

House File 419 - Introduced

HOUSE FILE 419
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 109)

A BILL FOR

1 An Act relating to mental health and disability services
2 requirements involving the department of human services
3 and including effective date and retroactive applicability
4 provisions.

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

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DIVISION I

MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER

Section 1. Section 225C.6A, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. In implementing a system under this subsection for collecting and analyzing state, county, and private contractor data, the department shall establish a client identifier for the individuals receiving services. ~~The client identifier shall be used in lieu of the individual's name or social security number. The client identifier shall consist of the last four digits of an individual's social security number, the first three letters of the individual's last name, the individual's date of birth, and the individual's gender in an order determined by the department.~~

DIVISION II

INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL DISABILITIES

Sec. 2. REPEAL. Section 218.11, Code 2013, is repealed.
Sec. 3. REPEAL. Chapter 220A, Code 2013, is repealed.

DIVISION III

SUBACUTE MENTAL HEALTH CARE FACILITIES

Sec. 4. Section 135G.3, subsections 1 and 2, Code 2013, are amended to read as follows:

1. A subacute care facility shall utilize a team of professionals to direct an organized program of diagnostic services, subacute mental health services, and rehabilitative services to meet the needs of residents in accordance with a treatment care plan developed for each resident under the supervision of a ~~licensed psychiatrist~~ mental health professional. The goal of a treatment care plan is to transition residents to a less restrictive environment, including a home-based community setting. Social and rehabilitative services shall also be provided under the direction of a mental health professional.

2. ~~The licensed psychiatrist~~ mental health professional

1 providing supervision of the subacute care ~~facility~~ facility's
2 treatment care plans shall evaluate the condition of each
3 resident as medically necessary and shall be available to
4 residents of the facility on an on-call basis at all other
5 times. Additional evaluation and treatment may be provided
6 by a mental health professional. The subacute care facility
7 may employ a seclusion room meeting the conditions described
8 in 42 C.F.R. § 483.364(b) with approval of ~~the~~ a licensed
9 psychiatrist ~~of the facility~~ or by order of the resident's
10 physician, a physician assistant, or an advanced registered
11 nurse practitioner.

12 Sec. 5. Section 135G.4, subsection 2, Code 2013, is amended
13 to read as follows:

14 2. An intermediate care facility for persons with mental
15 illness licensed under chapter 135C may convert to a subacute
16 care facility by ~~providing~~ submitting an application for a
17 license in accordance with section 135G.5 accompanied by
18 written notice to the department that the facility has employed
19 a ~~full-time psychiatrist~~ mental health professional and desires
20 to make the conversion. An intermediate care facility for
21 persons with mental illness applying for a license under this
22 subsection remains subject to subsection 1 until a license is
23 issued.

24 Sec. 6. EFFECTIVE UPON ENACTMENT. This division of this
25 Act, being deemed of immediate importance, takes effect upon
26 enactment.

27 Sec. 7. RETROACTIVE APPLICABILITY. This division of this
28 Act applies retroactively to July 1, 2012.

29 DIVISION IV

30 COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION

31 Sec. 8. 2011 Iowa Acts, chapter 126, section 20, subsection
32 1, paragraph d, is amended to read as follows:

33 d. Of the amount allocated to eligible services providers
34 under paragraph "c", 70 percent shall be distributed to the
35 state's accredited community mental health centers established

1 or designated by counties in accordance with ~~law~~ chapter
2 230A or applicable administrative rule. If a ~~county has not~~
3 ~~established or designated a community mental health center and~~
4 ~~has received a waiver from the mental health and disability~~
5 ~~services commission,~~ the mental health services provider
6 ~~designated by that county is~~ was designated as authorized in
7 section 230A.107, subsection 2, the provider remains eligible
8 to receive funding distributed pursuant to this paragraph ~~in~~
9 ~~lieu of~~ as a community mental health center. The funding
10 distributed shall be used by recipients of the funding for the
11 purpose of ~~developing and providing evidence-based practices~~
12 ~~and emergency~~ staff training or services to adults with a
13 serious mental illness and children with a serious emotional
14 disturbance. The distribution amounts shall be announced at
15 the beginning of the federal fiscal year and distributed on
16 a quarterly basis ~~according to the formulas used in previous~~
17 ~~fiscal years.~~ Recipients shall submit quarterly reports
18 containing data consistent with the performance measures
19 approved by the federal substance abuse and mental health
20 services administration.

21 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this
22 Act, being deemed of immediate importance, takes effect upon
23 enactment.

24 EXPLANATION

25 This bill relates to mental health and disability services
26 requirements involving the department of human services (DHS)
27 and is organized into divisions.

