

**Senate File 2418 - Introduced**

SENATE FILE 2418

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3222)

**A BILL FOR**

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

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

DIVISION I

DEPARTMENT ON AGING — FY 2018-2019

Section 1. 2017 Iowa Acts, chapter 174, section 40, unnumbered paragraphs 1 and 2, are amended to read as follows:

There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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:

.....	\$	5,521,238
		<u>11,042,924</u>
.....	FTEs	27.00

Sec. 2. 2017 Iowa Acts, chapter 174, section 40, subsections 2, 4, 5, 6, and 7, are amended to read as follows:

2. Of the funds appropriated in this section, ~~\$139,973~~ \$279,946 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

4. Of the funds appropriated in this section, at least ~~\$125,000~~ \$250,000 shall be used to fund the unmet needs identified through Iowa's aging and disability resource center network.

5. Of the funds appropriated in this section, at least ~~\$300,000~~ \$600,000 shall be used to fund home and

1 community-based services through the area agencies on aging  
2 that enable older individuals to avoid more costly utilization  
3 of residential or institutional services and remain in their  
4 own homes.

5 6. Of the funds appropriated in this section, ~~\$406,268~~  
6 \$812,537 shall be used for the purposes of ~~chapter 231E~~ and  
7 ~~section 231.56A~~, of which ~~\$175,000~~ shall be used for the office  
8 of ~~substitute decision maker pursuant to chapter 231E~~, and the  
9 remainder shall be distributed equally to the area agencies on  
10 aging to administer the prevention of elder abuse, neglect, and  
11 exploitation program pursuant to ~~section 231.56A~~, in accordance  
12 with the requirements of the federal Older Americans Act of  
13 1965, 42 U.S.C. §3001 et seq., as amended.

14 7. Of the funds appropriated in this section, ~~\$375,000~~  
15 \$1,000,000 shall be used to fund continuation of the aging  
16 and disability resource center lifelong links to provide  
17 individuals and caregivers with information and services to  
18 plan for and maintain independence.

19 Sec. 3. 2017 Iowa Acts, chapter 174, section 40, subsection  
20 8, is amended by striking the subsection.

21 Sec. 4. 2017 Iowa Acts, chapter 174, section 40, is amended  
22 by adding the following new subsection:

23 NEW SUBSECTION. 9. Of the funds appropriated in this  
24 section, \$100,000 shall be used by the department on aging,  
25 in collaboration with the department of human services and  
26 affected stakeholders, to design a pilot initiative to provide  
27 long-term care options counseling utilizing support planning  
28 protocols, to assist non-Medicaid eligible consumers who  
29 indicate a preference to return to the community and are  
30 deemed appropriate for discharge, to return to their community  
31 following a nursing facility stay. The department on aging  
32 shall submit the design plan as well as recommendations for  
33 legislation necessary to administer the initiative, including  
34 but not limited to legislation to allow the exchange of contact  
35 information for nursing facility residents appropriate for

1 discharge planning, to the governor and the general assembly by  
2 December 15, 2018.

3 DIVISION II

4 OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2018-2019

5 Sec. 5. 2017 Iowa Acts, chapter 174, section 41, is amended  
6 to read as follows:

7 SEC. 41. OFFICE OF LONG-TERM CARE OMBUDSMAN. There is  
8 appropriated from the general fund of the state to the office  
9 of long-term care ombudsman for the fiscal year beginning July  
10 1, 2018, and ending June 30, 2019, the following amount, or  
11 so much thereof as is necessary, to be used for the purposes  
12 designated:

13 For salaries, support, administration, maintenance, and  
14 miscellaneous purposes, and for not more than the following  
15 full-time equivalent positions:

16 .....	\$	580,140
17 .....		<u>1,149,821</u>
18 .....	FTEs	16.00

19 DIVISION III

20 DEPARTMENT OF PUBLIC HEALTH — FY 2018-2019

21 Sec. 6. 2017 Iowa Acts, chapter 174, section 42, subsections  
22 1, 2, 3, 4, 5, 6, 7, and 8, are amended to read as follows:

23 1. ADDICTIVE DISORDERS

24 For reducing the prevalence of the use of tobacco, alcohol,  
25 and other drugs, and treating individuals affected by addictive  
26 behaviors, including gambling, and for not more than the  
27 following full-time equivalent positions:

28 .....	\$	<del>12,492,915</del>
29 .....		<u>24,804,344</u>
30 .....	FTEs	<del>10.00</del>
31 .....		<u>11.00</u>

