ~~2011~~ 2012.

35 Sec. 90. Section 232.188, subsection 5, paragraph b,

1 unnumbered paragraph 1, Code 2011, is amended to read as
2 follows:

3 Notwithstanding section 8.33, moneys designated for a
4 project's decategorization services funding pool that remain
5 unencumbered or unobligated at the close of the fiscal year
6 shall not revert but shall remain available for expenditure as
7 directed by the project's governance board for child welfare
8 and juvenile justice systems enhancements and other purposes of
9 the project ~~until the close of the succeeding fiscal year and~~
10 for the next two succeeding fiscal years. Such moneys shall be
11 known as "*carryover funding*". Moneys may be made available to a
12 funding pool from one or more of the following sources:

13 Sec. 91. Section 235B.19, Code 2011, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 2A. a. The department shall serve a copy
16 of the petition and any order authorizing protective services,
17 if issued, on the dependent adult and on persons who are
18 competent adults and reasonably ascertainable at the time the
19 petition is filed in accordance with the following priority:

20 (1) An attorney in fact named by the dependent adult in a
21 durable power of attorney for health care pursuant to chapter
22 144B.

23 (2) The dependent adult's spouse.

24 (3) The dependent adult's children.

25 (4) The dependent adult's grandchildren.

26 (5) The dependent adult's siblings.

27 (6) The dependent adult's aunts and uncles.

28 (7) The dependent adult's nieces and nephews.

29 (8) The dependent adult's cousins.

30 b. When the department has served a person in one of the
31 categories specified in paragraph "a", the department shall not
32 be required to serve a person in any other category.

33 c. The department shall serve the dependent adult's copy
34 of the petition and order personally upon the dependent
35 adult. Service of the petition and all other orders and

1 notices shall be in a sealed envelope with the proper postage
2 on the envelope, addressed to the person being served at the
3 person's last known post office address, and deposited in a
4 mail receptacle provided by the United States postal service.
5 The department shall serve such copies of emergency orders
6 authorizing protective services and notices within three days
7 after filing the petition and receiving such orders.

8 d. The department and all persons served by the department
9 with notices under this subsection shall be prohibited from
10 all of the following without prior court approval after the
11 department's petition has been filed:

12 (1) Selling, removing, or otherwise disposing of the
13 dependent adult's personal property.

14 (2) Withdrawing funds from any bank, savings and loan
15 association, credit union, or other financial institution, or
16 from an account containing securities in which the dependent
17 adult has an interest.

18 Sec. 92. Section 237A.1, subsection 3, paragraph n, Code
19 2011, is amended to read as follows:

20 n. A program offered to a child whose parent, guardian,
21 or custodian is engaged solely in a recreational or social
22 activity, remains immediately available and accessible on the
23 physical premises on which the child's care is provided, and
24 does not engage in employment while the care is provided.
25 However, if the recreational or social activity is provided in
26 a fitness center or on the premises of a nonprofit organization
27 the parent, guardian, or custodian of the child may be employed
28 to teach or lead the activity.

29 Sec. 93. Section 249A.4B, subsection 2, paragraph a,
30 subparagraph (18), Code 2011, is amended to read as follows:

31 (18) The ~~Iowa/Nebraska~~ Iowa primary care association.

32 Sec. 94. REPEAL. Section 135.27A, Code 2011, is repealed
33 December 31, 2011.

34
35

DIVISION X
MEDICAID PRESCRIPTION DRUGS

1 Sec. 95. Section 249A.20A, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. With the exception of drugs prescribed for the treatment
4 of human immunodeficiency virus or acquired immune deficiency
5 syndrome, transplantation, or cancer and drugs prescribed
6 for mental illness with the exception of drugs and drug
7 compounds that do not have a significant variation in a
8 therapeutic profile or side effect profile within a therapeutic
9 class, prescribing and dispensing of prescription drugs not
10 included on the preferred drug list shall be subject to prior
11 authorization.

12 Sec. 96. 2010 Iowa Acts, chapter 1031, section 348, is
13 amended to read as follows:

14 SEC. 348. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING.

15 ~~1.~~ The department shall adopt rules pursuant to chapter 17A
16 to restrict physicians and other prescribers to prescribing
17 not more than a 72-hour or three-day supply of a prescription
18 drug not included on the medical assistance preferred drug list
19 while seeking approval to continue prescribing the medication.

20 ~~2. Notwithstanding subsection 1, the department shall~~
21 ~~adopt rules pursuant to chapter 17A to restrict a physician or~~
22 ~~other prescriber prescribing a chemically unique mental health~~
23 ~~prescription drug to prescribing not more than a seven-day~~
24 ~~supply of the prescription drug while requesting approval to~~
25 ~~continue to prescribe the medication. The rules shall provide~~
26 ~~that if an approval or disapproval is not received by the~~
27 ~~physician or other prescriber within 48 hours of the request,~~
28 ~~the request is deemed approved.~~

29 Sec. 97. REPEAL. 2010 Iowa Acts, chapter 1031, section 349,
30 is repealed.

31 Sec. 98. RESCINDING AND ADOPTION OF RULES. The department
32 of human services shall rescind the rules adopted pursuant
33 to 2010 Iowa Acts, chapter 1031, section 347, chapter 1031,
34 section 348, subsection 2, and chapter 1031, section 349,
35 and shall instead adopt emergency rules under section 17A.4,

1 adjusted in accordance with the inflation adjustment procedures
2 prescribed in the federal Civil Penalties Inflation Adjustment
3 Act of 1990, Pub. L. No. 101-410, for each false or fraudulent
4 claim, plus three times the amount of damages which the state
5 ~~sustains because of the act of that person:~~

6 Sec. 103. Section 685.3, subsection 5, paragraph c, Code
7 2011, is amended by striking the paragraph and inserting in
8 lieu thereof the following:

9 c. A court shall dismiss an action or claim under this
10 section, unless opposed by the state, if substantially the
11 same allegations or transactions as alleged in the action or
12 claim were publicly disclosed in a state criminal, civil, or
13 administrative hearing in which the state or an agent of the
14 state is a party; in a state legislative, state auditor, or
15 other state report, hearing, audit, or investigation; or by
16 the news media, unless the action is brought by the attorney
17 general or the qui tam plaintiff is an original source of the
18 information.

19 Sec. 104. Section 685.3, subsection 6, Code 2011, is amended
20 to read as follows:

21 6. a. Any employee, contractor, or agent ~~who~~ shall be
22 entitled to all relief necessary to make that employee,
23 contractor, or agent whole, if that employee, contractor, or
24 agent is discharged, demoted, suspended, threatened, harassed,
25 or in any other manner discriminated against in the terms and
26 conditions of employment because of lawful acts performed
27 done by the employee, contractor, or agent on behalf of
28 ~~the employee, contractor, or agent~~ or associated others in
29 furtherance of an action under this section or other efforts
30 to stop a violation one or more violations of this chapter,
31 ~~shall be entitled to all relief necessary to make the employee,~~
32 ~~contractor, or agent whole. Such relief~~

33 b. Relief under paragraph "a" shall include reinstatement
34 with the same seniority status such that employee, contractor,
35 or agent would have had but for the discrimination, two

1 times the amount of back pay, interest on the back pay, and
2 compensation for any special damages sustained as a result of
3 the discrimination, including litigation costs and reasonable
4 attorney fees. ~~An employee, contractor, or agent may bring an~~
5 action under this subsection may be brought in the appropriate
6 district court of the state for the relief provided in this
7 subsection.

8 c. A civil action under this subsection shall not be brought
9 more than three years after the date when the retaliation
10 occurred.

11 DIVISION XII

12 VOLUNTEER HEALTH CARE PROVIDER PROGRAM

13 Sec. 105. Section 135.24, subsection 2, paragraphs b and c,
14 Code 2011, are amended to read as follows:

15 b. Procedures for registration of hospitals, free clinics,
16 field dental clinics, and specialty health care provider
17 offices.

18 c. Criteria for and identification of hospitals, clinics,
19 free clinics, field dental clinics, specialty health care
20 provider offices, or other health care facilities, health
21 care referral programs, or charitable organizations,
22 eligible to participate in the provision of free medical,
23 dental, chiropractic, pharmaceutical, nursing, optometric,
24 psychological, social work, behavioral science, podiatric,
25 physical therapy, occupational therapy, respiratory therapy,
26 or emergency medical care services through the volunteer
27 health care provider program. A hospital, a clinic, a
28 free clinic, a field dental clinic, a specialty health care
29 provider office, a health care facility, a health care referral
30 program, a charitable organization, or a health care provider
31 participating in the program shall not bill or charge a
32 patient for any health care provider service provided under the
33 volunteer health care provider program.

34 Sec. 106. Section 135.24, Code 2011, is amended by adding
35 the following new subsection:

1 budget and funding plan and vision for the future.

2 Sec. 109. PROVIDER PAYMENT SYSTEM PLAN — PILOT
3 PROJECT. The department of human services shall develop a
4 provider payment system plan to provide recommendations to
5 reform the health care provider payment system as an effective
6 way to promote coordination of care, lower costs, and improve
7 quality. The plan shall provide analysis and recommendations
8 regarding but not limited to accountable care organizations, a
9 global payment system, or an episode of care payment system.

10 Sec. 110. EFFECTIVE UPON ENACTMENT. This division of this
11 Act, being deemed of immediate importance, takes effect upon
12 enactment.

13 DIVISION XIV

14 HEALTH INFORMATION TECHNOLOGY

15 Sec. 111. NEW SECTION. 135D.1 Findings and intent.

16 1. The general assembly finds all of the following:

17 *a.* Technology used to support health-related functions is
18 widely known as health information technology. Electronic
19 health records are used to collect and store relevant patient
20 health information. Electronic health records serve as a means
21 of bringing evidence-based knowledge resources and patient
22 information to the point of care to support better decision
23 making and more efficient care processes.

24 *b.* Health information technology allows for comprehensive
25 management of health information and its secure electronic
26 exchange between providers, public health agencies, payers,
27 and consumers. Broad use of health information technology
28 should improve health care quality and the overall health of
29 the population, increase efficiencies in administrative health
30 care, reduce unnecessary health care costs, and help prevent
31 medical errors.

32 *c.* Health information technology provides a mechanism to
33 transform the delivery of health and medical care in Iowa and
34 across the nation.

35 2. It is the intent of the general assembly to use health

1 information technology as a catalyst to achieve a healthier
2 Iowa through the electronic sharing of health information. A
3 health information network involves sharing health information
4 across the boundaries of individual practice and institutional
5 health settings and with consumers. The result is a public
6 good that will contribute to improved clinical outcomes and
7 patient safety, population health, access to and quality of
8 health care, and efficiency in health care delivery.

9 3. It is the intent of the general assembly that the health
10 information network shall not constitute a health benefit
11 exchange or a health insurance exchange.

12 Sec. 112. NEW SECTION. 135D.2 Definitions.

13 For the purposes of this chapter, unless the context
14 otherwise requires:

15 1. "*Authorized*" means having met the requirements as a
16 participant for access to the health information network.

17 2. "*Board*" means the board of directors of Iowa e-health.

18 3. "*Consumers*" means people who acquire and use goods and
19 services for personal need.

20 4. "*Continuity of care document*" means a summary of a
21 patient's health information for each visit to a provider to be
22 delivered through the health information network.

23 5. "*Department*" means the department of public health.

24 6. "*Deputy director*" means the deputy director of public
25 health.

26 7. "*Director*" means the director of public health.

27 8. "*Exchange*" means the authorized electronic sharing
28 of health information between providers, payers, consumers,
29 public health agencies, the department, and other authorized
30 participants utilizing the health information network and
31 health information network services.

32 9. "*Executive director*" means the executive director of the
33 office of health information technology.

34 10. "*Health information*" means any information, in any
35 form or medium, that is created, transmitted, or received

1 by a provider, payer, consumer, public health agency, the
2 department, or other authorized participant, which relates
3 to the past, present, or future physical or mental health or
4 condition of an individual; the provision of health care to an
5 individual; or the past, present, or future payment for the
6 provision of health care to an individual.

7 11. "*Health information network*" means the exclusive
8 statewide electronic health information network.

9 12. "*Health information network services*" means the
10 exchanging of health information via the health information
11 network; education and outreach to support connection and
12 access to and use of the health information network; and all
13 other activities related to the electronic exchange of health
14 information.

15 13. "*Health Insurance Portability and Accountability*
16 *Act*" means the federal Health Insurance Portability and
17 Accountability Act of 1996, Pub. L. No. 104-191, including
18 amendments thereto and regulations promulgated thereunder.

19 14. "*Infrastructure*" means technology including
20 architecture, hardware, software, networks, terminology and
21 standards, and policies and procedures governing the electronic
22 exchange of health information.

23 15. "*Iowa e-health*" means the collaboration between the
24 department and other public and private stakeholders to
25 establish, operate, and sustain an exclusive statewide health
26 information network.

27 16. "*Iowa Medicaid enterprise*" means Iowa medicaid
28 enterprise as defined in section 249J.3.

29 17. "*Local board of health*" means a city, county, or
30 district board of health.

31 18. "*Office*" means the office of health information
32 technology within the department.

33 19. "*Participant*" means an authorized provider, payer,
34 patient, public health agency, the department, or other
35 authorized person that has voluntarily agreed to authorize,

1 submit, access, and disclose health information through the
2 health information network in accordance with this chapter
3 and all applicable laws, rules, agreements, policies, and
4 procedures.

5 20. "*Participation and data sharing agreement*" means
6 the agreement outlining the terms of access and use for
7 participation in the health information network.

8 21. "*Patient*" means a person who has received or is
9 receiving health services from a provider.

10 22. "*Payer*" means a person who makes payments for health
11 services, including but not limited to an insurance company,
12 self-insured employer, government program, individual, or other
13 purchaser that makes such payments.

14 23. "*Protected health information*" means individually
15 identifiable patient information, including demographic
16 information, related to the past, present, or future health
17 or condition of a person; the provision of health care to
18 a person; or the past, present, or future payment for such
19 health care; which is created, transmitted, or received by a
20 participant. "*Protected health information*" does not include
21 education and other records that are covered under the federal
22 Family Educational Rights and Privacy Act of 1974, as codified
23 at 20 U.S.C. 1232g, as amended; or any employment records
24 maintained by a covered entity, as defined under the Health
25 Insurance Portability and Accountability Act, in its role as
26 an employer.

27 24. "*Provider*" means a hospital, physician clinic, pharmacy,
28 laboratory, health service provider, or other person that is
29 licensed, certified, or otherwise authorized or permitted
30 by law to administer health care in the ordinary course of
31 business or in the practice of a profession, or any other
32 person or organization that furnishes, bills, or is paid for
33 health care in the normal course of business.

34 25. "*Public health agency*" means an entity that is governed
35 by or contractually responsible to a local board of health or

1 the department to provide services focused on the health status
2 of population groups and their environments.

3 26. "*Purchaser*" means any individual, employer, or
4 organization that purchases health insurance or services and
5 includes intermediaries.

6 27. "*Vendor*" means a person or organization that provides
7 or proposes to provide goods or services to the department
8 pursuant to a contract, but does not include an employee of the
9 state, a retailer, or a state agency or instrumentality.

10 Sec. 113. NEW SECTION. 135D.3 Iowa e-health established —
11 **guiding principles, goals, domains.**

12 1. Iowa e-health is established as a public-private,
13 multi-stakeholder collaborative. The purpose of Iowa e-health
14 is to develop, administer, and sustain the health information
15 network to improve the quality, safety, and efficiency of
16 health care available to Iowans.

17 2. Iowa e-health shall manage and operate the health
18 information network. Nothing in this chapter shall be
19 interpreted to impede or preclude the formation and operation
20 of regional, population-specific, or local health information
21 networks or their participation in the health information
22 network.

23 3. Iowa e-health shall facilitate the exchange of health
24 information for prevention and treatment purposes to help
25 providers make the best health care decisions for patients and
26 to provide patients with continuity of care regardless of the
27 provider the patient visits.

28 4. The guiding principles of Iowa e-health include all of
29 the following:

30 a. To engage in a collaborative, public-private,
31 multi-stakeholder effort including providers, payers,
32 purchasers, governmental entities, educational institutions,
33 and consumers.

34 b. To create a sustainable health information network which
35 makes information available when and where it is needed.

1 *c.* To ensure the health information network incorporates
2 provider priorities and appropriate participant education.

3 *d.* To instill confidence in consumers that their health
4 information is secure, private, and accessed appropriately.

5 *e.* To build on smart practices and align with federal
6 standards to ensure interoperability within and beyond the
7 state.

8 5. The goals of Iowa e-health include all of the following:

9 *a.* To build awareness and trust of health information
10 technology through communication and outreach to providers and
11 consumers.

12 *b.* To safeguard privacy and security of health information
13 shared electronically between participants through the health
14 information network so that the health information is secure,
15 private, and accessed only by authorized individuals and
16 entities.

17 *c.* To promote statewide deployment and use of electronic
18 health records.

19 *d.* To enable the electronic exchange of health information.

20 *e.* To advance coordination of activities across state and
21 federal governments.

22 *f.* To establish a governance model for the health
23 information network.

24 *g.* To establish sustainable business and technical
25 operations for the health information exchange.

26 *h.* To secure financial resources to develop and sustain the
27 health information network.

28 *i.* To monitor and evaluate health information technology
29 progress and outcomes.

30 6. Iowa e-health shall include the following five domains:

31 *a. Governance.* Iowa e-health shall be governed by a board
32 of directors whose members represent stakeholders such as
33 provider organizations and associations, providers, payers,
34 purchasers, governmental entities, business, and consumers.

35 Iowa e-health shall be supported by the department's office of

1 health information technology. The board shall set direction,
2 goals, and policies for Iowa e-health and provide oversight of
3 the business and technical operations of the health information
4 network and health information network services.

5 *b. Business and technical operations.* The office of health
6 information technology shall perform day-to-day operations
7 to support and advance Iowa e-health, the health information
8 network, and health information network services.

9 *c. Finance.* Iowa e-health shall identify and manage
10 financial resources to achieve short-term and long-term
11 sustainability of the health information network. The health
12 information network shall be financed by participants based on
13 a business model and financial sustainability plan approved by
14 the board no later than December 31, 2011, and submitted to
15 the governor and the general assembly. The model and plan may
16 contemplate participant fees based on value-based principles.
17 Fees shall not be assessed to participants prior to approval by
18 the board and an enactment of the general assembly establishing
19 such fees.

20 *d. Technical infrastructure.* Iowa e-health shall implement
21 and manage the core infrastructure and standards to enable the
22 safe and secure delivery of health information to providers and
23 consumers through the health information network.

24 *e. Legal and policy.* Iowa e-health shall establish privacy
25 and security policies and guidelines, and participation and
26 data sharing agreements, to protect consumers and enforce rules
27 for utilization of the health information network.

28 **Sec. 114. NEW SECTION. 135D.4 Governance — board of**
29 **directors — advisory council.**

30 1. Iowa e-health shall be governed by a board of directors.
31 Board members shall be residents of the state of Iowa. The
32 membership of the board shall comply with sections 69.16 and
33 69.16A.

34 2. The board of directors shall be comprised of the
35 following members:

1 *a.* The board shall include all of the following as voting
2 members:

3 (1) Two members who represent the Iowa collaborative safety
4 net provider network created in section 135.153, designated by
5 the network.

6 (2) Four members who represent hospitals, two of whom are
7 designated by the two largest health care systems in the state,
8 one of whom is designated by the university of Iowa hospitals
9 and clinics, and one of whom is designated by the Iowa hospital
10 association to represent critical access hospitals.

11 (3) Two members who represent two different private health
12 insurance carriers, designated by the federation of Iowa
13 insurers, one of which has the largest health market share in
14 Iowa.

15 (4) One member who is a licensed physician, designated by
16 the Iowa medical society.

17 (5) One member representing the department who is
18 designated by the department.

