

Senate File 302 - Introduced

SENATE FILE 302

BY JOHNSON and HART

A BILL FOR

1 An Act relating to the prevention of disabilities policy
2 council.

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

1 Section 1. NEW SECTION. 225B.101 Findings and intent.

2 1. The general assembly finds that:

3 a. Between ten and twenty percent of Iowans have a
4 disability that affects their ability to learn, work,
5 communicate, perform activities of daily living, and
6 participate in everyday community life. These disabilities
7 are the result of genetics, environmental factors, injury, or
8 illness; may occur at any point in life; may be mild, severe,
9 or intermittent; and are often very costly for the individuals
10 affected, their families, and government both in terms of
11 quality of life and financial expenditures.

12 b. Most disabilities are due to conditions that can be
13 prevented, can be minimized if recognized and treated early, or
14 can be reduced through appropriate accommodation.

15 c. A need exists to optimize the use of cost-effective
16 prevention of disability strategies in state policies and
17 programs in order to reduce the cost of disabilities to Iowa's
18 citizens and government.

19 2. It is the intent of the general assembly to establish
20 a structure and process to identify opportunities to enhance
21 prevention of disability efforts in Iowa, design cross-agency
22 strategies to address the prevention of disabilities, integrate
23 and coordinate proven prevention of disability strategies
24 within state programs, and inform the general assembly about
25 priority prevention of disability policies and programs.

26 Sec. 2. NEW SECTION. 225B.102 Definitions.

27 As used in this chapter, unless the context otherwise
28 requires:

29 1. "Council" means the prevention of disabilities policy
30 council.

31 2. "Disability" means an individual who meets the definition
32 in 42 U.S.C. §12102.

33 3. "Prevention" activities include policies, programs, and
34 practices that do any of the following:

35 a. Prevent a disability or a condition that leads to a

1 disability from occurring.

2 *b.* Identify a disability or a condition that leads to a
3 disability early on so that intervention can eliminate the risk
4 of a disability or minimize the disability's effect.

5 *c.* Reduce the effects of a disability on an individual's
6 health and independence.

7 **Sec. 3. NEW SECTION. 225B.103 Prevention of disabilities**
8 **policy council established — membership — duties.**

9 1. A prevention of disabilities policy council is
10 established to focus state prevention of disability efforts
11 and provide oversight in the development and operation of a
12 coordinated prevention of disabilities system. The council
13 shall consist of the following members:

14 *a.* Three providers of disability prevention services
15 appointed by the governor and confirmed by the senate. The
16 governor may consider recommendations from the prevention of
17 disabilities policy council in making appointments.

18 *b.* Three persons with expertise in priority prevention areas
19 appointed by the governor and confirmed by the senate. The
20 governor may consider recommendations from the prevention of
21 disabilities policy council in making appointments.

22 *c.* Three persons with disabilities or family members
23 of a person with disabilities appointed by the governor,
24 and confirmed by the senate. The governor may consider
25 recommendations from the prevention of disabilities policy
26 council in making appointments.

27 *d.* One representative each from the department on aging,
28 department of education, department of human services, and
29 department of public health appointed by the directors of the
30 respective agencies.

31 *e.* Two members of the senate appointed by the senate
32 majority leader and minority leader and two members of the
33 house of representatives appointed by the speaker of the house
34 and the house minority leader.

35 2. Members of the council appointed by the governor shall

1 serve three-year staggered terms for terms beginning and ending
2 as provided in section 69.19. Members representing the state
3 departments shall serve one-year terms and shall serve as ex
4 officio, nonvoting members. Members of the general assembly
5 appointed to the council shall serve two-year terms as provided
6 in section 69.16B and shall serve as ex officio, nonvoting
7 members. Vacancies on the council shall be filled in the same
8 manner as original appointments. Members are entitled to
9 reimbursement of actual expenses incurred in performance of
10 their official duties.

11 3. The council shall do all of the following:

12 a. Review the prevention of disabilities activities of
13 public and private entities and provide recommendations to
14 optimize the planning, implementation, and evaluation of
15 prevention of disabilities efforts.

16 b. Promote cooperative and complementary planning among the
17 public, nonpublic, and volunteer sectors involved in prevention
18 of disabilities activities.

19 c. Facilitate coordination of prevention of disabilities
20 activities among state departments to develop an integrated
21 system of care.

22 d. Provide support and technical assistance to public
23 or nonpublic entities to identify, seek, implement, and
24 evaluate state, federal, and private grants for prevention of
25 disabilities activities.

26 e. Encourage research into the causes and prevention of
27 disabilities, including methods to evaluate the effectiveness
28 of prevention efforts.

29 f. Promote professional and provider training in
30 evidence-based prevention of disabilities measures and assure
31 adequate dissemination of such to appropriate entities.