32 a. (1) Of the funds appropriated in this subsection,  
33 ~~\$2,010,612~~ \$4,021,225 shall be used for the tobacco use  
34 prevention and control initiative, including efforts at the  
35 state and local levels, as provided in [chapter 142A](#). The

1 commission on tobacco use prevention and control established  
2 pursuant to [section 142A.3](#) shall advise the director of  
3 public health in prioritizing funding needs and the allocation  
4 of moneys appropriated for the programs and initiatives.  
5 Activities of the programs and initiatives shall be in  
6 alignment with the United States centers for disease control  
7 and prevention best practices for comprehensive tobacco control  
8 programs that include the goals of preventing youth initiation  
9 of tobacco usage, reducing exposure to secondhand smoke,  
10 and promotion of tobacco cessation. To maximize resources,  
11 the department shall determine if third-party sources are  
12 available to instead provide nicotine replacement products  
13 to an applicant prior to provision of such products to an  
14 applicant under the initiative. The department shall track and  
15 report to the individuals specified in this Act, any reduction  
16 in the provision of nicotine replacement products realized  
17 by the initiative through implementation of the prerequisite  
18 screening.

19 (2) (a) The department shall collaborate with the  
20 alcoholic beverages division of the department of commerce for  
21 enforcement of tobacco laws, regulations, and ordinances and to  
22 engage in tobacco control activities approved by the division  
23 of tobacco use prevention and control of the department of  
24 public health as specified in the memorandum of understanding  
25 entered into between the divisions.

26 (b) For the fiscal year beginning July 1, 2018, and ending  
27 June 30, 2019, the terms of the memorandum of understanding,  
28 entered into between the division of tobacco use prevention  
29 and control of the department of public health and the  
30 alcoholic beverages division of the department of commerce,  
31 governing compliance checks conducted to ensure licensed retail  
32 tobacco outlet conformity with tobacco laws, regulations, and  
33 ordinances relating to persons under 18 years of age, shall  
34 continue to restrict the number of such checks to one check per  
35 retail outlet, and one additional check for any retail outlet

1 found to be in violation during the first check.

2 b. Of the funds appropriated in this subsection,  
3 ~~\$10,482,303~~ \$20,783,119 shall be used for problem gambling and  
4 substance-related disorder prevention, treatment, and recovery  
5 services, including a 24-hour helpline, public information  
6 resources, professional training, youth prevention, and program  
7 evaluation.

8 c. The requirement of section 123.17, subsection 5, is met  
9 by the appropriations and allocations made in this division of  
10 this Act for purposes of substance-related disorder treatment  
11 and addictive disorders for the fiscal year beginning July 1,  
12 2018.

13 d. The department of public health, in collaboration with  
14 the department of human services, shall engage a stakeholder  
15 workgroup to review reimbursement provisions applicable  
16 to substance use disorder services providers. The issues  
17 considered by the workgroup shall include but are not limited  
18 to the adequacy of reimbursement provisions including for  
19 both outpatient and residential treatment, whether it is  
20 appropriate to rebase reimbursement, whether there is equity in  
21 reimbursement compared to the reimbursement methodologies used  
22 for providers of similar behavioral health services, and access  
23 to substance use disorder services providers including whether  
24 the designated number of community mental health centers in the  
25 state is sufficient. The workgroup shall review the reports  
26 of previous workgroups including those authorized in 2014 Iowa  
27 Acts, chapter 1140, section 3, subsection 1, and shall report  
28 the workgroup's findings and recommendations to the general  
29 assembly on or before December 15, 2018.

30 2. HEALTHY CHILDREN AND FAMILIES

31 For promoting the optimum health status for children,  
32 adolescents from birth through 21 years of age, and families,  
33 and for not more than the following full-time equivalent  
34 positions:

35 ..... \$ ~~2,662,816~~

1		<u>5,820,625</u>
2	..... FTEs	12.00

3 a. Of the funds appropriated in this subsection, not  
4 more than ~~\$367,420~~ \$734,841 shall be used for the healthy  
5 opportunities for parents to experience success (HOPES)-healthy  
6 families Iowa (HFI) program established pursuant to section  
7 135.106. The funding shall be distributed to renew the grants  
8 that were provided to the grantees that operated the program  
9 during the fiscal year ending June 30, 2018.