19 (6) One member representing the Iowa Medicaid enterprise
20 who is the Iowa Medicaid director, or the director's designee.

21 *b.* The board shall include as ex officio, nonvoting members
22 four members of the general assembly, one appointed by the
23 speaker of the house of representatives, one appointed by the
24 minority leader of the house of representatives, one appointed
25 by the majority leader of the senate, and one appointed by the
26 minority leader of the senate.

27 3. A person shall not serve on the board in any capacity if
28 the person is required to register as a lobbyist under section
29 68B.36 because of the person's activities for compensation
30 on behalf of a profession or an entity that is engaged in
31 providing health care, reviewing or analyzing health care,
32 paying for health care services or procedures, or providing
33 health information technology or health information network
34 services.

35 4. *a.* Board members shall serve four-year terms but shall

1 not serve more than two consecutive four-year terms. However,
2 the board members who represent state agencies are not subject
3 to term limits.

4 *b.* At the end of any term, a member of the board may
5 continue to serve until the appointing or designating authority
6 names a successor.

7 *c.* A vacancy on the board shall be filled for the remainder
8 of the term in the manner of the original appointment. A
9 vacancy in the membership of the board shall not impair the
10 right of the remaining members to exercise all the powers and
11 perform all the duties of the board.

12 *d.* A board member may be removed by the board for cause
13 including but not limited to malfeasance in office, failure
14 to attend board meetings, misconduct, or violation of ethical
15 rules and standards. Nonattendance of the board members
16 appointed by the governor shall be governed by the provisions
17 of section 69.15. A board member may be removed by a vote of
18 the board if, based on the criteria provided in section 69.15,
19 subsection 1, paragraphs "a" and "b", the board member would be
20 deemed to have submitted a resignation from the board.

21 *e.* The board members shall elect a chairperson from their
22 membership. The department's designee shall serve as vice
23 chairperson.

24 5. Meetings of the board shall be governed by the provisions
25 of chapter 21.

26 *a.* The board shall meet upon the call of the chairperson
27 or the vice chairperson. Notice of the time and place of each
28 board meeting shall be given to each member. The board shall
29 keep accurate and complete records of all of its meetings.

30 *b.* A simple majority of the members shall constitute a
31 quorum to enable the transaction of any business and for the
32 exercise of any power or function of the board. Action may be
33 taken and motions and resolutions adopted by the affirmative
34 vote of a majority of the members attending the meeting whether
35 in person, by telephone, web conference, or other means. A

1 board member shall not vote by proxy or through a delegate.

2 *c.* Public members of the board shall receive reimbursement
3 for actual expenses incurred while serving in their official
4 capacity, only if they are not eligible for reimbursement by
5 the organization that they represent. A person who serves as a
6 member of the board shall not by reason of such membership be
7 entitled to membership in the Iowa public employees' retirement
8 system or service credit for any public retirement system.

9 6. The board may exercise its powers, duties, and functions
10 as provided in this chapter and as prescribed by law. The
11 director and the board shall ensure that matters under the
12 purview of the board are carried out in a manner that does not
13 violate or risk violation of applicable state or federal laws
14 or regulations, and that supports overriding public policy and
15 public safety concerns, fiscal compliance, and compliance with
16 the office of the national coordinator for health information
17 technology state health information exchange cooperative
18 agreement program or any other cooperative agreement programs
19 or grants supporting Iowa e-health. The board shall do all of
20 the following:

21 *a.* Participate in the selection of the executive director
22 and assist in the development of performance standards and
23 evaluations of the executive director.

24 *b.* Establish priorities among health information network
25 services based on the needs of the population of this state.

26 *c.* Oversee the handling and accounting of assets and moneys
27 received for or generated by the health information network.

28 *d.* Establish committees and workgroups as needed.

29 *e.* Review and approve or disapprove all of the following,
30 as proposed by the department:

31 (1) Strategic, operational, and financial sustainability
32 plans for Iowa e-health, the health information network, and
33 health information network services.

34 (2) Standards, requirements, policies, and procedures for
35 access, use, secondary use, and privacy and security of health

1 information network through the health information exchange,
2 consistent with applicable federal and state standards and
3 laws.

4 (3) Policies and procedures for administering the
5 infrastructure, technology, and associated professional
6 services necessary for the business and technical operation of
7 the health information network and health information network
8 services.

9 (4) Policies and procedures for evaluation of the health
10 information network and health information network services.

11 (5) Mechanisms for periodic review and update of policies
12 and procedures.

13 (6) An annual budget and fiscal report for the operations of
14 the health information network and an annual report for Iowa
15 e-health and health information network services.

16 (7) Major purchases of goods and services.

17 *f.* Adopt administrative rules pursuant to chapter 17A
18 to implement this chapter and relating to the management
19 and operation of the health information network and health
20 information network services.

21 *g.* Adopt rules for monitoring access to and use of
22 the health information network and enforcement of health
23 information network rules, standards, requirements, policies,
24 and procedures. The board may suspend, limit, or terminate a
25 participant's utilization of the health information network for
26 violation of such rules, standards, requirements, policies,
27 or procedures, and shall establish, by rule, a process for
28 notification, right to respond, and appeal relative to such
29 violations.

30 *h.* Have all remedies allowed by law to address any violation
31 of the terms of the participation and data sharing agreement.

32 *i.* Perform any and all other activities in furtherance of
33 its purpose.

34 7. *a.* A board member is subject to chapter 68B, the rules
35 adopted by the Iowa ethics and campaign disclosure board, and

1 the ethics rules and requirements that apply to the executive
2 branch of state government.

3 *b.* A board member shall not participate in any matter
4 before the board in which the board member has a direct or
5 indirect interest in an undertaking that places the board
6 member's personal or business interests in conflict with those
7 of Iowa e-health, including but not limited to an interest in
8 a procurement contract, or that may create the appearance of
9 impropriety.

10 8. *Advisory council.*

11 *a.* An advisory council to the board is established
12 to provide an additional mechanism for obtaining broader
13 stakeholder advice and input regarding health information
14 technology, the health information network, and health
15 information network services.

16 *b.* The advisory council shall be comprised of the following
17 members who shall serve two-year staggered terms:

18 (1) The following members designated as specified:

19 (i) One member who is a licensed practicing nurse in
20 an office or clinic setting, designated by the Iowa nurses
21 association.

22 (ii) One member representing licensed pharmacists,
23 designated by the Iowa pharmacy association.

24 (iii) One member representing the Iowa healthcare
25 collaborative, designated by the collaborative.

26 (iv) One member representing substance abuse programs,
27 designated by the Iowa behavioral health association.

28 (v) One member representing community mental health
29 centers, designated by the Iowa association of community
30 providers.

31 (vi) One member representing long-term care providers,
32 designated by the Iowa health care association/Iowa center for
33 assisted living and the Iowa association of homes and services
34 for the aging.

35 (vii) One member representing licensed physicians, designated

1 by the Iowa academy of family physicians.

2 (h) One member representing chiropractors, designated by
3 the Iowa chiropractic society.

4 (i) One member who is a practicing physician in an office
5 or clinic setting, designated by the Iowa osteopathic medical
6 association.

7 (j) One member representing business interests, designated
8 by the Iowa association of business and industry.

9 (2) The following members appointed by the board:

10 (a) One member representing the state board of health.

11 (b) One member representing academics.

12 (c) One member representing the Iowa Medicare quality
13 improvement organization.

14 (d) One member who is the state chief information officer.

15 (e) One member representing the private telecommunications
16 industry.

17 (f) One member representing Des Moines university.

18 (g) One member representing home health care providers.

19 (h) One member representing the department of veterans
20 affairs.

21 c. The board may change the membership and the composition
22 of the advisory council, by rule, to accommodate changes in
23 stakeholder interests and the evolution of health information
24 technology, the health information network, and health
25 information network services. An advisory council member may
26 be removed by a vote of the board if, based on the criteria
27 provided in section 69.15, subsection 1, paragraphs "a" and "b",
28 the advisory council member would be deemed to have submitted a
29 resignation from the advisory council.

30 Sec. 115. NEW SECTION. 135D.5 **Business and technical**
31 **operations — office of health information technology.**

32 1. The office of health information technology is
33 established within the department and shall be responsible for
34 the day-to-day business and operations of Iowa e-health, the
35 health information network, and health information network

1 services. The office shall be under the direction of the
2 director and under the supervision of the deputy director.

3 2. *a.* The department shall employ an executive director to
4 manage the office and the executive director shall report to
5 the deputy director.

6 *b.* The executive director shall manage the planning and
7 implementation of Iowa e-health, the health information
8 network, and health information network services, and shall
9 provide high-level coordination across public and private
10 sector stakeholders.

11 *c.* The executive director shall serve as Iowa's health
12 information technology coordinator and primary point of
13 contact for the office of the national coordinator for health
14 information technology, other federal and state agencies
15 involved in health information technology, and state health
16 information technology coordinators from other states.

17 3. *a.* The executive director and all other employees of
18 the office shall be employees of the state, classified and
19 compensated in accordance with chapter 8A, subchapter IV, and
20 chapter 20.

21 *b.* Subject to approval of the board, the director shall
22 have the sole power to determine the number of full-time and
23 part-time equivalent positions necessary to carry out the
24 provisions of this chapter.

25 *c.* An employee of the office shall not have a financial
26 interest in any vendor doing business or proposing to do
27 business with Iowa e-health.

28 4. The department shall do all of the following:

29 *a.* Develop, implement, and enforce the following, as
30 approved by the board:

31 (1) Strategic, operational, and financial sustainability
32 plans for the health information network, Iowa e-health, and
33 health information network services.

34 (2) Standards, requirements, policies, and procedures for
35 access, use, secondary use, and privacy and security of health

1 information exchanged through the health information network,
2 consistent with applicable federal and state standards and
3 laws.

4 (3) Policies and procedures for monitoring participant
5 usage of the health information network and health information
6 network services; enforcing noncompliance with health
7 information network standards, requirements, policies, rules,
8 and procedures.

9 (4) Policies and procedures for administering the
10 infrastructure, technology, and associated professional
11 services required for operation of the health information
12 network and health information network services.

13 (5) Policies and procedures for evaluation of the health
14 information network and health information network services.

15 (6) A mechanism for periodic review and update of policies
16 and procedures.

17 (7) An annual budget and fiscal report for the business
18 and technical operations of the health information network and
19 an annual report for Iowa e-health, the health information
20 network, and health information network services. The
21 department shall submit all such reports to the general
22 assembly.

23 *b.* Convene and facilitate board, advisory council,
24 workgroup, committee, and other stakeholder meetings.

25 *c.* Provide technical and operational assistance for
26 planning and implementing Iowa e-health activities, the health
27 information network, and health information network services.

28 *d.* Provide human resource, budgeting, project and
29 activity coordination, and related management functions to
30 Iowa e-health, the health information network, and health
31 information network services.

32 *e.* Develop educational materials and educate the general
33 public on the benefits of electronic health records, the health
34 information network, and the safeguards available to prevent
35 unauthorized disclosure of health information.

1 *f.* Enter into participation and data sharing agreements with
2 participants of the health information network.

3 *g.* Record receipts and approval of payments, and file
4 required financial reports.

5 *h.* Apply for, acquire by gift or purchase, and hold,
6 dispense, or dispose of funds and real or personal property
7 from any person, governmental entity, or organization in
8 the exercise of its powers and performance of its duties in
9 accordance with this chapter.

10 *i.* Administer grant funds in accordance with the terms of
11 the grant and all applicable state and federal laws, rules, and
12 regulations.

13 *j.* Select and contract with vendors in compliance with
14 applicable state and federal procurement laws and regulations.

15 *k.* Coordinate with other health information technology and
16 health information network programs and activities.

17 *l.* Work to align interstate and intrastate interoperability
18 and standards in accordance with national health information
19 exchange standards.

20 *m.* Execute all instruments necessary or incidental to the
21 performance of its duties and the execution of its powers.

22 Sec. 116. NEW SECTION. 135D.6 Iowa e-health finance fund.

23 1. The Iowa e-health finance fund is created as a separate
24 fund within the state treasury under the control of the board.
25 Revenues, donations, gifts, interest, or other moneys received
26 or generated relative to the operation and administration of
27 the health information network and health information network
28 services, shall be deposited in the fund.

29 2. Moneys in the fund shall be expended by the department
30 only on activities and operations suitable to the performance
31 of the department's duties on behalf of the board and Iowa
32 e-health as specified in this chapter, subject to board
33 approval. Disbursements may be made from the fund for purposes
34 related to the administration, management, operations,
35 functions, activities, and sustainability of the health

1 information network and health information network services.

2 3. Notwithstanding section 12C.7, subsection 2, earnings or
3 interest on moneys deposited in the fund shall be credited to
4 the fund. Notwithstanding section 8.33, any unexpended balance
5 in the fund at the end of each fiscal year shall be retained in
6 the fund and shall not be transferred to the general fund of
7 the state.

8 4. The moneys in the fund shall be subject to financial and
9 compliance audits by the auditor of state.

10 5. The general assembly may appropriate moneys in the fund
11 to the department on behalf of Iowa e-health for the health
12 information network and health information network services.

13 Sec. 117. NEW SECTION. 135D.7 **Technical infrastructure.**

14 1. The health information network shall provide a mechanism
15 to facilitate and support the secure electronic exchange
16 of health information between participants. The health
17 information network shall not function as a central repository
18 of all health information.

19 2. The health information network shall provide a mechanism
20 for participants without an electronic health record system to
21 access health information from the health information network.

22 3. The technical infrastructure of the health information
23 network shall be designed to facilitate the secure electronic
24 exchange of health information using functions including but
25 not limited to all of the following:

26 a. A master patient index, in the absence of a single,
27 standardized patient identifier, to exchange secure health
28 information among participants.

29 b. A record locator service to locate and exchange secure
30 health information among participants.

31 c. Authorization, authentication, access, and auditing
32 processes for security controls to protect the privacy of
33 consumers and participants and the confidentiality of health
34 information by limiting access to the health information
35 network and health information to participants whose identity

1 has been authenticated, and whose access to health information
2 is limited by their role and recorded through an audit trail.

3 *d.* Electronic transmission procedures and software necessary
4 to facilitate the electronic exchange of various types of
5 health information through the health information network.

6 *e.* Telecommunications through coordination of public
7 and private networks to provide the backbone infrastructure
8 to connect participants exchanging health information. The
9 networks may include but are not limited to the state-owned
10 communications network, other fiber optic networks, and private
11 telecommunications service providers.

12 4. The state shall own or possess the rights to use all
13 processes and software developed, and hardware installed,
14 leased, designed, or purchased for the health information
15 network, and shall permit participants to use the health
16 information network and health information network services in
17 accordance with the standards, policies, procedures, rules,
18 and regulations approved by the board, and the terms of the
19 participation and data sharing agreement.

20 Sec. 118. NEW SECTION. 135D.8 **Legal and policy.**

21 1. Upon approval from the board, the office of health
22 information technology shall establish appropriate security
23 standards, policies, and procedures to protect the transmission
24 and receipt of individually identifiable health information
25 exchanged through the health information network. The security
26 standards, policies, and procedures shall, at a minimum, comply
27 with the Health Insurance Portability and Accountability Act
28 security rule pursuant to 45 C.F.R. pt. 164, subpt. C, and
29 shall reflect all of the following:

30 *a.* Include authorization controls, including the
31 responsibility to authorize, maintain, and terminate a
32 participant's use of the health information network.

33 *b.* Require authentication controls to verify the identity
34 and role of the participant using the health information
35 network.

1 *c.* Include role-based access controls to restrict
2 functionality and information available through the health
3 information network.

4 *d.* Include a secure and traceable electronic audit system
5 to document and monitor the sender and the recipient of health
6 information exchanged through the health information network.

7 *e.* Require standard participation and data sharing
8 agreements which define the minimum privacy and security
9 obligations of all participants using the health information
10 network and health information network services.

11 *f.* Include controls over access to and the collection,
12 organization, and maintenance of records and data for
13 purposes of research or population health that protect the
14 confidentiality of consumers who are the subject of the health
15 information.

16 2. *a.* A patient shall have the opportunity to decline
17 exchange of their health information through the health
18 information network. The board shall provide by rule the means
19 and process by which patients may decline participation. A
20 patient shall not be denied care or treatment for declining
21 to exchange their health information, in whole or in part,
22 through the health information network. The means and process
23 utilized under the rules shall minimize the burden on patients
24 and providers.

25 *b.* Unless otherwise authorized by law or rule, a patient's
26 decision to decline participation means that none of the
27 patient's health information shall be exchanged through the
28 health information network. If a patient does not decline
29 participation, the patient's health information may be
30 exchanged through the health information network except as
31 follows:

32 (1) If health information associated with a patient
33 visit with a provider is protected by state law that is
34 more restrictive than the Health Insurance Portability and
35 Accountability Act, a patient shall have the right to decline

1 sharing of health information through the health information
2 network from such visit as provided by rule.

3 (2) With the consent of the patient, a provider may
4 limit health information associated with a patient visit
5 from being shared through the health information network if
6 such limitation is reasonably determined by the provider, in
7 consultation with the patient, to be in the best interest of
8 the patient as provided by rule.

9 c. A patient who declines participation in the health
10 information network may later decide to have health information
11 shared through the health information network. A patient who
12 is participating in the health information network may later
13 decline participation in the health information network.

14 3. The office shall develop and distribute educational
15 tools and information for consumers, patients, and providers to
16 inform them about the health information network, including but
17 not limited to the safeguards available to prevent unauthorized
18 disclosure of health information and a patient's right to
19 decline participation in the health information network.

20 4. a. A participant shall not release or use protected
21 health information exchanged through the health information
22 network for purposes unrelated to prevention, treatment,
23 payment, or health care operations unless otherwise authorized
24 or required by law. Participants shall limit the use and
25 disclosure of protected health information to the minimum
26 amount required to accomplish the intended purpose of the use
27 or request, in compliance with the Health Insurance Portability
28 and Accountability Act and other applicable federal law. Use
29 or distribution of the information for a marketing purpose, as
30 defined by the Health Insurance Portability and Accountability
31 Act, is strictly prohibited.

32 b. The department, the office, and all persons using the
33 health information network shall be individually responsible
34 for following breach notification policies as provided by the
35 Health Insurance Portability and Accountability Act.

1 *c.* A participant shall not be compelled by subpoena, court
2 order, or other process of law to access health information
3 through the health information network in order to gather
4 records or information not created by the participant.

5 5. *a.* If a patient has declined participation in the health
6 information network, the patient's health information may be
7 released to a provider through the health information network
8 if all of the following circumstances exist:

9 (1) The patient is unable to provide consent due to
10 incapacitation.

11 (2) The requesting provider believes, in good faith, that
12 the information is necessary to prevent imminent serious injury
13 to the patient. Imminent serious injury includes but it not
14 limited to death, injury or disease that creates a substantial
15 risk of death, or injury or disease that causes protracted loss
16 or impairment of any organ or body system.

17 (3) Such information cannot otherwise be readily obtained.

18 *b.* The department shall provide by rule for the reporting of
19 emergency access and use by a provider.

20 6. All participants exchanging health information and
21 data through the health information network shall grant to
22 participants of the health information network a nonexclusive
23 license to retrieve and use that information or data in
24 accordance with applicable state and federal laws, and the
25 policies, procedures, and rules established by the board.

26 7. The department shall establish by rule the procedures for
27 a patient who is the subject of health information to do all of
28 the following:

29 *a.* Receive notice of a violation of the confidentiality
30 provisions required under this chapter.

31 *b.* Upon request to the department, view an audit report
32 created under this chapter for the purpose of monitoring access
33 to the patient's records.

34 8. *a.* A provider who relies reasonably and in good faith
35 upon any health information provided through the health

1 information network in treatment of a patient shall be immune
2 from criminal or civil liability arising from any damages
3 caused by such reasonable, good faith reliance. Such immunity
4 shall not apply to acts or omissions constituting negligence,
5 recklessness, or intentional misconduct.

