

Senate File 2369 - Introduced

SENATE FILE 2369
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3196)

A BILL FOR

1 An Act relating to a person's county of residence as the basis
2 for determining financial responsibility for certain human
3 services programs and treatment or support services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35D.9, Code 2018, is amended to read as
2 follows:

3 **35D.9 County of ~~settlement~~ residence upon discharge.**

4 A member of the home does not acquire ~~legal settlement~~
5 residency in the county in which the home is located unless
6 the member is voluntarily or involuntarily discharged from the
7 home, ~~continuously resides in the county for a period of one~~
8 ~~year subsequent to the discharge, and during that year is not~~
9 ~~readmitted to the home or does not receive any services from~~
10 ~~the home~~ and the member meets county of residence requirements.
11 For purposes of this section, "county of residence" means the
12 same as defined in section 331.394.

13 Sec. 2. Section 125.2, Code 2018, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 4A. "*County of residence*" means the same
16 as defined in section 331.394.

17 Sec. 3. Section 125.2, subsection 13, Code 2018, is amended
18 by striking the subsection.

19 Sec. 4. Section 139A.12, Code 2018, is amended to read as
20 follows:

21 **139A.12 County liability for care, provisions, and medical**
22 **attendance.**

23 The local board shall provide proper care, provisions, and
24 medical attendance for any person removed and isolated or
25 quarantined in a separate house or hospital for detention and
26 treatment, and the care, provisions, and medical attendance
27 shall be paid for by the county in which the infected person
28 has a ~~legal settlement~~ residence, if the patient or legal
29 guardian is unable to pay.

30 Sec. 5. Section 139A.18, Code 2018, is amended to read as
31 follows:

32 **139A.18 Reimbursement from county.**

33 If any person receives services or supplies under this
34 chapter who does not have a ~~legal settlement~~ residence in the
35 county in which the bills were incurred and paid, the amount

1 paid shall be certified to the board of supervisors of the
2 county in which the person claims settlement or owns property,
3 and the board of supervisors of that county shall reimburse the
4 county from which the claim is certified, in the full amount
5 originally paid.

6 Sec. 6. Section 232.141, subsections 7 and 8, Code 2018, are
7 amended to read as follows:

8 7. A county charged with the costs and expenses under
9 subsections 2 and 3 may recover the costs and expenses from the
10 ~~county where the child has legal settlement~~ child's county of
11 residence, as defined in section 331.394, by filing verified
12 claims which are payable as are other claims against the
13 county. A detailed statement of the facts upon which a claim
14 is based shall accompany the claim. ~~Any dispute involving the~~
15 ~~legal settlement of a child for which the court has ordered~~
16 ~~payment under this section shall be settled pursuant to~~
17 ~~sections 252.22 and 252.23.~~

18 8. ~~This subsection~~ applies only to placements in a juvenile
19 shelter care home which is publicly owned, operated as a county
20 or multicounty shelter care home, organized under a chapter
21 28E agreement, or operated by a private juvenile shelter care
22 home. If the actual and allowable costs of a child's shelter
23 care placement exceed the amount the department is authorized
24 to pay in accordance with law and administrative rule, the
25 unpaid costs may be recovered from the child's county of ~~legal~~
26 ~~settlement~~ residence. However, the maximum amount of the
27 unpaid costs which may be recovered under ~~this subsection~~ is
28 limited to the difference between the amount the department is
29 authorized to pay and the statewide average of the actual and
30 allowable rates in effect in May of the preceding fiscal year
31 for reimbursement of juvenile shelter care homes. In no case
32 shall the home be reimbursed for more than the home's actual
33 and allowable costs. The unpaid costs are payable pursuant to
34 filing of verified claims against the child's county of legal
35 ~~settlement~~ residence. A detailed statement of the facts upon

1 which a claim is based shall accompany the claim. Any dispute
2 between counties arising from filings of claims pursuant to
3 this subsection shall be settled in the manner provided to
4 determine residency in [section 331.394](#).