10 b. In order to implement the legislative intent stated in  
11 sections 135.106 and 256I.9, that priority for home visitation  
12 program funding be given to programs using evidence-based or  
13 promising models for home visitation, it is the intent of the  
14 general assembly to phase in the funding priority in accordance  
15 with 2012 Iowa Acts, chapter 1133, section 2, subsection 2,  
16 paragraph "0b".

17 c. Of the funds appropriated in this subsection, ~~\$1,537,550~~  
18 \$3,075,101 shall be used for continuation of the department's  
19 initiative to provide for adequate developmental surveillance  
20 and screening during a child's first five years. The funds  
21 shall be used first to fully fund the current sites to ensure  
22 that the sites are fully operational, with the remaining  
23 funds to be used for expansion to additional sites. The full  
24 implementation and expansion shall include enhancing the scope  
25 of the initiative through collaboration with the child health  
26 specialty clinics to promote healthy child development through  
27 early identification and response to both biomedical and social  
28 determinants of healthy development; by monitoring child  
29 health metrics to inform practice, document long-term health  
30 impacts and savings, and provide for continuous improvement  
31 through training, education, and evaluation; and by providing  
32 for practitioner consultation particularly for children with  
33 behavioral conditions and needs. The department of public  
34 health shall also collaborate with the Iowa Medicaid enterprise  
35 and the child health specialty clinics to integrate the

1 activities of the first five initiative into the establishment  
2 of patient-centered medical homes, community utilities,  
3 accountable care organizations, and other integrated care  
4 models developed to improve health quality and population  
5 health while reducing health care costs. To the maximum extent  
6 possible, funding allocated in this paragraph shall be utilized  
7 as matching funds for medical assistance program reimbursement.

8 d. Of the funds appropriated in this subsection, ~~\$32,320~~  
9 \$64,640 shall be distributed to a statewide dental carrier to  
10 provide funds to continue the donated dental services program  
11 patterned after the projects developed by the lifeline network  
12 to provide dental services to indigent individuals who are  
13 elderly or with disabilities.

14 e. Of the funds appropriated in this subsection, ~~\$78,241~~  
15 \$156,482 shall be used to provide audiological services and  
16 hearing aids for children. The department may enter into a  
17 contract to administer this paragraph.

18 f. Of the funds appropriated in this subsection, ~~\$11,500~~  
19 \$23,000 is transferred to the university of Iowa college of  
20 dentistry for provision of primary dental services to children.  
21 State funds shall be matched on a dollar-for-dollar basis.  
22 The university of Iowa college of dentistry shall coordinate  
23 efforts with the department of public health, bureau of  
24 oral and health delivery systems, to provide dental care to  
25 underserved populations throughout the state.

26 g. Of the funds appropriated in this subsection, ~~\$25,000~~  
27 \$50,000 shall be used to address youth suicide prevention.

28 h. Of the funds appropriated in this subsection, ~~\$20,255~~  
29 \$40,511 shall be used to support the Iowa effort to address the  
30 survey of children who experience adverse childhood experiences  
31 known as ACEs.

32 i. The department of public health shall continue to  
33 administer the program to assist parents in this state with  
34 costs resulting from the death of a child in accordance with  
35 the provisions of 2014 Iowa Acts, chapter 1140, section 22,



1 subsection 12.

2 j. Of the funds appropriated in this subsection, up to  
3 \$494,993 shall be used for childhood obesity prevention.

4 3. CHRONIC CONDITIONS

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

8 .....	\$	<del>2,085,375</del>
9 .....		<u>4,528,109</u>
10 .....	FTEs	5.00
11 .....		<u>9.00</u>

12 a. Of the funds appropriated in this subsection, ~~\$76,877~~  
13 \$153,755 shall be used for grants to individual patients who  
14 have an inherited metabolic disorder to assist with the costs  
15 of medically necessary foods and formula.

16 b. Of the funds appropriated in this subsection, ~~\$510,397~~  
17 \$1,055,291 shall be used for the brain injury services program  
18 pursuant to [section 135.22B](#), including for contracting with an  
19 existing nationally affiliated and statewide organization whose  
20 purpose is to educate, serve, and support Iowans with brain  
21 injury and their families for resource facilitator services  
22 in accordance with [section 135.22B, subsection 9](#), and for  
23 contracting to enhance brain injury training and recruitment  
24 of service providers on a statewide basis. Of the amount  
25 allocated in this paragraph, ~~\$47,500~~ \$95,000 shall be used to  
26 fund one full-time equivalent position to serve as the state  
27 brain injury services program manager.