6 *b.* A participant that has disclosed health information
7 through the health information network in compliance with
8 applicable law and the standards, requirements, policies,
9 procedures, and agreements of the health information network
10 shall not be subject to criminal or civil liability for the use
11 or disclosure of the health information by another participant.

12 9. *a.* Notwithstanding chapter 22, the following records
13 shall be kept confidential, unless otherwise ordered by a court
14 or consented to by the patient or by a person duly authorized
15 to release such information:

16 (1) The protected health information contained in, stored
17 in, submitted to, transferred or exchanged by, or released from
18 the health information network.

19 (2) Any protected health information in the possession of
20 Iowa e-health or the department due to its administration of
21 the health information network.

22 *b.* Unless otherwise provided in this chapter, when using
23 the health information network for the purpose of patient
24 treatment, a provider is exempt from any other state law that
25 is more restrictive than the Health Insurance Portability and
26 Accountability Act that would otherwise prevent or hinder the
27 exchange of patient information by the patient's providers.

28 Sec. 119. NEW SECTION. 135D.9 Iowa e-health — health
29 information network services.

30 Iowa e-health shall facilitate services through the health
31 information network or through other marketplace mechanisms
32 to improve the quality, safety, and efficiency of health care
33 available to consumers. These services shall include but are
34 not limited to all of the following:

35 1. Patient summary records such as continuity of care

1 documents.

2 2. A provider directory and provider messaging.

3 3. Clinical orders and results.

4 4. Public health reporting such as electronic reporting to
5 the statewide immunization registry and reportable diseases.

6 5. Medication history.

7 Sec. 120. NEW SECTION. 135D.10 **Governance review and**
8 **transition.**

9 1. *a.* The Iowa e-health governance structure shall continue
10 during the first two years of the term of the state health
11 information exchange cooperative agreement with the office of
12 the national coordinator for health information technology
13 to address the development of policies and procedures;
14 dissemination of interoperability standards; the initiation,
15 testing, and operation of the health information network
16 infrastructure; and the evolution of health information network
17 services to improve patient care for the population.

18 *b.* Following the end of the first two years of the term
19 of the cooperative agreement, the board and the department
20 shall review the Iowa e-health governance structure, operations
21 of the health information network, and the business and
22 sustainability plan to determine if the existing Iowa e-health
23 governance structure should continue or should be replaced by
24 any of the following:

25 (1) A public authority or similar body with broad
26 stakeholder representation on its governing board.

27 (2) A not-for-profit entity with broad stakeholder
28 representation on its governing board.

29 2. If the board and department determine that the governance
30 structure should be replaced, Iowa e-health shall develop
31 a transition plan to transfer the responsibilities for the
32 domains specified in section 135D.3.

33 Sec. 121. Section 136.3, subsection 14, Code 2011, is
34 amended to read as follows:

35 14. Perform those duties authorized pursuant to sections

1 ~~135.156~~, 135.159, and 135.161, and other provisions of law.

2 Sec. 122. Section 249J.14, subsection 2, paragraphs a and b,
3 Code 2011, are amended to read as follows:

4 a. Design and implement a program for distribution
5 and monitoring of provider incentive payments, including
6 development of a definition of "*meaningful use*" for purposes
7 of promoting the use of electronic medical recordkeeping by
8 providers. The department shall develop this program in
9 collaboration with the department of public health and the
10 ~~electronic health information advisory council and executive~~
11 ~~committee~~ board of directors and the advisory council to the
12 board of Iowa e-health created pursuant to section ~~135.156~~
13 135D.4.

14 b. Develop the medical assistance health information
15 technology plan as required by the centers for Medicare and
16 Medicaid services of the United States department of health and
17 human services. The plan shall provide detailed implementation
18 plans for the medical assistance program for promotion of the
19 adoption and meaningful use of health information technology by
20 medical assistance providers and the Iowa Medicaid enterprise.
21 The plan shall include the integration of health information
22 technology and the health information exchange network with the
23 medical assistance management information system. The plan
24 shall be developed in collaboration with the department of
25 public health and the ~~electronic health information advisory~~
26 ~~council and executive committee~~ board of directors and the
27 advisory council to the board of Iowa e-health created pursuant
28 to section ~~135.156~~ 135D.4.

29 Sec. 123. INITIAL APPOINTMENTS — BOARD.

30 1. The initial appointments of board member positions
31 described in section 135D.4, as enacted by this division of
32 this Act, shall have staggered terms as follows:

33 a. The board members designated by the Iowa collaborative
34 safety net provider network and the Iowa medical society, shall
35 have initial terms of two years, after which the members shall

1 serve four-year terms.

2 b. The board members designated by the two largest health
3 care systems in the state, the university of Iowa hospitals
4 and clinics, and the Iowa hospital association, shall have
5 initial terms of four years, after which the members shall
6 serve four-year terms.

7 c. The board members designated by the federation of Iowa
8 insurers shall serve initial terms of six years, after which
9 the members shall serve four-year terms.

10 2. With the exception of board members who are
11 representatives of state agencies and not subject to term
12 limits as provided in section 135D.4, board members appointed
13 under this section may serve an additional four-year term,
14 with the exception of those board members initially serving a
15 two-year term, who may serve two consecutive four-year terms
16 following the initial two-year term.

17 Sec. 124. REPEAL. Sections 135.154, 135.155, and 135.156,
18 Code 2011, are repealed.

19 Sec. 125. TRANSITION PROVISIONS. Notwithstanding any
20 other provision of this division of this Act, the department
21 of public health, and the executive committee and the advisory
22 council created pursuant to section 135.156, shall continue to
23 exercise the powers and duties specified under that section
24 until such time as all board members have been appointed as
25 provided in section 135D.4, as enacted by this division of this
26 Act.

27 Sec. 126. EFFECTIVE DATE. The sections of this division of
28 this Act repealing sections 135.154, 135.155, and 135.156, and
29 amending sections 136.3 and 249J.14, take effect on the date
30 all board members are appointed as provided in section 135D.4,
31 as enacted by this division of this Act. The department of
32 public health shall notify the Code editor of such date.

33 Sec. 127. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
34 APPLICABILITY. Except as otherwise provided by this division
35 of this Act, this division of this Act, being deemed of

1 immediate importance, takes effect upon enactment and if
2 approved by the governor on or after July 1, 2011, applies
3 retroactively to June 30, 2011.

4 DIVISION XV

5 DEPARTMENT ON AGING — FY 2012-2013

6 Sec. 128. DEPARTMENT ON AGING. There is appropriated from
7 the general fund of the state to the department on aging for
8 the fiscal year beginning July 1, 2012, and ending June 30,
9 2013, the following amount, or so much thereof as is necessary,
10 to be used for the purposes designated:

11 For aging programs for the department on aging and area
12 agencies on aging to provide citizens of Iowa who are 60 years
13 of age and older with case management for frail elders, Iowa's
14 aging and disabilities resource center, and other services
15 which may include but are not limited to adult day services,
16 respite care, chore services, information and assistance,
17 and material aid, for information and options counseling for
18 persons with disabilities who are 18 years of age or older,
19 and for salaries, support, administration, maintenance, and
20 miscellaneous purposes, and for not more than the following
21 full-time equivalent positions:

22	\$	5,151,289
23	FTEs	35.00

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

33 2. The amount appropriated in this section includes
34 additional funding of \$225,000 for delivery of long-term care
35 services to seniors with low or moderate incomes.

1 3. Of the funds appropriated in this section, \$89,973 shall
2 be transferred to the department of economic development for
3 the Iowa commission on volunteer services to be used for the
4 retired and senior volunteer program.

5 4. a. The department on aging shall establish and enforce
6 procedures relating to expenditure of state and federal funds
7 by area agencies on aging that require compliance with both
8 state and federal laws, rules, and regulations, including but
9 not limited to all of the following:

10 (1) Requiring that expenditures are incurred only for goods
11 or services received or performed prior to the end of the
12 fiscal period designated for use of the funds.

13 (2) Prohibiting prepayment for goods or services not
14 received or performed prior to the end of the fiscal period
15 designated for use of the funds.

16 (3) Prohibiting the prepayment for goods or services
17 not defined specifically by good or service, time period, or
18 recipient.

19 (4) Prohibiting the establishment of accounts from which
20 future goods or services which are not defined specifically by
21 good or service, time period, or recipient, may be purchased.

22 b. The procedures shall provide that if any funds are
23 expended in a manner that is not in compliance with the
24 procedures and applicable federal and state laws, rules, and
25 regulations, and are subsequently subject to repayment, the
26 area agency on aging expending such funds in contravention of
27 such procedures, laws, rules and regulations, not the state,
28 shall be liable for such repayment.

29 DIVISION XVI

30 DEPARTMENT OF PUBLIC HEALTH — FY 2012-2013

31 Sec. 129. DEPARTMENT OF PUBLIC HEALTH. There is
32 appropriated from the general fund of the state to the
33 department of public health for the fiscal year beginning July
34 1, 2012, and ending June 30, 2013, the following amounts, or
35 so much thereof as is necessary, to be used for the purposes

1 designated:

2 1. ADDICTIVE DISORDERS

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

7	\$ 12,301,595	
8	FTEs	13.00

9 a. (1) Of the funds appropriated in this subsection,
10 \$2,176,916 shall be used for the tobacco use prevention and
11 control initiative, including efforts at the state and local
12 levels, as provided in chapter 142A.

13 (2) Of the funds allocated in this paragraph "a", \$226,915
14 shall be transferred to the alcoholic beverages division of
15 the department of commerce for enforcement of tobacco laws,
16 regulations, and ordinances in accordance with 2011 Iowa Acts,
17 House File 467, as enacted.

18 b. Of the funds appropriated in this subsection,
19 \$10,124,680 shall be used for problem gambling and substance
20 abuse prevention, treatment, and recovery services, including a
21 24-hour helpline, public information resources, professional
22 training, and program evaluation.

23 (1) Of the funds allocated in this paragraph "b", \$8,566,254
24 shall be used for substance abuse prevention and treatment.

25 (a) Of the funds allocated in this subparagraph (1),
26 \$449,650 shall be used for the public purpose of a grant
27 program to provide substance abuse prevention programming for
28 children.

29 (i) Of the funds allocated in this subparagraph division
30 (a), \$213,770 shall be used for grant funding for organizations
31 that provide programming for children by utilizing mentors.
32 Programs approved for such grants shall be certified or will
33 be certified within six months of receiving the grant award
34 by the Iowa commission on volunteer services as utilizing the
35 standards for effective practice for mentoring programs.

1 (ii) Of the funds allocated in this subparagraph division
2 (a), \$213,420 shall be used for grant funding for organizations
3 that provide programming that includes youth development and
4 leadership. The programs shall also be recognized as being
5 programs that are scientifically based with evidence of their
6 effectiveness in reducing substance abuse in children.

7 (iii) The department of public health shall utilize a
8 request for proposals process to implement the grant program.

9 (iv) All grant recipients shall participate in a program
10 evaluation as a requirement for receiving grant funds.

11 (v) Of the funds allocated in this subparagraph division
12 (a), up to \$22,461 may be used to administer substance abuse
13 prevention grants and for program evaluations.

14 (b) Of the funds allocated in this subparagraph (1),
15 \$136,531 shall be used for culturally competent substance abuse
16 treatment pilot projects.

17 (i) The department shall utilize the amount allocated
18 in this subparagraph division (b) for at least three pilot
19 projects to provide culturally competent substance abuse
20 treatment in various areas of the state. Each pilot project
21 shall target a particular ethnic minority population. The
22 populations targeted shall include but are not limited to
23 African American, Asian, and Latino.

24 (ii) The pilot project requirements shall provide for
25 documentation or other means to ensure access to the cultural
26 competence approach used by a pilot project so that such
27 approach can be replicated and improved upon in successor
28 programs.

29 (2) Of the funds allocated in this paragraph "b", up
30 to \$1,558,426 may be used for problem gambling prevention,
31 treatment, and recovery services.

32 (a) Of the funds allocated in this subparagraph (2),
33 \$1,289,500 shall be used for problem gambling prevention and
34 treatment.

35 (b) Of the funds allocated in this subparagraph (2), up to

1 \$218,926 may be used for a 24-hour helpline, public information
2 resources, professional training, and program evaluation.

3 (c) Of the funds allocated in this subparagraph (2), up
4 to \$50,000 may be used for the licensing of problem gambling
5 treatment programs.

6 (3) It is the intent of the general assembly that from the
7 moneys allocated in this paragraph "b", persons with a dual
8 diagnosis of substance abuse and gambling addictions shall be
9 given priority in treatment services.

10 c. Notwithstanding any provision of law to the contrary,
11 to standardize the availability, delivery, cost of delivery,
12 and accountability of problem gambling and substance abuse
13 treatment services statewide, the department shall continue
14 implementation of a process to create a system for delivery
15 of treatment services in accordance with the requirements
16 specified in 2008 Iowa Acts, chapter 1187, section 3,
17 subsection 4. To ensure the system provides a continuum of
18 treatment services that best meets the needs of Iowans, the
19 problem gambling and substance abuse treatment services in any
20 area may be provided either by a single agency or by separate
21 agencies submitting a joint proposal.

22 (1) The system for delivery of substance abuse and
23 problem gambling treatment shall include problem gambling
24 prevention by July 1, 2012. The department shall submit a
25 proposed legislative bill in accordance with section 2.16, for
26 consideration during the 2012 legislative session, addressing
27 any statutory revisions necessary for full implementation of
28 the system.

29 (2) The system for delivery of substance abuse and problem
30 gambling treatment shall include substance abuse prevention by
31 July 1, 2014.

32 (3) Of the funds allocated in paragraph "b", the department
33 may use up to \$50,000 for administrative costs to continue
34 developing and implementing the process in accordance with this
35 paragraph "c".

1 d. The requirement of section 123.53, subsection 5, is met
2 by the appropriations and allocations made in this Act for
3 purposes of substance abuse treatment and addictive disorders
4 for the fiscal year beginning July 1, 2011.

5 e. The department of public health shall work with all other
6 departments that fund substance abuse prevention and treatment
7 services and all such departments shall, to the extent
8 necessary, collectively meet the state maintenance of effort
9 requirements for expenditures for substance abuse services
10 as required under the federal substance abuse prevention and
11 treatment block grant.

12 f. The department shall amend or otherwise revise
13 departmental policies and contract provisions in order to
14 eliminate free t-shirt distribution, banner production, and
15 other unnecessary promotional expenditures.

16 2. HEALTHY CHILDREN AND FAMILIES

17 For promoting the optimum health status for children,
18 adolescents from birth through 21 years of age, and families,
19 and for not more than the following full-time equivalent
20 positions:

21	\$	1,297,135
22	FTEs	10.00

23 a. Of the funds appropriated in this subsection, not more
24 than \$369,659 shall be used for the healthy opportunities to
25 experience success (HOPES)-healthy families Iowa (HFI) program
26 established pursuant to section 135.106. The funding shall
27 be distributed to renew the grants that were provided to the
28 grantees that operated the program during the fiscal year
29 ending June 30, 2012.

30 b. Of the funds appropriated in this subsection, \$164,943
31 shall be used to continue to address the healthy mental
32 development of children from birth through five years of age
33 through local evidence-based strategies that engage both the
34 public and private sectors in promoting healthy development,
35 prevention, and treatment for children. A portion of the

1 funds allocated in this lettered paragraph may be used for a
2 full-time equivalent position to coordinate the activities
3 under this paragraph.

4 c. Of the funds appropriated in this subsection, \$15,799
5 shall be distributed to a statewide dental carrier to provide
6 funds to continue the donated dental services program patterned
7 after the projects developed by the lifeline network to provide
8 dental services to indigent elderly and disabled individuals.

9 d. Of the funds appropriated in this subsection, \$56,339
10 shall be used for childhood obesity prevention.

11 e. Of the funds appropriated in this subsection, \$81,880
12 shall be used to provide audiological services and hearing
13 aids for children. The department may enter into a contract
14 to administer this paragraph.

15 3. CHRONIC CONDITIONS

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

19	\$	1,699,578
20	FTEs	4.00

21 a. Of the funds appropriated in this subsection, \$80,291
22 shall be used for grants to individual patients who have
23 phenylketonuria (PKU) to assist with the costs of necessary
24 special foods.

25 b. Of the funds appropriated in this subsection, \$241,800
26 is allocated for continuation of the contracts for resource
27 facilitator services in accordance with section 135.22B,
28 subsection 9, and for brain injury training services and
29 recruiting of service providers to increase the capacity within
30 this state to address the needs of individuals with brain
31 injuries and such individuals' families.

32 c. Of the funds appropriated in this subsection, \$249,437
33 shall be used as additional funding to leverage federal funding
34 through the federal Ryan White Care Act, Tit. II, AIDS drug
35 assistance program supplemental drug treatment grants.

1 d. Of the funds appropriated in this subsection, \$15,627
2 shall be used for the public purpose of providing a grant to an
3 existing national-affiliated organization to provide education,
4 client-centered programs, and client and family support for
5 people living with epilepsy and their families.

6 e. Of the funds appropriated in this subsection, \$394,152
7 shall be used for child health specialty clinics.

8 f. Of the funds appropriated in this subsection, \$273,533
9 shall be used for the comprehensive cancer control program to
10 reduce the burden of cancer in Iowa through prevention, early
11 detection, effective treatment, and ensuring quality of life.
12 Of the funds allocated in this lettered paragraph, \$100,000
13 shall be used to support a melanoma research symposium, a
14 melanoma biorepository and registry, basic and translational
15 melanoma research, and clinical trials.

16 g. Of the funds appropriated in this subsection, \$63,225
17 shall be used for cervical and colon cancer screening.

18 h. Of the funds appropriated in this subsection, \$264,417
19 shall be used for the center for congenital and inherited
20 disorders. A portion of the funds allocated in this paragraph
21 may be used for one full-time equivalent position for
22 administration of the center.

23 i. Of the funds appropriated in this subsection, \$64,969
24 shall be used for the prescription drug donation repository
25 program created in chapter 135M.

26 4. COMMUNITY CAPACITY

27 For strengthening the health care delivery system at the
28 local level, and for not more than the following full-time
29 equivalent positions:

30	\$	2,413,350
31	FTEs	14.00

32 a. Of the funds appropriated in this subsection, \$50,000
33 is allocated for a child vision screening program implemented
34 through the university of Iowa hospitals and clinics in
35 collaboration with early childhood Iowa areas.

1 b. Of the funds appropriated in this subsection, \$55,654 is
2 allocated for continuation of an initiative implemented at the
3 university of Iowa and \$50,247 is allocated for continuation of
4 an initiative at the state mental health institute at Cherokee
5 to expand and improve the workforce engaged in mental health
6 treatment and services. The initiatives shall receive input
7 from the university of Iowa, the department of human services,
8 the department of public health, and the mental health, mental
9 retardation, developmental disabilities, and brain injury
10 commission to address the focus of the initiatives.

11 c. Of the funds appropriated in this subsection, \$585,746
12 shall be used for essential public health services that promote
13 healthy aging throughout the lifespan, contracted through a
14 formula for local boards of health, to enhance health promotion
15 and disease prevention services.

16 d. Of the funds appropriated in this section, \$60,909 shall
17 be deposited in the governmental public health system fund
18 created in section 135A.8 to be used for the purposes of the
19 fund.

20 e. Of the funds appropriated in this subsection, \$53,140
21 shall be used for the mental health professional shortage area
22 program implemented pursuant to section 135.80.

23 f. Of the funds appropriated in this subsection,
24 \$19,132 shall be used for a grant to a statewide association
25 of psychologists that is affiliated with the American
26 psychological association to be used for continuation of a
27 program to rotate intern psychologists in placements in urban
28 and rural mental health professional shortage areas, as defined
29 in section 135.80.