5 Sec. 7. Section 252.24, Code 2018, is amended to read as
6 follows:

7 **252.24 County of settlement residence liable — exception.**

8 1. The county ~~where the settlement is~~ of residence, as
9 defined in section 331.394, shall be liable to the county
10 granting assistance for all reasonable charges and expenses
11 incurred in the assistance and care of a poor person.

12 2. When assistance is furnished by any governmental agency
13 of the county, township, or city, the assistance shall be
14 deemed to have been furnished by the county in which the
15 agency is located and the agency furnishing the assistance
16 shall certify the correctness of the costs of the assistance
17 to the board of supervisors of that county and that county
18 shall collect from the ~~county of the person's settlement~~ county
19 of residence. The amounts collected by the county where the
20 agency is located shall be paid to the agency furnishing the
21 assistance. This statute applies to services and supplies
22 furnished as provided in [section 139A.18](#).

23 3. ~~Notwithstanding subsection 2, if~~ This section shall
24 apply to assistance or maintenance ~~is~~ provided by a county
25 through the county's mental health and disability services
26 system implemented under [chapter 331](#), ~~liability for the~~
27 ~~assistance and maintenance is the responsibility of the~~
28 ~~person's county of residence~~.

29 Sec. 8. Section 331.502, subsection 14, Code 2018, is
30 amended by striking the subsection.

31 Sec. 9. Section 331.653, subsection 25, Code 2018, is
32 amended by striking the subsection.

33 Sec. 10. Section 347.16, subsection 3, Code 2018, is amended
34 to read as follows:

35 3. Care and treatment may be furnished in a county public

1 hospital to any sick or injured person who has ~~legal settlement~~
2 residence outside the county which maintains the hospital,
3 subject to such policies and rules as the board of hospital
4 trustees may adopt. If care and treatment is provided under
5 this subsection to a person who is indigent, the ~~county in~~
6 ~~which that person has legal settlement~~ person's county of
7 residence, as defined in section 331.394, shall pay to the
8 board of hospital trustees the fair and reasonable cost of
9 the care and treatment provided by the county public hospital
10 unless the cost of the indigent person's care and treatment is
11 otherwise provided for. If care and treatment is provided to
12 an indigent person under **this subsection**, the county public
13 hospital furnishing the care and treatment shall immediately
14 notify, by regular mail, the auditor of the county of ~~legal~~
15 ~~settlement~~ residence of the indigent person of the provision
16 of care and treatment to the indigent person. ~~However, if the~~
17 including care and treatment ~~is~~ provided by a county through
18 the county's mental health and disability services system
19 implemented under **chapter 331,** ~~liability for the assistance~~
20 ~~and maintenance is the responsibility of the person's county~~
21 ~~of residence.~~

22 Sec. 11. REPEAL. Sections 252.16, 252.17, 252.18, 252.22,
23 and 252.23, Code 2018, are repealed.

24 EXPLANATION

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

27 This bill relates to a person's county of residence as the
28 basis for determining financial responsibility for certain
29 human services programs and treatment or support services.

30 References to county of legal settlement are amended to
31 be county of residence or residence in the following Code
32 sections: section 35D.9, relating to the Iowa veteran's
33 home; section 125.2, relating to the definition of county of
34 residence for purposes of Code chapter 125 (substance-related
35 disorders); section 139A.12, relating to county liability for

1 care, provisions, and medical attendance for communicable
2 and infectious diseases and poisonings (Code chapter 139A);
3 section 139A.18, relating to reimbursement for services or
4 supplies under Code chapter 139A; section 232.141, relating
5 to the recovery by a county for certain juvenile shelter care
6 and placement costs and expenses; section 252.24, requiring
7 the county of legal settlement to reimburse the county that
8 initially paid the charges relating to the assistance or
9 support of a poor person; section 331.502, relating to the
10 duties of the county auditor; and section 347.16, relating to
11 the cost of care provided in county hospitals.

12 The following Code sections are repealed due to the strike of
13 references to legal settlement for purposes of Code chapter 252
14 (support of the poor): sections 252.16 and 252.17, relating to
15 the acquisition of legal settlement; section 252.18, relating
16 to foreign paupers; section 252.22, relating to the duties
17 of the county auditor; and section 252.23, relating to legal
18 settlement disputes over financial assistance between counties.