28 MENTAL HEALTH AND DISABILITY SERVICES CLIENT IDENTIFIER.

29 This division amends Code section 225C.6A, relating to
30 disability services system redesign data, by eliminating
31 specific requirements for the client identifier that is used in
32 lieu of an individual's name or social security number.

33 INTERAGENCY INFORMATION SERVICE ON PERSONS WITH MENTAL
34 DISABILITIES. This division repeals Code chapter 220A,
35 requiring DHS to provide for a central data control and

1 exchange agency for persons believed to have mental
2 disabilities known as the "interagency case information
3 service".

4 The Code chapter includes sections stating purpose,
5 providing definitions, designating DHS as the administrative
6 agency for the information service, listing other state
7 agencies required to provide and receive information, listing
8 DHS duties, authorizing other public and private agencies to
9 provide or receive information, exempting the information
10 exchange from any state law or administrative rule that would
11 restrict information from being exchanged by the service,
12 authorizing the service to disseminate statistical information,
13 and providing immunity from liability for agencies and persons
14 participating under the Code chapter.

15 The division also repeals Code section 218.11 in the Code
16 chapter relating to institutions governed by DHS. The Code
17 section requires DHS to be the administrative agency for the
18 information service and perform the duties required by Code
19 chapter 220A.

20 SUBACUTE MENTAL HEALTH CARE FACILITIES. This division
21 amends certain provisions for licensure of subacute mental
22 health care facilities enacted in 2012 Iowa Acts, ch. 1120
23 (SF 2315). Licensure is administered by the department of
24 inspections and appeals in conjunction with DHS.

25 A number of duties assigned to a psychiatrist are changed to
26 be instead assigned to a mental health professional. "Mental
27 health professional" is a term defined in Code section 228.1
28 to mean an individual who holds at least a master's degree in a
29 mental health field, including but not limited to psychology,
30 counseling and guidance, nursing, and social work, or is an
31 advanced registered nurse practitioner, a physician assistant,
32 or a physician and surgeon or an osteopathic physician and
33 surgeon, holds a current Iowa license if practicing in a field
34 covered by an Iowa licensure law, and has at least two years of
35 clinical experience or an individual who holds a current Iowa

1 license if practicing in a field covered by an Iowa licensure
2 law and is a psychiatrist, an advanced registered nurse
3 practitioner who holds a national certification in psychiatric
4 mental health care registered by the board of nursing, a
5 physician assistant practicing under the supervision of a
6 psychiatrist, or an individual who holds a doctorate degree in
7 psychology and is licensed by the board of psychology.

8 Code section 135G.3 is amended to require that a mental
9 health professional, instead of a licensed psychiatrist, shall
10 be used to develop and to provide supervision of the subacute
11 care facility's treatment care plans instead of supervision of
12 the subacute care facility itself.

13 Code section 135G.4, requiring licensure of subacute
14 care facilities and authorizing a licensed intermediate care
15 facility for persons with mental illness (ICF/MI) to convert
16 to a licensed subacute facility after notifying the department
17 of inspections and appeals that certain requirements are
18 being met, is amended to require the ICF/MI to also submit
19 an application for licensure as a subacute care facility.
20 An ICF/MI is prohibited from establishing, operating, or
21 maintaining a subacute care facility until issued a license to
22 do so. In addition, the requirement for the ICF/MI to provide
23 notice it has employed a full-time psychiatrist is changed
24 to a mental health professional and the full-time employment
25 requirement is removed.

26 This division takes effect upon enactment and is
27 retroactively applicable to July 1, 2012.

28 **COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT ALLOCATION.**
29 This division amends certain requirements in the federal
30 community mental health services block grant appropriation for
31 federal fiscal year 2012-2013 made in 2011 Iowa Acts, chapter
32 126.

33 The amendments reflect changes made in Code chapter 230A
34 for designation of community mental health centers. The
35 amended Code chapter allows a for-profit corporation, nonprofit

1 corporation, or county hospital providing mental health
2 services to county residents pursuant to a waiver approved
3 under Code section 225C.7, subsection 3, Code 2011, as of
4 October 1, 2010, to be designated as a community mental
5 health center. Otherwise, only a nonprofit corporation can be
6 designated as a community mental health center.

7 In addition, a requirement that recipients of the funding
8 use the funding for developing and providing evidence-based
9 practices and emergency services is revised so that the funding
10 may be used for staff training and any services for adults with
11 a serious mental illness and children with a serious emotional
12 disturbance. A restriction that requires distribution of the
13 funding according to the formulas used in previous fiscal years
14 is removed.

15 The division takes effect upon enactment.