30 g. Of the funds appropriated in this subsection, the
31 following amounts shall be allocated to the Iowa collaborative
32 safety net provider network established pursuant to section
33 135.153 to be used for the purposes designated. The following
34 amounts allocated under this lettered paragraph shall be
35 distributed to the specified provider and shall not be reduced

1 for administrative or other costs prior to distribution:
2 (1) For distribution to the Iowa primary care association
3 for statewide coordination of the Iowa collaborative safety net
4 provider network:
5 \$ 66,290
6 (2) For distribution to the Iowa family planning network
7 agencies for necessary infrastructure, statewide coordination,
8 provider recruitment, service delivery, and provision of
9 assistance to patients in determining an appropriate medical
10 home:
11 \$ 37,259
12 (3) For distribution to the local boards of health that
13 provide direct services for pilot programs in three counties to
14 assist patients in determining an appropriate medical home:
15 \$ 37,259
16 (4) For distribution to maternal and child health centers
17 for pilot programs in three counties to assist patients in
18 determining an appropriate medical home:
19 \$ 37,259
20 (5) For distribution to free clinics for necessary
21 infrastructure, statewide coordination, provider recruitment,
22 service delivery, and provision of assistance to patients in
23 determining an appropriate medical home:
24 \$ 62,025
25 (6) For distribution to rural health clinics for necessary
26 infrastructure, statewide coordination, provider recruitment,
27 service delivery, and provision of assistance to patients in
28 determining an appropriate medical home:
29 \$ 55,215
30 (7) For continuation of the safety net provider patient
31 access to specialty health care initiative as described in 2007
32 Iowa Acts, chapter 218, section 109:
33 \$ 130,000
34 (8) For continuation of the pharmaceutical infrastructure
35 for safety net providers as described in 2007 Iowa Acts,

1 chapter 218, section 108:

2 \$ 135,000

3 The Iowa collaborative safety net provider network may
4 continue to distribute funds allocated pursuant to this
5 lettered paragraph through existing contracts or renewal of
6 existing contracts.

7 h. (1) Of the funds appropriated in this subsection,
8 \$74,500 shall be used for continued implementation of
9 the recommendations of the direct care worker task force
10 established pursuant to 2005 Iowa Acts, chapter 88, based upon
11 the report submitted to the governor and the general assembly
12 in December 2006. The department may use a portion of the
13 funds allocated in this lettered paragraph for an additional
14 position to assist in the continued implementation.

15 (2) It is the intent of the general assembly that a
16 board of direct care workers shall be established within the
17 department of public health by July 1, 2014, contingent upon
18 the availability of funds to establish and maintain the board.

19 i. (1) Of the funds appropriated in this subsection,
20 \$65,050 shall be used for allocation to an independent
21 statewide direct care worker association for education,
22 outreach, leadership development, mentoring, and other
23 initiatives intended to enhance the recruitment and retention
24 of direct care workers in health care and long-term care
25 settings.

26 (2) Of the funds appropriated in this subsection, \$29,000
27 shall be used to provide scholarships or other forms of
28 subsidization for direct care worker educational conferences,
29 training, or outreach activities.

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

34 k. Of the funds appropriated in this subsection, the
35 department may use up to \$30,000 for up to one full-time

1 equivalent position to administer the volunteer health care
2 provider program pursuant to section 135.24.

3 1. Of the funds appropriated in this subsection, \$25,000
4 shall be used for a matching dental education loan repayment
5 program to be allocated to a dental nonprofit health service
6 corporation to develop the criteria and implement the loan
7 repayment program.

8 m. Of the funds appropriated in this subsection, up to
9 \$67,107 shall be used to support the department's activities
10 relating to health and long-term care access as specified
11 pursuant to chapter 135, division XXIV.

12 n. Of the funds appropriated in this subsection,
13 \$181,994 shall be used as state matching funds for the health
14 information network as enacted by this Act.

15 o. Of the funds appropriated in this subsection, \$12,500
16 shall be used for continuation of a pilot program established
17 through a grant to an organization that has an existing
18 program for children and adults and that is solely dedicated
19 to preserving sight and preventing blindness to provide vision
20 screening to elementary school children in one urban and one
21 rural school district in the state, on a voluntary basis, over
22 a multiyear period. The grantee organization shall develop
23 protocol for participating schools including the grade level
24 of the children to be screened, the training and certification
25 necessary for individuals conducting the vision screening,
26 vision screening equipment requirements, and documentation and
27 tracking requirements. Following the conclusion of the pilot
28 program, the grantee organization shall report findings and
29 recommendations for statewide implementation of the vision
30 screening program to the department of public health.

31 5. HEALTHY AGING

32 To provide public health services that reduce risks and
33 invest in promoting and protecting good health over the
34 course of a lifetime with a priority given to older Iowans and
35 vulnerable populations:

1 \$ 3,668,071

2 a. Of the funds appropriated in this subsection, \$1,004,594
3 shall be used for local public health nursing services.

4 b. Of the funds appropriated in this subsection, \$2,663,477
5 shall be used for home care aide services.

6 6. ENVIRONMENTAL HAZARDS

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

10 \$ 406,889

11 FTEs 4.00

12 Of the funds appropriated in this subsection, \$272,189 shall
13 be used for childhood lead poisoning provisions.

14 7. INFECTIOUS DISEASES

15 For reducing the incidence and prevalence of communicable
16 diseases, and for not more than the following full-time
17 equivalent positions:

18 \$ 672,924

19 FTEs 4.00

20 8. PUBLIC PROTECTION

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

24 \$ 1,389,344

25 FTEs 125.00

26 a. Of the funds appropriated in this subsection, not more
27 than \$212,073 shall be credited to the emergency medical
28 services fund created in section 135.25. Moneys in the
29 emergency medical services fund are appropriated to the
30 department to be used for the purposes of the fund.

31 b. Of the funds appropriated in this subsection, \$105,310
32 shall be used for sexual violence prevention programming
33 through a statewide organization representing programs serving
34 victims of sexual violence through the department's sexual
35 violence prevention program. The amount allocated in this

1 lettered paragraph shall not be used to supplant funding
2 administered for other sexual violence prevention or victims
3 assistance programs.

4 c. Of the funds appropriated in this subsection, not more
5 than \$218,291 shall be used for the state poison control
6 center.

7 d. Of the funds appropriated in this subsection, \$25,000
8 shall be used for education, testing, training, and other costs
9 to conform the requirements for certification of emergency
10 medical care providers with national standards.

11 9. RESOURCE MANAGEMENT

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

15	\$	409,777
16	FTEs	7.00

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

22 DIVISION XVII

23 DEPARTMENT OF VETERANS AFFAIRS — FY 2012-2013

24 Sec. 130. DEPARTMENT OF VETERANS AFFAIRS. There is
25 appropriated from the general fund of the state to the
26 department of veterans affairs for the fiscal year beginning
27 July 1, 2012, and ending June 30, 2013, the following amounts,
28 or so much thereof as is necessary, to be used for the purposes
29 designated:

30 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

31 For salaries, support, maintenance, and miscellaneous
32 purposes, including the war orphans educational assistance fund
33 created in section 35.8, and for not more than the following
34 full-time equivalent positions:

35	\$	499,416
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1 FTEs 16.34

2 2. IOWA VETERANS HOME

3 For salaries, support, maintenance, and miscellaneous
4 purposes:

5 \$ 4,476,076

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

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

14 c. Within available resources and in conformance with
15 associated state and federal program eligibility requirements,
16 the Iowa veterans home may implement measures to provide
17 financial assistance to or on behalf of veterans or their
18 spouses participating in the community reentry program.

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

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

23 \$ 6,208

24 Sec. 131. LIMITATION OF COUNTY COMMISSION OF VETERANS
25 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the
26 standing appropriation in the following designated section for
27 the fiscal year beginning July 1, 2012, and ending June 30,
28 2013, the amounts appropriated from the general fund of the
29 state pursuant to that section for the following designated
30 purposes shall not exceed the following amount:

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

33 \$ 495,000

34 DIVISION XVIII

35 DEPARTMENT OF HUMAN SERVICES — FY 2012-2013

1 \$ 15,648,116

2 5. For general administration:

3 \$ 1,872,000

4 6. For state child care assistance:

5 \$ 8,191,344

6 The funds appropriated in this subsection shall be
7 transferred to the child care and development block grant
8 appropriation made by the Eighty-fourth General Assembly, 2012
9 Session, for the federal fiscal year beginning October 1,
10 2012, and ending September 30, 2013. Of this amount, \$100,000
11 shall be used for provision of educational opportunities to
12 registered child care home providers in order to improve
13 services and programs offered by this category of providers
14 and to increase the number of providers. The department may
15 contract with institutions of higher education or child care
16 resource and referral centers to provide the educational
17 opportunities. Allowable administrative costs under the
18 contracts shall not exceed 5 percent. The application for a
19 grant shall not exceed two pages in length.

20 7. For mental health and developmental disabilities
21 community services:

22 \$ 2,447,026

23 8. For child and family services:

24 \$ 16,042,215

25 9. For child abuse prevention grants:

26 \$ 62,500

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

29 \$ 965,034

30 Pregnancy prevention grants shall be awarded to programs
31 in existence on or before July 1, 2012, if the programs are
32 comprehensive in scope and have demonstrated positive outcomes.
33 Grants shall be awarded to pregnancy prevention programs
34 which are developed after July 1, 2012, if the programs are
35 comprehensive in scope and are based on existing models that

1 have demonstrated positive outcomes. Grants shall comply with
2 the requirements provided in 1997 Iowa Acts, chapter 208,
3 section 14, subsections 1 and 2, including the requirement that
4 grant programs must emphasize sexual abstinence. Priority in
5 the awarding of grants shall be given to programs that serve
6 areas of the state which demonstrate the highest percentage of
7 unplanned pregnancies of females of childbearing age within the
8 geographic area to be served by the grant.

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

12 \$ 518,593

13 12. To be credited to the state child care assistance
14 appropriation made in this section to be used for funding of
15 community-based early childhood programs targeted to children
16 from birth through five years of age developed by early
17 childhood Iowa areas as provided in section 256I.11:

18 \$ 3,175,000

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

24 13. a. Notwithstanding any provision to the contrary,
25 including but not limited to requirements in section 8.41 or
26 provisions in 2011 or 2012 Iowa Acts regarding the receipt
27 and appropriation of federal block grants, federal funds
28 from the emergency contingency fund for temporary assistance
29 for needy families state program established pursuant to the
30 federal American Recovery and Reinvestment Act of 2009, Pub.
31 L. No. 111-5 § 2101, received by the state during the fiscal
32 year beginning July 1, 2011, and ending June 30, 2012, not
33 otherwise appropriated in this section and remaining available
34 as of July 1, 2012, and received by the state during the fiscal
35 year beginning July 1, 2012, and ending June 30, 2013, are

1 appropriated to the extent as may be necessary to be used in
2 the following priority order: the family investment program
3 for the fiscal year and for state child care assistance program
4 payments for individuals enrolled in the family investment
5 program who are employed. The federal funds appropriated in
6 this paragraph "a" shall be expended only after all other
7 funds appropriated in subsection 1 for the assistance under
8 the family investment program under chapter 239B have been
9 expended.

10 b. The department shall, on a quarterly basis, advise the
11 legislative services agency and department of management of
12 the amount of funds appropriated in this subsection that was
13 expended in the prior quarter.

14 14. Of the amounts appropriated in this section,
15 \$6,481,004 for the fiscal year beginning July 1, 2012, shall be
16 transferred to the appropriation of the federal social services
17 block grant made for that fiscal year.

18 15. For continuation of the program allowing the department
19 to maintain categorical eligibility for the food assistance
20 program as required under the section of this division relating
21 to the family investment account:

22 \$ 73,036

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

30 Sec. 133. FAMILY INVESTMENT PROGRAM ACCOUNT.

31 1. Moneys credited to the family investment program (FIP)
32 account for the fiscal year beginning July 1, 2012, and
33 ending June 30, 2013, shall be used to provide assistance in
34 accordance with chapter 239B.

35 2. The department may use a portion of the moneys credited

1 to the FIP account under this section as necessary for
2 salaries, support, maintenance, and miscellaneous purposes.

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

10 4. Moneys appropriated in this division of this Act and
11 credited to the FIP account for the fiscal year beginning July
12 1, 2012, and ending June 30, 2013, are allocated as follows:

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

19 \$ 10,000

20 b. To the department of human rights for staffing,
21 administration, and implementation of the family development
22 and self-sufficiency grant program in accordance with section
23 216A.107:

24 \$ 2,671,417

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

29 (2) The department of human rights may continue to implement
30 the family development and self-sufficiency grant program
31 statewide during fiscal year 2012-2013.

32 c. For the diversion subaccount of the FIP account:
33 \$ 849,200

34 A portion of the moneys allocated for the subaccount may
35 be used for field operations salaries, data management system

1 development, and implementation costs and support deemed
2 necessary by the director of human services in order to
3 administer the FIP diversion program.

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

5 \$ 33,294

6 (1) The department shall amend the food stamp employment and
7 training state plan in order to maximize to the fullest extent
8 permitted by federal law the use of the 50-50 match provisions
9 for the claiming of allowable federal matching funds from the
10 United States department of agriculture pursuant to the federal
11 food stamp employment and training program for providing
12 education, employment, and training services for eligible food
13 assistance program participants, including but not limited to
14 related dependent care and transportation expenses.

15 (2) The department shall continue the categorical federal
16 food assistance program eligibility at 160 percent of the
17 federal poverty level and continue to eliminate the asset test
18 from eligibility requirements, consistent with federal food
19 assistance program requirements. The department shall include
20 as many food assistance households as is allowed by federal
21 law. The eligibility provisions shall conform to all federal
22 requirements including requirements addressing individuals who
23 are incarcerated or otherwise ineligible.

24 e. For the JOBS program:

25 \$ 10,117,953

26 5. Of the child support collections assigned under FIP,
27 an amount equal to the federal share of support collections
28 shall be credited to the child support recovery appropriation
29 made in this division of this Act. Of the remainder of the
30 assigned child support collections received by the child
31 support recovery unit, a portion shall be credited to the FIP
32 account, a portion may be used to increase recoveries, and a
33 portion may be used to sustain cash flow in the child support
34 payments account. If as a consequence of the appropriations
35 and allocations made in this section the resulting amounts

1 are insufficient to sustain cash assistance payments and meet
2 federal maintenance of effort requirements, the department
3 shall seek supplemental funding. If child support collections
4 assigned under FIP are greater than estimated or are otherwise
5 determined not to be required for maintenance of effort, the
6 state share of either amount may be transferred to or retained
7 in the child support payment account.

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

11 Sec. 134. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
12 is appropriated from the general fund of the state to the
13 department of human services for the fiscal year beginning July
14 1, 2012, and ending June 30, 2013, the following amount, or
15 so much thereof as is necessary, to be used for the purpose
16 designated:

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

20 \$ 25,085,514

21 1. Of the funds appropriated in this section, \$3,912,189 is
22 allocated for the JOBS program.

23 2. Of the funds appropriated in this section, \$1,231,927 is
24 allocated for the family development and self-sufficiency grant
25 program.

26 3. Notwithstanding section 8.39, for the fiscal year
27 beginning July 1, 2012, if necessary to meet federal
28 maintenance of effort requirements or to transfer federal
29 temporary assistance for needy families block grant funding
30 to be used for purposes of the federal social services block
31 grant or to meet cash flow needs resulting from delays in
32 receiving federal funding or to implement, in accordance with
33 this division of this Act, activities currently funded with
34 juvenile court services, county, or community moneys and state
35 moneys used in combination with such moneys, the department

1 of human services may transfer funds within or between any
2 of the appropriations made in this division of this Act and
3 appropriations in law for the federal social services block
4 grant to the department for the following purposes, provided
5 that the combined amount of state and federal temporary
6 assistance for needy families block grant funding for each
7 appropriation remains the same before and after the transfer:

- 8 a. For the family investment program.
- 9 b. For child care assistance.
- 10 c. For child and family services.
- 11 d. For field operations.
- 12 e. For general administration.
- 13 f. MH/MR/DD/BI community services (local purchase).

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

18 4. Of the funds appropriated in this section, \$97,839 shall
19 be used for continuation of a grant to an Iowa-based nonprofit
20 organization with a history of providing tax preparation
21 assistance to low-income Iowans in order to expand the usage of
22 the earned income tax credit. The purpose of the grant is to
23 supply this assistance to underserved areas of the state.

24 Sec. 135. CHILD SUPPORT RECOVERY. There is appropriated
25 from the general fund of the state to the department of human
26 services for the fiscal year beginning July 1, 2012, and ending
27 June 30, 2013, the following amount, or so much thereof as is
28 necessary, to be used for the purposes designated:

29 For child support recovery, including salaries, support,
30 maintenance, and miscellaneous purposes, and for not more than
31 the following full-time equivalent positions:

32	\$ 6,559,628
33	FTEs 475.00

34 1. The department shall expend up to \$12,165, including
35 federal financial participation, for the fiscal year beginning

1 July 1, 2012, for a child support public awareness campaign.
2 The department and the office of the attorney general shall
3 cooperate in continuation of the campaign. The public
4 awareness campaign shall emphasize, through a variety of
5 media activities, the importance of maximum involvement of
6 both parents in the lives of their children as well as the
7 importance of payment of child support obligations.

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

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

19 4. With the exception of the funding amount specified, the
20 requirements established under 2001 Iowa Acts, chapter 191,
21 section 3, subsection 5, paragraph "c", subparagraph (3), shall
22 be applicable to parental obligation pilot projects for the
23 fiscal year beginning July 1, 2012, and ending June 30, 2013.
24 Notwithstanding 441 IAC 100.8, providing for termination of
25 rules relating to the pilot projects, the rules shall remain
26 in effect until June 30, 2013.

27 Sec. 136. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any
28 funds remaining in the health care trust fund created in
29 section 453A.35A for the fiscal year beginning July 1, 2012,
30 and ending June 30, 2013, are appropriated to the department
31 of human services to supplement the medical assistance program
32 appropriations made in this Act, for medical assistance
33 reimbursement and associated costs, including program
34 administration and costs associated with implementation.

35 Sec. 137. MEDICAL ASSISTANCE. There is appropriated from

1 the general fund of the state to the department of human
2 services for the fiscal year beginning July 1, 2012, and ending
3 June 30, 2013, the following amount, or so much thereof as is
4 necessary, to be used for the purpose designated:

5 For medical assistance reimbursement and associated costs
6 as specifically provided in the reimbursement methodologies
7 in effect on June 30, 2012, except as otherwise expressly
8 authorized by law, including reimbursement for abortion
9 services which shall be available under the medical assistance
10 program only for those abortions which are medically necessary:
11 \$897,816,915

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

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

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

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

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

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

30 2. The department shall utilize not more than \$60,000 of
31 the funds appropriated in this section to continue the AIDS/HIV
32 health insurance premium payment program as established in 1992
33 Iowa Acts, Second Extraordinary Session, chapter 1001, section
34 409, subsection 6. Of the funds allocated in this subsection,
35 not more than \$5,000 may be expended for administrative

1 purposes.

2 3. Of the funds appropriated in this Act to the department
3 of public health for addictive disorders, \$950,000 for the
4 fiscal year beginning July 1, 2012, shall be transferred to
5 the department of human services for an integrated substance
6 abuse managed care system. The department shall not assume
7 management of the substance abuse system in place of the
8 managed care contractor unless such a change in approach is
9 specifically authorized in law. The departments of human
10 services and public health shall work together to maintain
11 the level of mental health and substance abuse services
12 provided by the managed care contractor through the Iowa plan
13 for behavioral health. Each department shall take the steps
14 necessary to continue the federal waivers as necessary to
15 maintain the level of services.

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

26 b. Of the funds appropriated in this section, \$100,000
27 shall be used for participation in one or more pilot projects
28 operated by a private provider to allow the individual or
29 individuals to receive service in the community in accordance
30 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
31 (1999), for the purpose of providing medical assistance or
32 other assistance to individuals with special needs who become
33 ineligible to continue receiving services under the early and
34 periodic screening, diagnosis, and treatment program under
35 the medical assistance program due to becoming 21 years of

1 age who have been approved for additional assistance through
2 the department's exception to policy provisions, but who have
3 health care needs in excess of the funding available through
4 the exception to the policy provisions.