32 g. Submit to the governor and general assembly annually by
33 November 1 a report that includes all of the following:

34 (1) A summary of all disabilities prevention activities
35 conducted since the preceding annual report.

1 (2) Recommendations for policy and priorities for the
2 prevention of disabilities.

3 4. The council shall meet at least six times during the
4 year. A majority of the members of the council constitutes a
5 quorum and a quorum is necessary to act on matters within the
6 purview of the council.

7 Sec. 4. NEW SECTION. **225B.104 Rules.**

8 The department of human services shall adopt and update
9 administrative rules as necessary to implement the provisions
10 of this chapter. All rules adopted by the department of human
11 services pursuant to this section are subject to approval by
12 the council.

13 Sec. 5. NEW SECTION. **225B.105 Coordination with state
14 agencies.**

15 1. The directors or deputy directors of the state
16 departments on aging, and of education, human services, and
17 public health shall meet at least annually with the council and
18 shall do all of the following:

19 a. Provide an update to the council regarding the status
20 of prevention of disabilities policies and programs with
21 each respective department and provide recommendations about
22 priorities the council should consider in the next year.

23 b. Receive new policy and program recommendations from the
24 council regarding the prevention of disabilities.

25 2. The council may seek and receive data from state
26 departments that will aid in developing, implementing, and
27 evaluating prevention of disabilities efforts and systems in
28 Iowa.

29 Sec. 6. NEW SECTION. **225B.106 Coordination with disability
30 groups.**

31 The chairpersons and designated staff of chairpersons of
32 public and private state disabilities prevention groups shall
33 meet with the council at least annually to do all of the
34 following:

35 1. Identify ways to incorporate prevention of disabilities

1 activities within Iowa's disabilities services system.

2 2. Assist in developing a policy agenda for prevention of
3 disabilities services system improvements.

4 Sec. 7. NEW SECTION. 225B.107 Evaluation.

5 The state's prevention of disability effort and the council
6 are subject to review and evaluation by the governor and the
7 general assembly.

8

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill relates to the prevention of disabilities policy
12 council.

13 In 1991, the general assembly established the prevention
14 of disabilities council (council) in Code chapter 225B. The
15 council was created to establish a system to coordinate
16 prevention of disability activities among state departments and
17 to assist the governor and the general assembly in determining
18 priorities and establishing policies for the prevention of
19 disabilities.

20 The bill amends provisions in Code chapter 225B relating
21 to prevention activities of the council, council membership,
22 duties, and coordination efforts with state agencies and
23 disability groups, and related definitions.

24 The bill defines prevention activities of the council to
25 include policies, programs, and practices that prevent a
26 disability or a condition that leads to a disability from
27 occurring; that identify a disability or a condition that leads
28 to a disability early on so that the intervention can eliminate
29 the risk of a disability or minimize the disability's effect;
30 or that reduce the effects of a disability on an individual's
31 health and independence. The bill amends the definition of
32 a disability to be the same as the federal definition under
33 the federal Americans with Disabilities Act (42 U.S.C. section
34 12102).

35 The bill provides that the council replaces the current

1 Iowa developmental disabilities council, to be abolished by
2 law July 1, 2015, in providing recommendations for individual
3 appointments of voting members to the council and council
4 membership is expanded to include ex officio representatives
5 from the department on aging, and the departments of education,
6 public health, and human services.

7 The duties of the council are expanded to include reviewing
8 the prevention of disabilities activities of public and
9 private entities and providing recommendations to optimize
10 the planning, implementation, and evaluation of prevention of
11 disabilities efforts; promoting cooperative and complementary
12 planning among the public, nonpublic, and volunteer sectors
13 involved in prevention of disabilities activities; facilitating
14 coordination of prevention of disabilities activities
15 among state departments to develop an integrated system of
16 care; providing support and technical assistance to public
17 or nonpublic entities to identify, seek, implement, and
18 evaluate state, federal, and private grants for prevention
19 of disabilities activities; encouraging research into the
20 causes and prevention of disabilities, including methods to
21 evaluate the effectiveness of prevention efforts; and promoting
22 professional and provider training in evidence-based prevention
23 of disabilities measures and assure adequate dissemination of
24 such to appropriate entities.

25 The bill provides that the directors or deputy directors
26 of the state department on aging, and the departments of
27 education, human services, and public health shall meet at
28 least annually with the council to provide updates to the
29 council regarding the status of prevention of disabilities
30 policies and receive new policy and program recommendations
31 from the council regarding the prevention of disabilities.
32 Chairpersons and staff of public and private state disability
33 groups are encouraged to meet with the council annually
34 to identify ways to incorporate prevention of disabilities
35 activities within Iowa's disabilities services system and

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1 to assist in developing a policy agenda for prevention of
2 disabilities system improvements.

3 The bill directs the department of human services to adopt
4 rules to implement the bill, subject to council approval.