

**House File 161 - Introduced**

HOUSE FILE 161

BY M. SMITH

**A BILL FOR**

1 An Act requiring regional mental health and disability services  
2 to be provided to both children and adults.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 225C.6B, subsection 3, as enacted by  
2 2012 Iowa Acts, chapter 1120, section 8, is amended to read as  
3 follows:

4 3. *State and regional disability service systems.* The  
5 publicly financed disability services for persons with mental  
6 illness, intellectual disability or other developmental  
7 disability, or brain injury in this state shall be provided by  
8 the department and the counties operating together as regions.  
9 The financial and administrative responsibility for such  
10 services is as follows:

11 a. Disability services for children and adults that are  
12 covered under the medical assistance program pursuant to  
13 chapter 249A are the responsibility of the state.

14 b. ~~Adult mental~~ Mental health and intellectual disability  
15 services for children and adults that are not covered under  
16 the medical assistance program are the responsibility of  
17 the county-based regional service system. However, the  
18 county-based regional services system is not responsible for  
19 such mental health and intellectual disability services for  
20 a child subject to a court order under chapter 232, services  
21 recommended or authorized by the department or juvenile court  
22 services to avoid or eliminate the need for such a court order,  
23 services provided through the mental health service system  
24 for children and youth administered by the department under  
25 subchapter VI of this chapter, and other public welfare, child  
26 welfare, and juvenile justice services funded in whole or in  
27 part by the state or federal government.

28 Sec. 2. Section 331.389, subsection 1, paragraph a, Code  
29 2013, is amended to read as follows:

30 a. Local access to mental health and disability services  
31 for children and adults that are not covered under the medical  
32 assistance program shall be provided either by counties  
33 organized into a regional service system or by individual  
34 counties that are exempted as provided by this subsection.  
35 The department of human services shall encourage counties to

1 enter into a regional system when the regional approach is  
2 likely to increase the availability of services to residents  
3 of the state who need the services. It is the intent of the  
4 general assembly that the child and adult residents of this  
5 state should have access to needed mental health and disability  
6 services regardless of the location of their residence.

7 Sec. 3. Section 331.396, subsection 1, paragraph b, Code  
8 2013, is amended to read as follows:

9 ~~b. The person is at least eighteen years of age and is a~~  
10 resident of this state. ~~However, a~~ A person who is seventeen  
11 years of age, is a resident of this state, and is receiving  
12 ~~publicly funded~~ state-funded children's services ~~may but~~  
13 will be eligible for services under the regional services  
14 system upon becoming eighteen years of age shall be considered  
15 ~~eligible for~~ provided services through the regional service  
16 system during the three-month period preceding the person's  
17 eighteenth birthday in order to provide a smooth transition  
18 from state-funded children's services to county-funded adult  
19 services.

20 Sec. 4. Section 331.396, subsection 2, paragraph b, Code  
21 2013, is amended to read as follows:

22 ~~b. The person is at least eighteen years of age and is a~~  
23 resident of this state. ~~However, a~~ A person who is seventeen  
24 years of age, is a resident of this state, and is receiving  
25 ~~publicly funded~~ state-funded children's services ~~may but will~~  
26 be eligible for services funded under the regional services  
27 system upon becoming eighteen years of age shall be considered  
28 ~~eligible for~~ provided services through the regional service  
29 system during the three-month period preceding the person's  
30 eighteenth birthday in order to provide a smooth transition  
31 from state-funded children's services to county-funded adult  
32 services.

33 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
34 3, shall not apply to this Act.

35

EXPLANATION

1 This bill requires regional mental health and disability  
2 services to be provided to both children and adults.

3 Under current law enacted in 2012 Iowa Acts, chapter 1120  
4 (SF 2315) to redesign mental health and disability services,  
5 counties are in the process of forming into regions to provide  
6 a system for the delivery of such services to adults that are  
7 not covered by the medical assistance (Medicaid) program.  
8 Initially, the service system is required to cover adults with  
9 mental health needs and adults with an intellectual disability.

10 Under current law, the state has financial and  
11 administrative responsibility for publicly financed disability  
12 services for adults and children with mental illness,  
13 intellectual disability or other developmental disability, or  
14 brain injury covered under the Medicaid program. Counties  
15 operating together as regions in this state have financial and  
16 administrative responsibility for non-Medicaid mental health  
17 and intellectual disability services provided to adults.

18 The bill expands this regional system responsibility  
19 to include children. However, the bill specifies that the  
20 regional service system is not responsible for such mental  
21 health and intellectual disability services for a child subject  
22 to a court order under Code chapter 232 (primarily juvenile  
23 delinquency, child in need of assistance, and termination of  
24 parental rights), services recommended or authorized by the  
25 department or juvenile court services to avoid or eliminate  
26 the need for such a court order, services provided through  
27 the mental health service system for children and youth  
28 administered by the department of human services under Code  
29 chapter 225G, and other public welfare, child welfare, and  
30 juvenile justice services funded in whole or in part by the  
31 state or federal government.

32 Current law in Code section 331.396 includes eligibility for  
33 services under the regional service system for the three-month  
34 period preceding age 18 for children receiving publicly funded  
35 children's services in order to provide a smooth transition

1 to the adult system. The bill continues this eligibility for  
2 children transitioning from state-funded children's services to  
3 the county-funded regional system.

4 The bill may include a state mandate as defined in Code  
5 section 25B.3. The bill makes inapplicable Code section 25B.2,  
6 subsection 3, which would relieve a political subdivision from  
7 complying with a state mandate if funding for the cost of  
8 the state mandate is not provided or specified. Therefore,  
9 political subdivisions are required to comply with any state  
10 mandate included in the bill.