5 5. Of the funds appropriated in this section, up to
6 \$3,050,082 may be transferred to the field operations
7 or general administration appropriations in this Act for
8 operational costs associated with Part D of the federal
9 Medicare Prescription Drug Improvement and Modernization Act
10 of 2003, Pub. L. No. 108-173.

11 6. Of the funds appropriated in this section, up to \$442,100
12 may be transferred to the appropriation in this Act for medical
13 contracts to be used for clinical assessment services and prior
14 authorization of services.

15 7. A portion of the funds appropriated in this section
16 may be transferred to the appropriations in this division of
17 this Act for general administration, medical contracts, the
18 children's health insurance program, or field operations to be
19 used for the state match cost to comply with the payment error
20 rate measurement (PERM) program for both the medical assistance
21 and children's health insurance programs as developed by the
22 centers for Medicare and Medicaid services of the United States
23 department of health and human services to comply with the
24 federal Improper Payments Information Act of 2002, Pub. L. No.
25 107-300.

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

33 9. Of the funds appropriated in this section, a sufficient
34 amount is allocated to supplement the incomes of residents of
35 nursing facilities, intermediate care facilities for persons

1 with mental illness, and intermediate care facilities for
2 persons with mental retardation, with incomes of less than \$50
3 in the amount necessary for the residents to receive a personal
4 needs allowance of \$50 per month pursuant to section 249A.30A.

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

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

12 11. a. Of the funds appropriated in this section,
13 \$7,425,684 is allocated for the state match for a
14 disproportionate share hospital payment of \$19,133,430 to
15 hospitals that meet both of the conditions specified in
16 subparagraphs (1) and (2). In addition, the hospitals that
17 meet the conditions specified shall either certify public
18 expenditures or transfer to the medical assistance program
19 an amount equal to provide the nonfederal share for a
20 disproportionate share hospital payment of \$7,500,000. The
21 hospitals that meet the conditions specified shall receive and
22 retain 100 percent of the total disproportionate share hospital
23 payment of \$26,633,430.

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

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

30 b. Distribution of the disproportionate share payments
31 shall be made on a monthly basis. The total amount of
32 disproportionate share payments including graduate medical
33 education, enhanced disproportionate share, and Iowa
34 state-owned teaching hospital payments shall not exceed the
35 amount of the state's allotment under Pub. L. No. 102-234.

1 In addition, the total amount of all disproportionate
2 share payments shall not exceed the hospital-specific
3 disproportionate share limits under Pub. L. No. 103-66.

4 12. The university of Iowa hospitals and clinics shall
5 either certify public expenditures or transfer to the medical
6 assistance appropriation an amount equal to provide the
7 nonfederal share for increased medical assistance payments for
8 inpatient and outpatient hospital services of \$9,900,000. The
9 university of Iowa hospitals and clinics shall receive and
10 retain 100 percent of the total increase in medical assistance
11 payments.

12 13. Of the funds appropriated in this section, up to
13 \$4,480,304 may be transferred to the IowaCare account created
14 in section 249J.24.

15 14. Of the funds appropriated in this section, \$200,000
16 shall be used for the Iowa chronic care consortium pursuant to
17 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
18 Iowa Acts, chapter 179, sections 166 and 167.

19 15. One hundred percent of the nonfederal share of payments
20 to area education agencies that are medical assistance
21 providers for medical assistance-covered services provided to
22 medical assistance-covered children, shall be made from the
23 appropriation made in this section.

24 16. Any new or renewed contract entered into by the
25 department with a third party to administer behavioral health
26 services under the medical assistance program shall provide
27 that any interest earned on payments from the state during
28 the state fiscal year shall be remitted to the department
29 and treated as recoveries to offset the costs of the medical
30 assistance program.

31 17. The department shall continue to implement the
32 provisions in 2007 Iowa Acts, chapter 218, section 124 and
33 section 126, as amended by 2008 Iowa Acts, chapter 1188,
34 section 55, relating to eligibility for certain persons with
35 disabilities under the medical assistance program in accordance

1 with the federal family opportunity Act.

2 18. A portion of the funds appropriated in this section
3 may be transferred to the appropriation in this division of
4 this Act for medical contracts to be used for administrative
5 activities associated with the money follows the person
6 demonstration project.

7 19. Of the funds appropriated in this section, \$349,011
8 shall be used for the administration of the health insurance
9 premium payment program, including salaries, support,
10 maintenance, and miscellaneous purposes for the fiscal year
11 beginning July 1, 2012.

12 20. a. The department may continue to implement cost
13 containment strategies recommended by the governor, and may
14 adopt emergency rules for such implementation.

15 b. The department shall not implement the cost containment
16 strategy to require a primary care referral for the provision
17 of chiropractic services.

18 c. The department may increase the amounts allocated for
19 salaries, support, maintenance, and miscellaneous purposes
20 associated with the medical assistance program, as necessary,
21 to implement the cost containment strategies. The department
22 shall report any such increase to the legislative services
23 agency and the department of management.

24 d. If the savings to the medical assistance program exceed
25 the cost, the department may transfer any savings generated
26 for the fiscal year due to medical assistance program cost
27 containment efforts initiated pursuant to 2010 Iowa Acts,
28 chapter 1031, Executive Order No. 20, issued December 16, 2009,
29 or cost containment strategies initiated pursuant to this
30 subsection, to the appropriation made in this division of this
31 Act for medical contracts or general administration to defray
32 the increased contract costs associated with implementing such
33 efforts.

34 e. The department shall report the implementation of
35 any cost containment strategies under this subsection to

1 the individuals specified in this division of this Act for
2 submission of reports on a quarterly basis.

3 21. Notwithstanding any provision of law to the contrary,
4 the department of human services shall continue implementation
5 of the amended section 1915(b) waiver and Iowa plan contract
6 for inclusion of remedial services under the Iowa plan contract
7 for the fiscal year beginning July 1, 2012.

8 22. Of the funds appropriated in this section, \$5,000,000
9 shall be used to continue reductions in the waiting lists
10 of the medical assistance home and community-based services
11 waivers, including the waiver for persons with intellectual
12 disabilities for which the nonfederal share is paid as
13 state case services and other support pursuant to section
14 331.440. The department shall distribute the funding allocated
15 under this subsection proportionately among all home and
16 community-based services waivers.

17 Sec. 138. MEDICAL CONTRACTS. There is appropriated from the
18 general fund of the state to the department of human services
19 for the fiscal year beginning July 1, 2012, and ending June 30,
20 2013, the following amount, or so much thereof as is necessary,
21 to be used for the purpose designated:

22 For medical contracts:

23 \$ 4,946,922

24 1. The department of inspections and appeals shall
25 provide all state matching funds for survey and certification
26 activities performed by the department of inspections
27 and appeals. The department of human services is solely
28 responsible for distributing the federal matching funds for
29 such activities.

30 2. Of the funds appropriated in this section, \$75,000
31 shall be used for continued implementation of a uniform cost
32 report to be used in the development of specified Medicaid
33 reimbursement rates over a multiyear timeframe as specified in
34 this Act for FY 2011-2012.

35 3. a. Of the funds appropriated in this section,

1 \$50,000 shall be used for continued implementation of an
2 electronic medical record system, including system purchase or
3 development, for home and community-based services providers
4 and mental health services providers that comply with the
5 requirements of federal and state laws and regulation by the
6 fiscal year beginning July 1, 2013.

7 b. Notwithstanding section 8.33, funds allocated in this
8 subsection that remain unencumbered or unobligated at the close
9 of the fiscal year shall not revert but shall remain available
10 in succeeding fiscal years to be used for the purposes
11 designated.

12 4. Of the amount appropriated in this section, \$175,000
13 shall be used for technology upgrades necessary to support
14 Medicaid claims and other health operations, worldwide federal
15 Health Insurance Portability and Accountability Act of 1996
16 (HIPAA) claims, transactions, and coding requirements, and the
17 Iowa automated benefits calculation system. Notwithstanding
18 section 8.33, funds allocated in this subsection that remain
19 unencumbered or unobligated at the close of the fiscal year
20 shall not revert but shall remain available in succeeding
21 fiscal years to be used for the purposes designated.

22 5. Of the funds appropriated in this section, \$50,000
23 shall be used for the continuation of an accountable care
24 organization pilot project as specified in this Act relating to
25 prior appropriations and related changes for FY 2011-2012.

26 6. Of the funds appropriated in this section, \$100,000
27 shall be used for the continued development of a provider
28 payment system plan to provide recommendations to reform the
29 health care provider payment system as an effective way to
30 promote coordination of care, lower costs, and improve quality
31 as specified in the division of this Act relating to cost
32 containment for FY 2011-2012.

33 7. Of the funds appropriated in this section, \$10,000 shall
34 be used for the continued development of a plan to establish
35 an all-payer claims database to provide for the collection

1 and analysis of claims data from multiple payers of health
2 care as specified in the division of this Act relating to cost
3 containment for FY 2011-2012.

4 8. Of the funds appropriated in this section, \$25,000 shall
5 be used for continuation of home and community-based services
6 waiver quality assurance programs, including the review and
7 streamlining of processes and policies related to oversight and
8 quality management to meet state and federal requirements.

9 Sec. 139. STATE SUPPLEMENTARY ASSISTANCE.

10 1. There is appropriated from the general fund of the
11 state to the department of human services for the fiscal year
12 beginning July 1, 2012, and ending June 30, 2013, the following
13 amount, or so much thereof as is necessary, to be used for the
14 purpose designated:

15 For the state supplementary assistance program:
16 \$ 8,425,374

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

24 3. If during the fiscal year beginning July 1, 2012,
25 the department projects that state supplementary assistance
26 expenditures for a calendar year will not meet the federal
27 pass-through requirement specified in Tit. XVI of the federal
28 Social Security Act, section 1618, as codified in 42 U.S.C.
29 § 1382g, the department may take actions including but not
30 limited to increasing the personal needs allowance for
31 residential care facility residents and making programmatic
32 adjustments or upward adjustments of the residential care
33 facility or in-home health-related care reimbursement rates
34 prescribed in this division of this Act to ensure that federal
35 requirements are met. In addition, the department may make

1 other programmatic and rate adjustments necessary to remain
2 within the amount appropriated in this section while ensuring
3 compliance with federal requirements. The department may adopt
4 emergency rules to implement the provisions of this subsection.

5 Sec. 140. CHILDREN'S HEALTH INSURANCE PROGRAM.

6 1. There is appropriated from the general fund of the
7 state to the department of human services for the fiscal year
8 beginning July 1, 2012, and ending June 30, 2013, the following
9 amount, or so much thereof as is necessary, to be used for the
10 purpose designated:

11 For maintenance of the healthy and well kids in Iowa (hawk-i)
12 program pursuant to chapter 514I, including supplemental dental
13 services, for receipt of federal financial participation under
14 Tit. XXI of the federal Social Security Act, which creates the
15 children's health insurance program:

16 \$ 16,403,051

17 2. Of the funds appropriated in this section, \$64,475 is
18 allocated for continuation of the contract for advertising and
19 outreach with the department of public health.

20 Sec. 141. CHILD CARE ASSISTANCE. There is appropriated
21 from the general fund of the state to the department of human
22 services for the fiscal year beginning July 1, 2012, and ending
23 June 30, 2013, the following amount, or so much thereof as is
24 necessary, to be used for the purpose designated:

25 For child care programs:

26 \$ 27,632,755

27 1. Of the funds appropriated in this section, \$26,948,041
28 shall be used for state child care assistance in accordance
29 with section 237A.13.

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

1 in this section.

2 3. Of the funds appropriated in this section, \$216,227 is
3 allocated for the statewide program for child care resource
4 and referral services under section 237A.26. A list of the
5 registered and licensed child care facilities operating in the
6 area served by a child care resource and referral service shall
7 be made available to the families receiving state child care
8 assistance in that area.

9 4. Of the funds appropriated in this section, \$468,487
10 is allocated for child care quality improvement initiatives
11 including but not limited to the voluntary quality rating
12 system in accordance with section 237A.30.

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

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

32 7. If a uniform reduction ordered by the governor under
33 section 8.31 or other operation of law, transfer, or federal
34 funding reduction reduces the appropriation made in this
35 section for the fiscal year, the percentage reduction in the

1 amount paid out to or on behalf of the families participating
2 in the state child care assistance program shall be equal to or
3 less than the percentage reduction made for any other purpose
4 payable from the appropriation made in this section and the
5 federal funding relating to it. The percentage reduction to
6 the other allocations made in this section shall be the same as
7 the uniform reduction ordered by the governor or the percentage
8 change of the federal funding reduction, as applicable.

9 If there is an unanticipated increase in federal funding
10 provided for state child care assistance, the entire amount
11 of the increase shall be used for state child care assistance
12 payments. If the appropriations made for purposes of the
13 state child care assistance program for the fiscal year are
14 determined to be insufficient, it is the intent of the general
15 assembly to appropriate sufficient funding for the fiscal year
16 in order to avoid establishment of waiting list requirements.

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

24 Sec. 142. JUVENILE INSTITUTIONS. There is appropriated
25 from the general fund of the state to the department of human
26 services for the fiscal year beginning July 1, 2012, and ending
27 June 30, 2013, the following amounts, or so much thereof as is
28 necessary, to be used for the purposes designated:

- 29 1. For operation of the Iowa juvenile home at Toledo and for
- 30 salaries, support, maintenance, and miscellaneous purposes, and
- 31 for not more than the following full-time equivalent positions:
- 32 \$ 4,129,126
- 33 FTEs 114.00

34 2. For operation of the state training school at Eldora and
35 for salaries, support, maintenance, and miscellaneous purposes,

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

3 \$ 5,319,339
4 FTEs 164.30

5 Of the funds appropriated in this subsection, \$45,575 shall
6 be used for distribution to licensed classroom teachers at this
7 and other institutions under the control of the department of
8 human services based upon the average student yearly enrollment
9 at each institution as determined by the department.

10 3. A portion of the moneys appropriated in this section
11 shall be used by the state training school and by the Iowa
12 juvenile home for grants for adolescent pregnancy prevention
13 activities at the institutions in the fiscal year beginning
14 July 1, 2012.

15 Sec. 143. CHILD AND FAMILY SERVICES.

16 1. There is appropriated from the general fund of the
17 state to the department of human services for the fiscal year
18 beginning July 1, 2012, and ending June 30, 2013, the following
19 amount, or so much thereof as is necessary, to be used for the
20 purpose designated:

21 For child and family services:

22 \$ 41,538,668

23 2. In order to address a reduction of \$5,200,000 from the
24 amount allocated under the appropriation made for the purposes
25 of this section in prior years for purposes of juvenile
26 delinquent graduated sanction services, up to \$2,600,000 of the
27 amount of federal temporary assistance for needy families block
28 grant funding appropriated in this division of this Act for
29 child and family services shall be made available for purposes
30 of juvenile delinquent graduated sanction services.

31 3. The department may transfer funds appropriated in this
32 section as necessary to pay the nonfederal costs of services
33 reimbursed under the medical assistance program, state child
34 care assistance program, or the family investment program which
35 are provided to children who would otherwise receive services

1 paid under the appropriation in this section. The department
2 may transfer funds appropriated in this section to the
3 appropriations made in this division of this Act for general
4 administration and for field operations for resources necessary
5 to implement and operate the services funded in this section.

6 4. a. Of the funds appropriated in this section, up to
7 \$15,084,565 is allocated as the statewide expenditure target
8 under section 232.143 for group foster care maintenance and
9 services. If the department projects that such expenditures
10 for the fiscal year will be less than the target amount
11 allocated in this lettered paragraph, the department may
12 reallocate the excess to provide additional funding for shelter
13 care or the child welfare emergency services addressed with the
14 allocation for shelter care.

15 b. If at any time after September 30, 2012, annualization
16 of a service area's current expenditures indicates a service
17 area is at risk of exceeding its group foster care expenditure
18 target under section 232.143 by more than 5 percent, the
19 department and juvenile court services shall examine all
20 group foster care placements in that service area in order to
21 identify those which might be appropriate for termination.
22 In addition, any aftercare services believed to be needed
23 for the children whose placements may be terminated shall be
24 identified. The department and juvenile court services shall
25 initiate action to set dispositional review hearings for the
26 placements identified. In such a dispositional review hearing,
27 the juvenile court shall determine whether needed aftercare
28 services are available and whether termination of the placement
29 is in the best interest of the child and the community.

30 5. In accordance with the provisions of section 232.188,
31 the department shall continue the child welfare and juvenile
32 justice funding initiative during fiscal year 2012-2013. Of
33 the funds appropriated in this section, \$858,877 is allocated
34 specifically for expenditure for fiscal year 2012-2013 through
35 the decategorization service funding pools and governance

1 boards established pursuant to section 232.188.

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

7 7. Notwithstanding section 234.35 or any other provision
8 of law to the contrary, state funding for shelter care and
9 the child welfare emergency services contracting implemented
10 to provide for or prevent the need for shelter care shall
11 be limited to \$3,785,058. The department may continue or
12 execute contracts that result from the department's request
13 for proposal, bid number ACFS-11-114, to provide the range of
14 child welfare emergency services described in the request for
15 proposals, and any subsequent amendments to the request for
16 proposals.

17 8. Federal funds received by the state during the fiscal
18 year beginning July 1, 2012, as the result of the expenditure
19 of state funds appropriated during a previous state fiscal
20 year for a service or activity funded under this section are
21 appropriated to the department to be used as additional funding
22 for services and purposes provided for under this section.
23 Notwithstanding section 8.33, moneys received in accordance
24 with this subsection that remain unencumbered or unobligated at
25 the close of the fiscal year shall not revert to any fund but
26 shall remain available for the purposes designated until the
27 close of the succeeding fiscal year.

28 9. Of the funds appropriated in this section, at least
29 \$1,848,143 shall be used for protective child care assistance.

30 10. a. Of the funds appropriated in this section, up to
31 \$1,031,244 is allocated for the payment of the expenses of
32 court-ordered services provided to juveniles who are under the
33 supervision of juvenile court services, which expenses are a
34 charge upon the state pursuant to section 232.141, subsection
35 4. Of the amount allocated in this lettered paragraph, up

1 to \$778,144 shall be made available to provide school-based
2 supervision of children adjudicated under chapter 232, of which
3 not more than \$7,500 may be used for the purpose of training.
4 A portion of the cost of each school-based liaison officer
5 shall be paid by the school district or other funding source as
6 approved by the chief juvenile court officer.

7 b. Of the funds appropriated in this section, up to \$374,493
8 is allocated for the payment of the expenses of court-ordered
9 services provided to children who are under the supervision
10 of the department, which expenses are a charge upon the state
11 pursuant to section 232.141, subsection 4.

12 c. Notwithstanding section 232.141 or any other provision
13 of law to the contrary, the amounts allocated in this
14 subsection shall be distributed to the judicial districts
15 as determined by the state court administrator and to the
16 department's service areas as determined by the administrator
17 of the department's division of child and family services. The
18 state court administrator and the division administrator shall
19 make the determination of the distribution amounts on or before
20 June 15, 2012.

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

1 areas' distribution amounts as prudent.

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

7 f. Of the funds allocated in this subsection, not more than
8 \$41,500 may be used by the judicial branch for administration
9 of the requirements under this subsection.

10 g. Of the funds allocated in this subsection, \$8,500
11 shall be used by the department of human services to support
12 the interstate commission for juveniles in accordance with
13 the interstate compact for juveniles as provided in section
14 232.173.

15 11. Of the funds appropriated in this section, \$2,961,301 is
16 allocated for juvenile delinquent graduated sanctions services.
17 Any state funds saved as a result of efforts by juvenile court
18 services to earn federal Tit. IV-E match for juvenile court
19 services administration may be used for the juvenile delinquent
20 graduated sanctions services.

21 12. Of the funds appropriated in this section, \$494,143
22 shall be transferred to the department of public health to
23 be used for the child protection center grant program in
24 accordance with section 135.118.

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

32 14. Of the funds appropriated in this section, \$1,534,916 is
33 allocated for the preparation for adult living program pursuant
34 to section 234.46.

35 15. Of the funds appropriated in this section, \$260,075

1 shall be used for juvenile drug courts. The amount allocated
2 in this subsection shall be distributed as follows:

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

6 a. Marshall county:

7 \$ 31,354

8 b. Woodbury county:

9 \$ 62,841

10 c. Polk county:

11 \$ 97,946

12 d. The third judicial district:

13 \$ 33,967

14 e. The eighth judicial district:

15 \$ 33,967

16 16. Of the funds appropriated in this section, \$113,669
17 shall be used for the public purpose of providing a grant to
18 a nonprofit human services organization providing services to
19 individuals and families in multiple locations in southwest
20 Iowa and Nebraska for support of a project providing immediate,
21 sensitive support and forensic interviews, medical exams, needs
22 assessments, and referrals for victims of child abuse and their
23 nonoffending family members.

24 17. Of the funds appropriated in this section, \$62,795
25 is allocated for the elevate approach of providing a support
26 network to children placed in foster care.

27 18. Of the funds appropriated in this section, \$101,000 is
28 allocated for use pursuant to section 235A.1 for continuation
29 of the initiative to address child sexual abuse implemented
30 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
31 21.

32 19. Of the funds appropriated in this section, \$315,120 is
33 allocated for the community partnership for child protection
34 sites.

35 20. Of the funds appropriated in this section, \$185,625

1 is allocated for the department's minority youth and family
2 projects under the redesign of the child welfare system.

3 21. Of the funds appropriated in this section, \$600,248
4 is allocated for funding of the state match for the federal
5 substance abuse and mental health services administration
6 (SAMHSA) system of care grant.

7 22. Of the funds appropriated in this section, at least
8 \$73,579 shall be used for the child welfare training academy.

9 23. Of the funds appropriated in this section, \$12,500
10 shall be used for the public purpose of providing a grant to
11 a child welfare services provider headquartered in a county
12 with a population between 205,000 and 215,000 in the latest
13 certified federal census that provides multiple services
14 including but not limited to a psychiatric medical institution
15 for children, shelter, residential treatment, after school
16 programs, school-based programming, and an Asperger's syndrome
17 program, to be used for support services for children with
18 autism spectrum disorder and their families.

19 24. Of the funds appropriated in this section \$128,587 shall
20 be used for continuation of the central Iowa system of care
21 program grant through June 30, 2013.

22 Sec. 144. ADOPTION SUBSIDY.

23 1. There is appropriated from the general fund of the
24 state to the department of human services for the fiscal year
25 beginning July 1, 2012, and ending June 30, 2013, the following
26 amount, or so much thereof as is necessary, to be used for the
27 purpose designated:

28 For adoption subsidy payments and services:
29 \$ 17,233,296

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

34 3. Federal funds received by the state during the
35 fiscal year beginning July 1, 2012, as the result of the

1 expenditure of state funds during a previous state fiscal
2 year for a service or activity funded under this section are
3 appropriated to the department to be used as additional funding
4 for the services and activities funded under this section.
5 Notwithstanding section 8.33, moneys received in accordance
6 with this subsection that remain unencumbered or unobligated
7 at the close of the fiscal year shall not revert to any fund
8 but shall remain available for expenditure for the purposes
9 designated until the close of the succeeding fiscal year.

10 Sec. 145. JUVENILE DETENTION HOME FUND. Moneys deposited
11 in the juvenile detention home fund created in section 232.142
12 during the fiscal year beginning July 1, 2012, and ending June
13 30, 2013, are appropriated to the department of human services
14 for the fiscal year beginning July 1, 2012, and ending June 30,
15 2013, for distribution of an amount equal to a percentage of
16 the costs of the establishment, improvement, operation, and
17 maintenance of county or multicounty juvenile detention homes
18 in the fiscal year beginning July 1, 2011. Moneys appropriated
19 for distribution in accordance with this section shall be
20 allocated among eligible detention homes, prorated on the basis
21 of an eligible detention home's proportion of the costs of all
22 eligible detention homes in the fiscal year beginning July
23 1, 2011. The percentage figure shall be determined by the
24 department based on the amount available for distribution for
25 the fund. Notwithstanding section 232.142, subsection 3, the
26 financial aid payable by the state under that provision for the
27 fiscal year beginning July 1, 2012, shall be limited to the
28 amount appropriated for the purposes of this section.

29 Sec. 146. FAMILY SUPPORT SUBSIDY PROGRAM.

30 1. There is appropriated from the general fund of the
31 state to the department of human services for the fiscal year
32 beginning July 1, 2012, and ending June 30, 2013, the following
33 amount, or so much thereof as is necessary, to be used for the
34 purpose designated:

35 For the family support subsidy program subject to the

1 enrollment restrictions in section 225C.37, subsection 3:
2 \$ 583,999

3 2. The department shall use at least \$192,750 of the moneys
4 appropriated in this section for the family support center
5 component of the comprehensive family support program under
6 section 225C.47. Not more than \$12,500 of the amount allocated
7 in this subsection shall be used for administrative costs.

8 3. If at any time during the fiscal year, the amount of
9 funding available for the family support subsidy program
10 is reduced from the amount initially used to establish the
11 figure for the number of family members for whom a subsidy
12 is to be provided at any one time during the fiscal year,
13 notwithstanding section 225C.38, subsection 2, the department
14 shall revise the figure as necessary to conform to the amount
15 of funding available.

16 Sec. 147. CONNER DECREE. There is appropriated from the
17 general fund of the state to the department of human services
18 for the fiscal year beginning July 1, 2012, and ending June 30,
19 2013, the following amount, or so much thereof as is necessary,
20 to be used for the purpose designated:

21 For building community capacity through the coordination
22 and provision of training opportunities in accordance with the
23 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
24 Iowa, July 14, 1994):
25 \$ 16,811

26 Sec. 148. MENTAL HEALTH INSTITUTES. There is appropriated
27 from the general fund of the state to the department of human
28 services for the fiscal year beginning July 1, 2012, and ending
29 June 30, 2013, the following amounts, or so much thereof as is
30 necessary, to be used for the purposes designated:

31 1. For the state mental health institute at Cherokee for
32 salaries, support, maintenance, and miscellaneous purposes, and
33 for not more than the following full-time equivalent positions:
34 \$ 2,938,654
35 FTEs 168.50

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

17 5. If existing capacity limitations are reached in
18 operating units, a waiting list is in effect for a service or
19 a special need for which a payment source or other funding
20 is available for the service or to address the special need,
21 and facilities for the service or to address the special need
22 can be provided within the available payment source or other
23 funding, the superintendent of a state resource center may
24 authorize opening not more than two units or other facilities
25 and begin implementing the service or addressing the special
26 need during fiscal year 2012-2013.

27 Sec. 150. MI/MR/DD STATE CASES.

28 1. There is appropriated from the general fund of the
29 state to the department of human services for the fiscal year
30 beginning July 1, 2012, and ending June 30, 2013, the following
31 amount, or so much thereof as is necessary, to be used for the
32 purpose designated:

33 For distribution to counties for state case services
34 for persons with mental illness, mental retardation, and
35 developmental disabilities in accordance with section 331.440:

1 \$ 6,084,741

2 2. For the fiscal year beginning July 1, 2012, and ending
3 June 30, 2013, \$100,000 is allocated for state case services
4 from the amounts appropriated from the fund created in section
5 8.41 to the department of human services from the funds
6 received from the federal government under 42 U.S.C. ch. 6A,
7 subch. XVII, relating to the community mental health center
8 block grant, for the federal fiscal years beginning October
9 1, 2010, and ending September 30, 2011, beginning October 1,
10 2011, and ending September 30, 2012, and beginning October 1,
11 2012, and ending September 30, 2013. The allocation made in
12 this subsection shall be made prior to any other distribution
13 allocation of the appropriated federal funds.

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

19 Sec. 151. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
20 — COMMUNITY SERVICES FUND. There is appropriated from
21 the general fund of the state to the mental health and
22 developmental disabilities community services fund created in
23 section 225C.7 for the fiscal year beginning July 1, 2012, and
24 ending June 30, 2013, the following amount, or so much thereof
25 as is necessary, to be used for the purpose designated:

26 For mental health and developmental disabilities community
27 services in accordance with this division of this Act:
28 \$ 14,211,100

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

33 a. Fifty percent based upon the county's proportion of the
34 state's population of persons with an annual income which is
35 equal to or less than the poverty guideline established by the

1 federal office of management and budget.

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

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

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

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

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

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

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

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

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

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

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

7 Sec. 152. SEXUALLY VIOLENT PREDATORS.

8 1. There is appropriated from the general fund of the
9 state to the department of human services for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the following
11 amount, or so much thereof as is necessary, to be used for the
12 purpose designated:

13 For costs associated with the commitment and treatment of
14 sexually violent predators in the unit located at the state
15 mental health institute at Cherokee, including costs of legal
16 services and other associated costs, including salaries,
17 support, maintenance, and miscellaneous purposes, and for not
18 more than the following full-time equivalent positions:

19	\$	3,775,364
20	FTEs	89.50

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

30 Sec. 153. FIELD OPERATIONS. There is appropriated from the
31 general fund of the state to the department of human services
32 for the fiscal year beginning July 1, 2012, and ending June 30,
33 2013, the following amount, or so much thereof as is necessary,
34 to be used for the purposes designated:

35 For field operations, including salaries, support,

1 maintenance, and miscellaneous purposes, and for not more than
2 the following full-time equivalent positions:

3 \$ 27,394,961
4 FTEs 1,781.00

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

8 Sec. 154. GENERAL ADMINISTRATION. There is appropriated
9 from the general fund of the state to the department of human
10 services for the fiscal year beginning July 1, 2012, and ending
11 June 30, 2013, the following amount, or so much thereof as is
12 necessary, to be used for the purpose designated:

13 For general administration, including salaries, support,
14 maintenance, and miscellaneous purposes, and for not more than
15 the following full-time equivalent positions:

16 \$ 7,298,373
17 FTEs 285.00

18 1. Of the funds appropriated in this section, \$19,272
19 allocated for the prevention of disabilities policy council
20 established in section 225B.3.

21 2. The department shall report at least monthly to the
22 legislative services agency concerning the department's
23 operational and program expenditures.

24 3. Of the funds appropriated in this section, \$66,150 shall
25 be used to continue the contract for the provision of a program
26 to provide technical assistance, support, and consultation to
27 providers of habilitation services and home and community-based
28 waiver services for adults with disabilities under the medical
29 assistance program.

30 4. Of the funds appropriated in this section, \$88,200 shall
31 be used to continue the contract to expand the provision of
32 nationally accredited and recognized internet-based training to
33 include mental health and disability services providers.

34 5. Of the funds appropriated in this section, \$250,000
35 shall be used for continuation of child protection system

1 improvements addressed in 2011 Iowa Acts, House File 562, as
2 enacted.

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

8 Sec. 155. VOLUNTEERS. There is appropriated from the
9 general fund of the state to the department of human services
10 for the fiscal year beginning July 1, 2012, and ending June 30,
11 2013, the following amount, or so much thereof as is necessary,
12 to be used for the purpose designated:

13 For development and coordination of volunteer services:
14 \$ 42,330

15 Sec. 156. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
16 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
17 DEPARTMENT OF HUMAN SERVICES.

18 1. a. (1) For the fiscal year beginning July 1, 2012,
19 the total state funding amount for the nursing facility budget
20 shall not exceed \$223,202,551.

21 (2) The department, in cooperation with nursing facility
22 representatives, shall review projections for state funding
23 expenditures for reimbursement of nursing facilities on a
24 quarterly basis and the department shall determine if an
25 adjustment to the medical assistance reimbursement rate is
26 necessary in order to provide reimbursement within the state
27 funding amount for the fiscal year. Notwithstanding 2001
28 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
29 "c", and subsection 3, paragraph "a", subparagraph (2),
30 if the state funding expenditures for the nursing facility
31 budget for the fiscal year is projected to exceed the amount
32 specified in subparagraph (1), the department shall adjust
33 the reimbursement for nursing facilities reimbursed under the
34 case-mix reimbursement system to maintain expenditures of the
35 nursing facility budget within the specified amount for the

1 fiscal year.

2 (3) For the fiscal year beginning July 1, 2012, special
3 population nursing facilities shall be reimbursed in accordance
4 with the methodology in effect on June 30, 2012.

5 b. For the fiscal year beginning July 1, 2012, the
6 department shall reimburse pharmacy dispensing fees using a
7 single rate of \$4.34 per prescription or the pharmacy's usual
8 and customary fee, whichever is lower. However, the department
9 shall adjust the dispensing fee specified in this paragraph
10 to distribute an additional \$2,400,000 in reimbursements for
11 pharmacy dispensing fees under this paragraph for the fiscal
12 year.

13 c. (1) For the fiscal year beginning July 1, 2012,
14 reimbursement rates for outpatient hospital services shall
15 remain at the rates in effect on June 30, 2012.

16 (2) For the fiscal year beginning July 1, 2012,
17 reimbursement rates for inpatient hospital services shall
18 remain at the rates in effect on June 30, 2012.

19 (3) For the fiscal year beginning July 1, 2012, the graduate
20 medical education and disproportionate share hospital fund
21 shall remain at the amount in effect on June 30, 2012, except
22 that the portion of the fund attributable to graduate medical
23 education shall be reduced in an amount that reflects the
24 elimination of graduate medical education payments made to
25 out-of-state hospitals.

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

32 d. For the fiscal year beginning July 1, 2012, reimbursement
33 rates for rural health clinics, hospices, and acute mental
34 hospitals shall be increased in accordance with increases under
35 the federal Medicare program or as supported by their Medicare

1 audited costs.

2 e. For the fiscal year beginning July 1, 2012, independent
3 laboratories and rehabilitation agencies shall be reimbursed
4 using the same methodology in effect on June 30, 2012.

5 f. For the fiscal year beginning July 1, 2012, reimbursement
6 rates for home health agencies shall remain at the rates in
7 effect on June 30, 2012, not to exceed a home health agency's
8 actual allowable cost.

9 g. For the fiscal year beginning July 1, 2012, federally
10 qualified health centers shall receive cost-based reimbursement
11 for 100 percent of the reasonable costs for the provision of
12 services to recipients of medical assistance.

13 h. For the fiscal year beginning July 1, 2012, the
14 reimbursement rates for dental services shall remain at the
15 rates in effect on June 30, 2012.

16 i. (1) For the fiscal year beginning July 1, 2012,
17 state-owned psychiatric medical institutions for children shall
18 receive cost-based reimbursement for 100 percent of the actual
19 and allowable costs for the provision of services to recipients
20 of medical assistance.

21 (2) For the nonstate-owned psychiatric medical institutions
22 for children, reimbursement rates shall be based on the
23 reimbursement methodology developed by the department to
24 include all ancillary medical services costs and any other
25 changes required for federal compliance.

26 j. For the fiscal year beginning July 1, 2012, unless
27 otherwise specified in this Act, all noninstitutional medical
28 assistance provider reimbursement rates shall remain at the
29 rates in effect on June 30, 2012, except for area education
30 agencies, local education agencies, infant and toddler services
31 providers, and those providers whose rates are required to be
32 determined pursuant to section 249A.20.

33 k. Notwithstanding any provision to the contrary, for the
34 fiscal year beginning July 1, 2012, the reimbursement rate for
35 anesthesiologists shall remain at the rate in effect on June

1 30, 2012.

2 1. Notwithstanding section 249A.20, for the fiscal year
3 beginning July 1, 2012, the average reimbursement rate for
4 health care providers eligible for use of the federal Medicare
5 resource-based relative value scale reimbursement methodology
6 under that section shall remain at the rate in effect on June
7 30, 2012; however, this rate shall not exceed the maximum level
8 authorized by the federal government.

9 m. For the fiscal year beginning July 1, 2012, the
10 reimbursement rate for residential care facilities shall not
11 be less than the minimum payment level as established by the
12 federal government to meet the federally mandated maintenance
13 of effort requirement. The flat reimbursement rate for
14 facilities electing not to file annual cost reports shall not
15 be less than the minimum payment level as established by the
16 federal government to meet the federally mandated maintenance
17 of effort requirement.

18 n. For the fiscal year beginning July 1, 2012, inpatient
19 mental health services provided at hospitals shall remain at
20 the rates in effect on June 30, 2012, subject to Medicaid
21 program upper payment limit rules; community mental health
22 centers and providers of mental health services to county
23 residents pursuant to a waiver approved under section 225C.7,
24 subsection 3, shall be reimbursed at 100 percent of the
25 reasonable costs for the provision of services to recipients of
26 medical assistance; and psychiatrists shall be reimbursed at
27 the medical assistance program fee for service rate.

28 o. For the fiscal year beginning July 1, 2012, the
29 reimbursement rate for consumer-directed attendant care shall
30 remain at the rates in effect on June 30, 2012.

31 p. For the fiscal year beginning July 1, 2012, the
32 reimbursement rate for providers of family planning services
33 that are eligible to receive a 90 percent federal match shall
34 remain at the rates in effect on June 30, 2012.

35 q. For the fiscal year beginning July 1, 2012, the

1 department shall adjust the rates in effect on June 30,
2 2012, for providers of home and community-based services
3 waiver services to distribute an additional \$1,500,000 in
4 reimbursements to such providers for the fiscal year.

5 2. For the fiscal year beginning July 1, 2012, the
6 reimbursement rate for providers reimbursed under the
7 in-home-related care program shall not be less than the minimum
8 payment level as established by the federal government to meet
9 the federally mandated maintenance of effort requirement.

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

16 4. For the fiscal year beginning July 1, 2012,
17 notwithstanding section 234.38, the foster family basic daily
18 maintenance rate and the maximum adoption subsidy rate for
19 children ages 0 through 5 years shall be \$15.74, the rate for
20 children ages 6 through 11 years shall be \$16.37, the rate for
21 children ages 12 through 15 years shall be \$17.92, and the
22 rate for children and young adults ages 16 and older shall be
23 \$18.16. The maximum supervised apartment living foster care
24 reimbursement rate shall be \$25.00 per day. For youth ages
25 18 to 21 who have exited foster care, the maximum preparation
26 for adult living program maintenance rate shall be \$574.00 per
27 month. The maximum payment for adoption subsidy nonrecurring
28 expenses shall be limited to \$500 and the disallowance of
29 additional amounts for court costs and other related legal
30 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,
31 section 408 shall be continued.

32 5. For the fiscal year beginning July 1, 2012, the maximum
33 reimbursement rates under the supervised apartment living
34 program and for social services providers under contract
35 shall remain at the rates in effect on June 30, 2012, or the

1 provider's actual and allowable cost plus inflation for each
2 service, whichever is less. However, if a new service or
3 service provider is added after June 30, 2012, the initial
4 reimbursement rate for the service or provider shall be
5 based upon actual and allowable costs. Providers may also
6 be eligible for an additional amount as specified under the
7 department's request for proposal, bid number ACFS-11-115.

8 6. For the fiscal year beginning July 1, 2012, the
9 reimbursement rates for family-centered service providers,
10 family foster care service providers, group foster care service
11 providers, and the resource family recruitment and retention
12 contractor shall remain at the rates in effect on June 30,
13 2012.

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

22 8. a. For the fiscal year beginning July 1, 2012, the
23 reimbursement rate paid for shelter care and the child welfare
24 emergency services implemented to provide or prevent the need
25 for shelter care shall be established in a contract based on
26 the requirements of the department's request for proposal, bid
27 number ACFS-11-114.

28 b. For the fiscal year beginning July 1, 2012, the combined
29 service and maintenance components of the reimbursement rate
30 paid for shelter care services shall be based on the financial
31 and statistical report submitted to the department. The
32 maximum reimbursement rate shall be \$92.36 per day. The
33 department shall reimburse a shelter care provider at the
34 provider's actual and allowable unit cost, plus inflation, not
35 to exceed the maximum reimbursement rate.

1 c. Notwithstanding section 232.141, subsection 8, for the
2 fiscal year beginning July 1, 2012, the amount of the statewide
3 average of the actual and allowable rates for reimbursement of
4 juvenile shelter care homes that is utilized for the limitation
5 on recovery of unpaid costs shall remain at the amount in
6 effect for this purpose in the fiscal year beginning July 1,
7 2011.

8 9. For the fiscal year beginning July 1, 2012, the
9 department shall calculate reimbursement rates for intermediate
10 care facilities for persons with mental retardation at the
11 80th percentile. Beginning July 1, 2012, the rate calculation
12 methodology shall utilize the consumer price index inflation
13 factor applicable to the fiscal year beginning July 1, 2012.

14 10. For the fiscal year beginning July 1, 2012, for child
15 care providers reimbursed under the state child care assistance
16 program, the department shall set provider reimbursement
17 rates based on the rate reimbursement survey completed in
18 December 2004. Effective July 1, 2012, the child care provider
19 reimbursement rates shall remain at the rates in effect on June
20 30, 2012. The department shall set rates in a manner so as
21 to provide incentives for a nonregistered provider to become
22 registered by applying the increase only to registered and
23 licensed providers.

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

26 Sec. 157. EMERGENCY RULES.

27 1. If specifically authorized by a provision of this
28 division of this Act, the department of human services or
29 the mental health, and disability services commission may
30 adopt administrative rules under section 17A.4, subsection
31 3, and section 17A.5, subsection 2, paragraph "b", to
32 implement the provisions and the rules shall become effective
33 immediately upon filing or on a later effective date specified
34 in the rules, unless the effective date is delayed by the
35 administrative rules review committee. Any rules adopted in

1 accordance with this section shall not take effect before
2 the rules are reviewed by the administrative rules review
3 committee. The delay authority provided to the administrative
4 rules review committee under section 17A.4, subsection 7, and
5 section 17A.8, subsection 9, shall be applicable to a delay
6 imposed under this section, notwithstanding a provision in
7 those sections making them inapplicable to section 17A.5,
8 subsection 2, paragraph "b". Any rules adopted in accordance
9 with the provisions of this section shall also be published as
10 notice of intended action as provided in section 17A.4.

11 2. If during the fiscal year beginning July 1, 2012, the
12 department of human services is adopting rules in accordance
13 with this section or as otherwise directed or authorized by
14 state law, and the rules will result in an expenditure increase
15 beyond the amount anticipated in the budget process or if the
16 expenditure was not addressed in the budget process for the
17 fiscal year, the department shall notify the persons designated
18 by this division of this Act for submission of reports,
19 the chairpersons and ranking members of the committees on
20 appropriations, and the department of management concerning the
21 rules and the expenditure increase. The notification shall be
22 provided at least 30 calendar days prior to the date notice of
23 the rules is submitted to the administrative rules coordinator
24 and the administrative code editor.

25 Sec. 158. REPORTS. Any reports or information required to
26 be compiled and submitted under this Act shall be submitted
27 to the chairpersons and ranking members of the joint
28 appropriations subcommittee on health and human services, the
29 legislative services agency, and the legislative caucus staffs
30 on or before the dates specified for submission of the reports
31 or information.

32 Sec. 159. EFFECTIVE DATE. The following provision of this
33 division of this Act, being deemed of immediate importance,
34 take effect upon enactment:

35 The provision under the appropriation for child and family

1 services, relating to requirements of section 232.143 for
2 representatives of the department of human services and
3 juvenile court services to establish a plan for continuing
4 group foster care expenditures for fiscal year 2012-2013.

5 DIVISION XIX

6 PHARMACEUTICAL SETTLEMENT ACCOUNT,

7 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER

8 REIMBURSEMENT FUND, HEALTH CARE TRANSFORMATION ACCOUNT,

9 MEDICAID FRAUD ACCOUNT, QUALITY ASSURANCE TRUST FUND,

10 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY 2012-2013

11 Sec. 160. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
12 appropriated from the pharmaceutical settlement account created
13 in section 249A.33 to the department of human services for the
14 fiscal year beginning July 1, 2012, and ending June 30, 2013,
15 the following amount, or so much thereof as is necessary, to be
16 used for the purpose designated:

17 Notwithstanding any provision of law to the contrary, to
18 supplement the appropriations made in this Act for medical
19 contracts under the medical assistance program:

20 \$ 2,716,807

21 Sec. 161. APPROPRIATIONS FROM IOWACARE ACCOUNT.

22 1. There is appropriated from the IowaCare account
23 created in section 249J.24 to the state board of regents for
24 distribution to the university of Iowa hospitals and clinics
25 for the fiscal year beginning July 1, 2012, and ending June 30,
26 2013, the following amount, or so much thereof as is necessary,
27 to be used for the purposes designated:

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

33 \$ 27,284,584

34 a. Funds appropriated in this subsection shall not be used
35 to perform abortions except medically necessary abortions, and

1 shall not be used to operate the early termination of pregnancy
2 clinic except for the performance of medically necessary
3 abortions. For the purpose of this subsection, an abortion is
4 the purposeful interruption of pregnancy with the intention
5 other than to produce a live-born infant or to remove a dead
6 fetus, and a medically necessary abortion is one performed
7 under one of the following conditions:

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

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

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

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

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

24 b. Notwithstanding any provision of law to the contrary,
25 the amount appropriated in this subsection shall be distributed
26 based on claims submitted, adjudicated, and paid by the Iowa
27 Medicaid enterprise.

28 c. The university of Iowa hospitals and clinics shall
29 certify public expenditures in an amount equal to provide
30 the nonfederal share on total expenditures not to exceed
31 \$20,000,000.

32 2. There is appropriated from the IowaCare account
33 created in section 249J.24 to the state board of regents for
34 distribution to the university of Iowa hospitals and clinics
35 for the fiscal year beginning July 1, 2012, and ending June 30,

1 2013, the following amount, or so much thereof as is necessary,
2 to be used for the purposes designated:

3 For salaries, support, maintenance, equipment, and
4 miscellaneous purposes, for the provision of medical and
5 surgical treatment of indigent patients, for provision of
6 services to members of the expansion population pursuant to
7 chapter 249J, and for medical education:
8 \$ 44,226,279

9 Notwithstanding any provision of law to the contrary, the
10 amount appropriated in this subsection shall be distributed
11 based on claims submitted, adjudicated, and paid by the Iowa
12 Medicaid enterprise.

13 3. There is appropriated from the IowaCare account
14 created in section 249J.24, to the state board of regents for
15 distribution to university of Iowa physicians for the fiscal
16 year beginning July 1, 2012, and ending June 30, 2013, the
17 following amount, or so much thereof as is necessary to be used
18 for the purposes designated:

19 For salaries, support, maintenance, equipment, and
20 miscellaneous purposes for the provision of medical and
21 surgical treatment of indigent patients, for provision of
22 services to members of the expansion population pursuant to
23 chapter 249J, and for medical education:
24 \$ 16,277,753

25 Notwithstanding any provision of law to the contrary, the
26 amount appropriated in this subsection shall be distributed
27 based on claims submitted, adjudicated, and paid by the Iowa
28 Medicaid enterprise. Once the entire amount appropriated in
29 this subsection has been distributed, claims shall continue to
30 be submitted and adjudicated by the Iowa Medicaid enterprise;
31 however, no payment shall be made based upon such claims.

32 4. There is appropriated from the IowaCare account created
33 in section 249J.24 to the department of human services for the
34 fiscal year beginning July 1, 2012, and ending June 30, 2013,
35 the following amount, or so much thereof as is necessary, to be

1 used for the purposes designated:

2 For distribution to a publicly owned acute care teaching
3 hospital located in a county with a population over 350,000 for
4 the provision of medical and surgical treatment of indigent
5 patients, for provision of services to members of the expansion
6 population pursuant to chapter 249J, and for medical education:
7 \$ 65,000,000

8 a. Notwithstanding any provision of law to the contrary,
9 the amount appropriated in this subsection shall be distributed
10 based on claims submitted, adjudicated, and paid by the Iowa
11 Medicaid enterprise plus a monthly disproportionate share
12 hospital payment. Any amount appropriated in this subsection
13 in excess of \$60,000,000 shall be distributed only if the sum
14 of the expansion population claims adjudicated and paid by the
15 Iowa Medicaid enterprise plus the estimated disproportionate
16 share hospital payments exceeds \$60,000,000. The amount paid
17 in excess of \$60,000,000 shall not adjust the original monthly
18 payment amount but shall be distributed monthly based on actual
19 claims adjudicated and paid by the Iowa Medicaid enterprise
20 plus the estimated disproportionate share hospital amount. Any
21 amount appropriated in this subsection in excess of \$60,000,000
22 shall be allocated only if federal funds are available to match
23 the amount allocated. Pursuant to paragraph "b", of the amount
24 appropriated in this subsection, not more than \$4,000,000 shall
25 be distributed for prescription drugs and podiatry services.

26 b. Notwithstanding any provision of law to the contrary, the
27 hospital identified in this subsection, shall be reimbursed for
28 outpatient prescription drugs and podiatry services provided to
29 members of the expansion population pursuant to all applicable
30 medical assistance program rules, in an amount not to exceed
31 \$4,000,000.

32 c. Notwithstanding the total amount of proceeds distributed
33 pursuant to section 249J.24, subsection 6, paragraph "a",
34 unnumbered paragraph 1, for the fiscal year beginning July
35 1, 2012, and ending June 30, 2013, the county treasurer of a

1 county with a population of over 350,000 in which a publicly
2 owned acute care teaching hospital is located shall distribute
3 the proceeds collected pursuant to section 347.7 in a total
4 amount of \$38,000,000, which would otherwise be distributed to
5 the county hospital, to the treasurer of state for deposit in
6 the IowaCare account.

7 d. (1) Notwithstanding the amount collected and
8 distributed for deposit in the IowaCare account pursuant to
9 section 249J.24, subsection 6, paragraph "a", subparagraph
10 (1), the first \$19,000,000 in proceeds collected pursuant to
11 section 347.7 between July 1, 2012, and December 31, 2012,
12 shall be distributed to the treasurer of state for deposit in
13 the IowaCare account and collections during this time period
14 in excess of \$19,000,000 shall be distributed to the acute
15 care teaching hospital identified in this subsection. Of the
16 collections in excess of the \$19,000,000 received by the acute
17 care teaching hospital under this subparagraph (1), \$2,000,000
18 shall be distributed by the acute care teaching hospital to the
19 treasurer of state for deposit in the IowaCare account in the
20 month of January 2013, following the July 1 through December
21 31, 2012, period.

22 (2) Notwithstanding the amount collected and distributed
23 for deposit in the IowaCare account pursuant to section
24 249J.24, subsection 6, paragraph "a", subparagraph (2),
25 the first \$19,000,000 in collections pursuant to section
26 347.7 between January 1, 2013, and June 30, 2013, shall be
27 distributed to the treasurer of state for deposit in the
28 IowaCare account and collections during this time period in
29 excess of \$19,000,000 shall be distributed to the acute care
30 teaching hospital identified in this subsection. Of the
31 collections in excess of the \$19,000,000 received by the acute
32 care teaching hospital under this subparagraph (2), \$2,000,000
33 shall be distributed by the acute care teaching hospital to the
34 treasurer of state for deposit in the IowaCare account in the
35 month of July 2013, following the January 1 through June 30,

1 2013, period.

2 5. There is appropriated from the IowaCare account created
3 in section 249J.24 to the department of human services for the
4 fiscal year beginning July 1, 2012, and ending June 30, 2013,
5 the following amount, or so much thereof as is necessary to be
6 used for the purpose designated:

7 For payment to the regional provider network specified
8 by the department pursuant to section 249J.7 for provision
9 of covered services to members of the expansion population
10 pursuant to chapter 249J:

11 \$ 3,472,176

12 Notwithstanding any provision of law to the contrary, the
13 amount appropriated in this subsection shall be distributed
14 based on claims submitted, adjudicated, and paid by the Iowa
15 Medicaid enterprise. Once the entire amount appropriated in
16 this subsection has been distributed, claims shall continue to
17 be submitted and adjudicated by the Iowa Medicaid enterprise;
18 however, no payment shall be made based upon such claims.

19 6. There is appropriated from the IowaCare account created
20 in section 249J.24 to the department of human services for the
21 fiscal year beginning July 1, 2012, and ending June 30, 2013,
22 the following amount, or so much thereof as is necessary to be
23 used for the purposes designated:

24 For a care coordination pool to pay the expansion population
25 providers consisting of the university of Iowa hospitals and
26 clinics, the publicly owned acute care teaching hospital as
27 specified in section 249J.7, and current medical assistance
28 program providers that are not expansion population network
29 providers pursuant to section 249J.7, for services covered by
30 the full benefit medical assistance program but not under the
31 IowaCare program pursuant to section 249J.6, that are provided
32 to expansion population members:

33 \$ 1,500,000

34 a. Notwithstanding sections 249J.6 and 249J.7, the amount
35 appropriated in this subsection is intended to provide

1 payment for medically necessary services provided to expansion
2 population members for continuation of care provided by the
3 university of Iowa hospitals and clinics or the publicly owned
4 acute care teaching hospital as specified in section 249J.7.
5 Payment may only be made for services that are not otherwise
6 covered under section 249J.6, and which are follow-up services
7 to covered services provided by the hospitals specified in this
8 paragraph "a".

9 b. The funds appropriated in this subsection are intended
10 to provide limited payment for continuity of care services for
11 an expansion population member, and are intended to cover the
12 costs of services to expansion population members, regardless
13 of the member's county of residence or medical home assignment,
14 if the care is related to specialty or hospital services
15 provided by the hospitals specified in paragraph "a".

16 c. The funds appropriated in this subsection are
17 not intended to provide for expanded coverage under the
18 IowaCare program, and shall not be used to cover emergency
19 transportation services.

20 d. The department shall adopt administrative rules pursuant
21 to chapter 17A to establish a prior authorization process and
22 to identify covered services for reimbursement under this
23 subsection.

24 7. There is appropriated from the IowaCare account created
25 in section 249J.24 to the department of human services for the
26 fiscal year beginning July 1, 2012, and ending June 30, 2013,
27 the following amount or so much thereof as is necessary to be
28 used for the purposes designated:

29 For a laboratory test and radiology pool for services
30 authorized by a federally qualified health center designated
31 by the department as part of the IowaCare regional provider
32 network that does not have the capability to provide these
33 services on site:

34 \$ 500,000

35 Notwithstanding sections 249J.6 and 249J.7, the amount

1 created in section 249J.23 to the department of human services
2 for the fiscal year beginning July 1, 2012, and ending June
3 30, 2013, the following amounts, or so much thereof as is
4 necessary, to be used for the purposes designated:

5 1. For the provision of an IowaCare nurse helpline for the
6 expansion population as provided in section 249J.6:
7 \$ 50,000

8 2. For other health promotion partnership activities
9 pursuant to section 249J.14:
10 \$ 300,000

11 3. For the costs related to audits, performance
12 evaluations, and studies required pursuant to chapter 249J:
13 \$ 62,500

14 4. For administrative costs associated with chapter 249J:
15 \$ 566,206

16 5. For planning and development, in cooperation with the
17 department of public health, of a phased-in program to provide
18 a dental home for children in accordance with section 249J.14:
19 \$ 500,000

20 6. For continuation of the establishment of the tuition
21 assistance for individuals serving individuals with
22 disabilities pilot program, as enacted in 2008 Iowa Acts,
23 chapter 1187, section 130:
24 \$ 25,000

25 7. For medical contracts:
26 \$ 1,000,000

27 8. For payment to the publicly owned acute care teaching
28 hospital located in a county with a population of over 350,000
29 that is a participating provider pursuant to chapter 249J:
30 \$ 145,000

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

1 9. For transfer to the department of public health to be
2 used for the costs of medical home system advisory council
3 established pursuant to section 135.159:
4 \$ 116,679

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

13 Sec. 164. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
14 INSPECTIONS AND APPEALS. There is appropriated from the
15 Medicaid fraud account created in section 249A.7 to the
16 department of inspections and appeals for the fiscal year
17 beginning July 1, 2012, and ending June 30, 2013, the following
18 amount, or so much thereof as is necessary, to be used for the
19 purposes designated:

20 For the inspection and certification of assisted living
21 programs and adult day care services, including program
22 administration and costs associated with implementation:
23 \$ 669,764

24 Sec. 165. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF HUMAN
25 SERVICES. There is appropriated from the Medicaid fraud
26 account created in section 249A.7 to the department of human
27 services for the fiscal year beginning July 1, 2012, and ending
28 June 30, 2013, the following amount, or so much thereof as is
29 necessary, to be used for the purposes designated:

30 To supplement the appropriation made in this Act from the
31 general fund of the state to the department of human services
32 for medical assistance:
33 \$ 1,000,000

34 Sec. 166. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF
35 HUMAN SERVICES. Notwithstanding any provision to the contrary

1 and subject to the availability of funds, there is appropriated
2 from the quality assurance trust fund created in section
3 249L.4 to the department of human services for the fiscal year
4 beginning July 1, 2012, and ending June 30, 2013, the following
5 amounts, or so much thereof as is necessary for the purposes
6 designated:

7 To supplement the appropriation made in this Act from the
8 general fund of the state to the department of human services
9 for medical assistance:

10 \$ 29,000,000

11 Sec. 167. HOSPITAL HEALTH CARE ACCESS TRUST FUND —
12 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
13 the contrary and subject to the availability of funds, there is
14 appropriated from the hospital health care access trust fund
15 created in section 249M.4 to the department of human services
16 for the fiscal year beginning July 1, 2012, and ending June
17 30, 2013, the following amounts, or so much thereof as is
18 necessary, for the purposes designated:

19 1. To supplement the appropriation made in this Act from the
20 general fund of the state to the department of human services
21 for medical assistance:

22 \$ 39,223,800

23 2. For deposit in the nonparticipating provider
24 reimbursement fund created in section 249J.24A to be used for
25 the purposes of the fund:

26 \$ 776,200

27 Sec. 168. MEDICAL ASSISTANCE PROGRAM — NONREVERSION
28 FOR FY 2012-2013. Notwithstanding section 8.33, if moneys
29 appropriated for purposes of the medical assistance program
30 for the fiscal year beginning July 1, 2012, and ending June
31 30, 2013, from the general fund of the state, the Medicaid
32 fraud account, the quality assurance trust fund, and the
33 hospital health care access trust fund, are in excess of actual
34 expenditures for the medical assistance program and remain
35 unencumbered or unobligated at the close of the fiscal year,

1 the excess moneys shall not revert but shall remain available
2 for expenditure for the purposes of the medical assistance
3 program until the close of the succeeding fiscal year.

4 DIVISION XX

5 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR
6 2012-2013

7 Sec. 169. MENTAL HEALTH, MENTAL RETARDATION, AND
8 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX
9 RELIEF. Notwithstanding the standing appropriation in section
10 426B.1, subsection 2, for the fiscal year beginning July 1,
11 2012, and ending June 30, 2013, the amount appropriated from
12 the general fund of the state pursuant to that provision shall
13 not exceed the following amount:

14 \$ 81,199,911

15 Sec. 170. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING —
16 FY 2012-2013.

17 1. There is appropriated from the general fund of the
18 state to the department of human services for the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, the following
20 amount, or so much thereof as is necessary, to be used for the
21 purpose designated:

22 For distribution to counties of the county mental health,
23 mental retardation, and developmental disabilities allowed
24 growth factor adjustment for fiscal year 2012-2013 as provided
25 in this section in lieu of the allowed growth factor provisions
26 of section 331.438, subsection 2, and section 331.439,
27 subsection 3, and chapter 426B:

28 \$ 68,697,893

29 2. Of the amount appropriated in this section, \$12,000,000
30 shall be distributed as provided in this subsection.

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

33 (1) The county is levying for the maximum amount allowed
34 for the county's mental health, mental retardation, and
35 developmental disabilities services fund under section 331.424A

1 for taxes due and payable in the fiscal year beginning July 1,
2 2012, or the county is levying for at least 90 percent of the
3 maximum amount allowed for the county's services fund and that
4 levy rate is more than \$2 per \$1,000 of the assessed value of
5 all taxable property in the county.

6 (2) In the fiscal year beginning July 1, 2010, the
7 county's mental health, mental retardation, and developmental
8 disabilities services fund ending balance under generally
9 accepted accounting principles was equal to or less than 15
10 percent of the county's actual gross expenditures for that
11 fiscal year.

12 b. The amount of a county's distribution from the allocation
13 made in this subsection shall be determined based upon the
14 county's proportion of the general population of the counties
15 eligible to receive a distribution under this subsection. The
16 most recent population estimates issued by the United States
17 bureau of the census shall be applied in determining population
18 for the purposes of this paragraph.

19 c. The distributions made pursuant to this subsection
20 are subject to the distribution provisions and withholding
21 requirements established in this section for the county mental
22 health, mental retardation, and developmental disabilities
23 allowed growth factor adjustment for the fiscal year beginning
24 July 1, 2012.

25 3. The following amount of the funding appropriated in this
26 section is the allowed growth factor adjustment for fiscal
27 year 2012-2013, and shall be credited to the allowed growth
28 funding pool created in the property tax relief fund and for
29 distribution in accordance with section 426B.5, subsection 1:
30 \$ 56,697,893

31 4. The following formula amounts shall be utilized only
32 to calculate preliminary distribution amounts for the allowed
33 growth factor adjustment for fiscal year 2012-2013 under this
34 section by applying the indicated formula provisions to the
35 formula amounts and producing a preliminary distribution total

1 for each county:

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

6 \$ 69,773,346

7 b. For calculation of a distribution amount for counties
8 from the mental health and developmental disabilities (MH/DD)
9 community services fund in accordance with the formula provided
10 in the appropriation made for the MH/DD community services fund
11 for the fiscal year beginning July 1, 2012:

12 \$ 14,187,556

13 5. a. After applying the applicable statutory distribution
14 formulas to the amounts indicated in subsection 4 for purposes
15 of producing preliminary distribution totals, the department
16 of human services shall apply a withholding factor to adjust
17 an eligible individual county's preliminary distribution
18 total. In order to be eligible for a distribution under this
19 section, a county must be levying 90 percent or more of the
20 maximum amount allowed for the county's mental health, mental
21 retardation, and developmental disabilities services fund under
22 section 331.424A for taxes due and payable in the fiscal year
23 for which the distribution is payable.

24 b. An ending balance percentage for each county shall
25 be determined by expressing the county's ending balance on a
26 modified accrual basis under generally accepted accounting
27 principles for the fiscal year beginning July 1, 2010, in the
28 county's mental health, mental retardation, and developmental
29 disabilities services fund created under section 331.424A, as a
30 percentage of the county's gross expenditures from that fund
31 for that fiscal year. If a county borrowed moneys for purposes
32 of providing services from the county's services fund on or
33 before July 1, 2010, and the county's services fund ending
34 balance for that fiscal year includes the loan proceeds or an
35 amount designated in the county budget to service the loan for

1 the borrowed moneys, those amounts shall not be considered
2 to be part of the county's ending balance for purposes of
3 calculating an ending balance percentage under this subsection.

4 c. For purposes of calculating withholding factors and for
5 ending balance amounts used for other purposes under law, the
6 county ending balances shall be adjusted, using forms developed
7 for this purpose by the county finance committee, to disregard
8 the temporary funding increase provided to the counties for
9 the fiscal year through the federal American Recovery and
10 Reinvestment Act of 2009, Pub. L. No. 111-5. In addition, a
11 county may adjust the ending balance amount by rebating to the
12 department all or a portion of the allowed growth and MH/DD
13 services fund moneys the county received for the fiscal year
14 beginning July 1, 2011, in accordance with this Act, or from
15 any other services fund moneys available to the county. The
16 rebate must be remitted to the department on or before June 1,
17 2012, in order to be counted. The amount rebated by a county
18 shall be subtracted dollar-for-dollar from the county's ending
19 balance amount for the fiscal year beginning July 1, 2010,
20 for purposes of calculating the withholding factor and for
21 other ending balance purposes for the fiscal year beginning
22 July 1, 2012. The rebates received by the department shall be
23 credited to the property tax relief fund and distributed as
24 additional funding for the fiscal year beginning July 1, 2012,
25 in accordance with the formula provisions in this section.

26 d. The withholding factor for a county shall be the
27 following applicable percent:

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

34 (2) For an ending balance percentage of 5 percent or more
35 but less than 10 percent, a withholding factor of 0 percent.

1 In addition, a county that is subject to this lettered
2 paragraph shall receive an inflation adjustment equal to 2
3 percent of the gross expenditures reported for the county's
4 services fund for the fiscal year.

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

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

13 6. The total withholding amounts applied pursuant to
14 subsection 5 shall be equal to a withholding target amount of
15 \$13,075,453. If the department of human services determines
16 that the amount appropriated is insufficient or the amount to
17 be withheld in accordance with subsection 5 is not equal to
18 the target withholding amount, the department shall adjust the
19 withholding factors listed in subsection 5 as necessary to
20 achieve the target withholding amount. However, in making such
21 adjustments to the withholding factors, the department shall
22 strive to minimize changes to the withholding factors for those
23 ending balance percentage ranges that are lower than others and
24 shall only adjust the zero withholding factor or the inflation
25 adjustment percentages specified in subsection 5, paragraph
26 "d", when the amount appropriated is insufficient.

27 DIVISION XXI

28 CONDITIONAL RETROACTIVE APPLICABILITY

29 Sec. 171. EFFECTIVE DATE AND RETROACTIVE
30 APPLICABILITY. Unless otherwise provided, this Act, if
31 approved by the governor on or after July 1, 2011, takes effect
32 upon enactment and applies retroactively to July 1, 2011.

33 EXPLANATION

34 This bill relates to and makes appropriations for health
35 and human services for fiscal years 2011-2012 and 2012-2013 to

1 the department of veterans affairs, the Iowa veterans home,
2 the department on aging, the department of public health,
3 the Iowa finance authority, the state board of regents, the
4 department of inspections and appeals, and the department of
5 human services. The bill is organized in divisions.

6 DEPARTMENT ON AGING — FY 2011-2012. This division
7 appropriates funding from the general fund of the state for the
8 department on aging.

9 DEPARTMENT OF PUBLIC HEALTH — FY 2011-2012. This division
10 appropriates funding from the general fund of the state for the
11 department of public health.

12 DEPARTMENT OF VETERANS AFFAIRS — FY 2011-2012. This
13 division appropriates funding from the general fund of the
14 state for the department of veterans affairs.

15 DEPARTMENT OF HUMAN SERVICES — FY 2011-2012. The division
16 appropriates funding from the general fund of the state and the
17 federal temporary assistance for needy families block grant
18 to the department of human services. The allocation for the
19 family development and self-sufficiency grant program is made
20 directly to the department of human rights.

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

24 The reimbursement section addresses reimbursement for
25 providers reimbursed by the department of human services.

26 PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT,
27 NONPARTICIPATING PROVIDER REIMBURSEMENT FUND, HEALTH CARE
28 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY
29 ASSURANCE TRUST FUND, AND HOSPITAL HEALTH CARE ACCESS TRUST
30 FUND — FY 2011-2012. This division makes appropriations for
31 fiscal year 2011-2012. The appropriation to the department
32 of inspections and appeals is made from the Medicaid fraud
33 account.

34 The division makes an appropriation from the pharmaceutical
35 settlement account to the department of human services to

1 supplement the medical contracts appropriation.

2 The division makes appropriations from the IowaCare
3 account to the state board of regents for distribution to the
4 university of Iowa hospitals and clinics and to the department
5 of human services for distribution to a publicly owned acute
6 care teaching hospital in a county with a population over
7 350,000 related to the IowaCare program and indigent care. The
8 division also makes appropriations from the IowaCare account
9 to the department of human services for distribution to the
10 regional provider network, a care coordination pool, and a
11 laboratory test and radiology pool. The division makes an
12 appropriation from the nonparticipating provider reimbursement
13 fund to reimburse nonparticipating providers under the IowaCare
14 program. The division makes an appropriation to the department
15 of human services from the health care transformation account
16 for various health care reform initiatives.

17 Appropriations are made to supplement the Medicaid program
18 from the following funds: quality assurance trust fund,
19 Medicaid fraud account, and hospital health care access trust
20 fund.

21 The division provides that if the total amount appropriated
22 from all sources for the medical assistance program for fiscal
23 year 2011-2012 exceeds the amount needed, the excess remains
24 available to be used for the program in the succeeding fiscal
25 year.

26 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FISCAL YEAR
27 2011-2012. This division allocates the appropriation made in
28 2010 Iowa Acts, chapter 1193, for distribution to counties for
29 adult mental illness, mental retardation, and developmental
30 disabilities services allowed growth for fiscal year 2011-2012.

31 The standing appropriation from the general fund of the
32 state of \$88.4 million for purposes of the property tax relief
33 fund in Code section 426B.1 is reduced to approximately \$81.2
34 million for FY 2011-2012.

35 PRIOR APPROPRIATIONS AND RELATED PROVISIONS — FY 2011-2012.

1 This division addresses previous appropriations and related
2 provisions.

3 New Code section 16.185 creates the community housing and
4 services for persons with disabilities revolving loan program
5 fund under the Iowa finance authority.

6 Code section 35A.8A, relating to Vietnam conflict veterans
7 bonus compensation, is amended to change the application
8 deadline from July 1, 2010, to May 1, 2011. This change is
9 retroactive to July 1, 2010.

10 An appropriation originally enacted in 2008 Iowa Acts,
11 chapter 1187, section 68, for the Vietnam conflict veterans
12 bonus fund, is amended to provide that upon repeal of the
13 bonus fund on June 30, 2011, the balance is transferred to the
14 veterans trust fund to be expended at a later date for a bonus
15 enacted for veterans of more recent conflicts.

16 An existing nonreversion clause for purposes of the
17 appropriation made for the injured veterans grant program in
18 2008 Iowa Acts, chapter 1187, section 69, is extended through
19 FY 2011-2012.

20 A provision in 2009 Iowa Acts, chapter 182, section 9,
21 requiring the department of human services to maintain a
22 behavioral health account, is amended so that unused funds do
23 not revert but are retained to be used for crisis stabilization
24 and other mental and behavioral health service improvements.

25 Unused funds remaining from the allocation made in 2009
26 Iowa Acts, chapter 182, section 14, for the child welfare
27 decategorization projects are transferred to the community
28 housing and services for persons with disabilities revolving
29 loan program created in the Act.

30 The requirements for an allocation made in 2009 Iowa Acts,
31 chapter 183, section 62, for infant and toddler care quality,
32 are revised.

33 Requirements in 2010 Iowa Acts, chapter 1192, sections 1 and
34 37, for quarterly review of reimbursement provisions for case
35 management services under the Medicaid program elderly waiver,

1 are deleted.

2 Funds remaining from the appropriation made in 2010 Iowa
3 Acts, chapter 1192, section 3, for the Iowa veterans home are
4 subject to a nonreversion clause under Code section 35D.18.
5 The bill provides for the first \$500,000 to be used for the
6 Iowa veterans home in the succeeding fiscal year and the
7 remainder to be transferred to the department of human services
8 to be used for the Medicaid program.

9 The appropriation made for the Medicaid program in 2010
10 Iowa Acts, chapter 1192, section 11, is amended to allow the
11 department of human services to increase the amounts allocated
12 for staffing as necessary to implement cost containment efforts
13 to accomplish Medicaid program savings.

14 Moneys from the general fund of the state are appropriated
15 for FY 2010-2011 to be credited to the injured veterans trust
16 fund to be used for the injured veterans grant program. The
17 moneys appropriated from the general fund do not revert.

18 A nonreversion clause is provided for the appropriation made
19 for the state supplementary assistance program in 2010 Iowa
20 Acts, chapter 1192, section 14.

21 Funds appropriated for the child welfare training academy
22 in 2010 Iowa Acts, chapter 1192, section 19 that remain at the
23 close of the fiscal year do not revert but remain available for
24 the purpose designated until the close of the succeeding fiscal
25 year.

26 Sixty thousand dollars of the appropriation made for
27 adoption subsidy for FY 2010-2011 is transferred to the state
28 mental health institute at Cherokee to be used for children's
29 beds, and the moneys transferred do not revert.

30 Appropriations made to the department of human services for
31 field operations and general administration in 2010 Iowa Acts,
32 chapter 1192, sections 29 and 30, that remain at the close of
33 the fiscal year do not revert but remain available for the
34 purposes designated until the close of the succeeding fiscal
35 year.

1 The appropriation made from the quality assurance fund in
2 2010 Iowa Acts, chapter 1192, section 44, for the Medicaid
3 program, is increased.

4 An appropriation made from the merchant marine bonus fund
5 to the department of cultural affairs for FY 2010-2011 is
6 transferred to the department of veterans affairs on the
7 effective date of the provision. Transferred moneys remaining
8 at the close of the fiscal year are required to be credited to
9 the veterans trust fund.

10 A portion of appropriations made to the department of human
11 services for FY 2010-2011 for the state resource center at
12 Glenwood is transferred to the Iowa juvenile home appropriation
13 and for the state resource center at Woodward is transferred
14 to the state mental health institute at Independence. This
15 provision is retroactively applicable to January 1, 2012.

16 For the period of June 1, 2010, and ending June 30, 2011,
17 a child welfare funding decategorization project that is
18 incorporated and owns real property may utilize project funding
19 to purchase liability insurance. This provision applies
20 retroactively to June 1, 2010.

21 If an accountable health care organization is certified
22 by the U.S. government, the department of human services may
23 provide certain Medicaid data to the organization for purposes
24 of a pilot project to identify cost savings strategies.

25 The division takes effect upon enactment and if approved by
26 the governor on or after July 1, 2011, applies retroactively
27 to June 30, 2011.

28 PREVENTION AND CHRONIC CARE MANAGEMENT. This division
29 repeals the state initiative for prevention and chronic care
30 management in Code section 135.161, directs that the initiative
31 be incorporated into the duties of the medical home system
32 advisory council, and makes conforming amendments.

33 MISCELLANEOUS — FY 2011-2012. This division provides
34 miscellaneous statutory provisions.

35 Code section 29C.20B, relating to disaster case management,

1 is amended to transfer administrative responsibility from the
2 department of human services to the homeland security and
3 emergency management division.

4 Code section 135.106, establishing the healthy opportunities
5 for parents to experience success (HOPES) – healthy families
6 Iowa (HFI) program, is amended to provide legislative intent
7 that the priority for home visitation funding be given to
8 approaches using evidence-based or promising models for home
9 visitation.

10 Code section 135H.6, relating to psychiatric medical
11 institutions for children, is amended to provide that beds for
12 children who do not reside in this state and whose service
13 costs are not paid by public funds are not subject to the
14 limitations on the number of beds and certificate of need
15 requirements otherwise applicable.

16 Code section 147.136, relating to the scope of recovery
17 in legal actions for personal injury against a health care
18 provider, is amended to provide that recovery of economic
19 losses replaced by the Medicaid program is not barred.

20 Code section 153.14 is amended to exclude from the
21 definition of the practice of dentistry, students of dentistry
22 who practice dentistry upon patients at clinics at an
23 accredited dental college, rather than only at the state dental
24 college.

25 Code section 154A.24, subsection 3, relating to hearing
26 aid dispensers, is amended to eliminate certain failures in
27 advertising from the grounds for suspension or revocation of
28 a license.

29 Code section 155A.43 is enacted to provide an annual
30 allocation of fees collected by the board of pharmacy to
31 administer the pharmaceutical collection and disposal program.

32 Code section 225B.8, relating to the sunset repeal date for
33 the prevention of disabilities planning council, is amended to
34 change the date from July 1, 2011, to July 1, 2012.

35 The nonreversion clause in Code section 232.188 applicable

1 to carryover funding under the decategorization of child
2 welfare funding initiative, is extended for an additional
3 fiscal year.

4 Code section 235B.19, relating to emergency orders for
5 protective services for dependent adults is amended to require
6 the department of human services to serve a copy of the
7 petition and any order authorizing protective services, on the
8 dependent adult and on certain other adults in the priority
9 order specified, and prohibits certain activities without prior
10 court approval relating to disposal of personal property and
11 withdrawing of funds from financial institutions.

12 Code section 237A.1, relating to the definition of "child
13 care", is amended to provide an exemption from the definition
14 when a program is offered to a child in a fitness center or
15 on the premises of a nonprofit organization even though the
16 parent, guardian, or custodian of the child is employed to
17 teach or lead an activity provided in that location.

18 Code section 249A.4B is amended to update the name of the
19 Iowa primary care association.

20 Code section 135.27A, the governor's council on physical
21 fitness and nutrition, is repealed December 31, 2011.

22 MEDICAID PRESCRIPTION DRUGS. This division relates to
23 coverage of prescription drugs under the Medicaid program which
24 are prescribed for mental illness.

25 The division takes effect upon enactment and applies
26 retroactively to January 1, 2011.

27 IOWA FALSE CLAIMS ACT. This division includes various
28 amendments to the false claims Act in Code chapter 685.

29 VOLUNTEER HEALTH CARE PROVIDER PROGRAM. This division
30 amends Code section 135.24, relating to the volunteer health
31 care provider program and immunity from civil liability under
32 the program for hospitals.

33 HEALTH CARE COST CONTAINMENT. This division provides for
34 the development by the department of human services of cost
35 containment measures, including an all-payer claims database

1 and a provider payment system plan pilot.

2 HEALTH INFORMATION TECHNOLOGY. This division establishes
3 Iowa e-health, to develop, administer, and sustain the health
4 information network to improve the quality, safety, and
5 efficiency of health care available to Iowans and to manage and
6 operate the health information network. The division includes
7 provisions relating to guiding principles, goals, and the five
8 domains of governance, business and technical operations,
9 finance, technical infrastructure, and legal and policy.

10 DEPARTMENT ON AGING — FY 2012-2013. This division
11 appropriates funding from the general fund of the state for the
12 department on aging.

13 DEPARTMENT OF PUBLIC HEALTH — FY 2012-2013. This division
14 appropriates funding from the general fund of the state for the
15 department of public health.

16 DEPARTMENT OF VETERANS AFFAIRS — FY 2012-2013. This
17 division appropriates funding from the general fund of the
18 state for the department of veterans affairs.

19 DEPARTMENT OF HUMAN SERVICES — FY 2012-2013. This division
20 appropriates funding from the general fund of the state and the
21 federal temporary assistance for needy families block grant for
22 the department of human services.

23 PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT,
24 NONPARTICIPATING PROVIDER REIMBURSEMENT FUND, HEALTH CARE
25 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY
26 ASSURANCE TRUST FUND, AND HOSPITAL HEALTH CARE ACCESS TRUST
27 FUND — FY 2012-2013. This division appropriates funding from
28 various funds and accounts for purposes of health and human
29 services.

30 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FISCAL YEAR
31 2012-2013. This division appropriates and distributes funding
32 to counties for adult mental health, mental retardation, and
33 developmental disabilities allowed growth for FY 2012-2013.

34 EFFECTIVE DATE AND CONDITIONAL RETROACTIVE APPLICABILITY.
35 This division specifies that unless otherwise provided, if

S.F. _____

1 the bill is approved on or after July 1, 2011, the bill takes
2 effect upon enactment and is retroactively applicable to July
3 1, 2011.