28 c. Of the funds appropriated in this subsection, ~~\$72,048~~  
29 \$144,097 shall be used for the public purpose of continuing  
30 to contract with an existing national-affiliated organization  
31 to provide education, client-centered programs, and client  
32 and family support for people living with epilepsy and their  
33 families. The amount allocated in this paragraph in excess  
34 of ~~\$50,000~~ \$100,000 shall be matched dollar-for-dollar by the  
35 organization specified.

1 d. Of the funds appropriated in this subsection, ~~\$404,775~~  
2 \$809,550 shall be used for child health specialty clinics.

3 e. Of the funds appropriated in this subsection,  
4 ~~\$192,276~~ \$384,552 shall be used by the regional autism  
5 assistance program established pursuant to [section 256.35](#),  
6 and administered by the child health specialty clinic located  
7 at the university of Iowa hospitals and clinics. The funds  
8 shall be used to enhance interagency collaboration and  
9 coordination of educational, medical, and other human services  
10 for persons with autism, their families, and providers of  
11 services, including delivering regionalized services of care  
12 coordination, family navigation, and integration of services  
13 through the statewide system of regional child health specialty  
14 clinics and fulfilling other requirements as specified in  
15 chapter 225D. The university of Iowa shall not receive funds  
16 allocated under this paragraph for indirect costs associated  
17 with the regional autism assistance program.

18 f. Of the funds appropriated in this subsection, ~~\$288,687~~  
19 \$577,375 shall be used for the comprehensive cancer control  
20 program to reduce the burden of cancer in Iowa through  
21 prevention, early detection, effective treatment, and ensuring  
22 quality of life. Of the funds allocated in this paragraph "f",  
23 ~~\$75,000~~ \$150,000 shall be used to support a melanoma research  
24 symposium, a melanoma biorepository and registry, basic and  
25 translational melanoma research, and clinical trials.

26 g. Of the funds appropriated in this subsection, ~~\$48,766~~  
27 \$97,532 shall be used for cervical and colon cancer screening,  
28 and ~~\$88,860~~ \$177,720 shall be used to enhance the capacity of  
29 the cervical cancer screening program to include provision  
30 of recommended prevention and early detection measures to a  
31 broader range of low-income women.

32 h. Of the funds appropriated in this subsection, ~~\$253,177~~  
33 \$506,355 shall be used for the center for congenital and  
34 inherited disorders.

35 i. Of the funds appropriated in this subsection, ~~\$107,631~~

1 \$225,263 shall be used by the department of public health  
2 for reform-related activities, including but not limited to  
3 facilitation of communication to stakeholders at the state and  
4 local level, administering the patient-centered health advisory  
5 council pursuant to section 135.159, and involvement in health  
6 care system innovation activities occurring across the state.

7 j. Of the funds appropriated in this subsection, ~~\$11,050~~  
8 \$322,100 shall be used for administration of ~~chapter 124D~~ 124E,  
9 the medical cannabidiol Act.

10 4. COMMUNITY CAPACITY

11 For strengthening the health care delivery system at the  
12 local level, and for not more than the following full-time  
13 equivalent positions:

14 .....	\$	<del>1,453,888</del>
15 .....		<u>4,865,152</u>
16 .....	FTEs	13.00

17 a. Of the funds appropriated in this subsection, ~~\$47,787~~  
18 \$95,575 is allocated for continuation of the child vision  
19 screening program implemented through the university of Iowa  
20 hospitals and clinics in collaboration with early childhood  
21 Iowa areas. The program shall submit a report to the  
22 individuals identified in this Act for submission of reports  
23 regarding the use of funds allocated under this paragraph  
24 "a". The report shall include the objectives and results for  
25 the program year including the target population and how the  
26 funds allocated assisted the program in meeting the objectives;  
27 the number, age, and location within the state of individuals  
28 served; the type of services provided to the individuals  
29 served; the distribution of funds based on service provided;  
30 and the continuing needs of the program.

31 ~~b. Of the funds appropriated in this subsection, \$52,828 is~~  
32 ~~allocated for continuation of an initiative implemented at the~~  
33 ~~university of Iowa to expand and improve the workforce engaged~~  
34 ~~in mental health treatment and services. The initiative shall~~  
35 ~~receive input from the university of Iowa, the department of~~

1 ~~human services, the department of public health, and the mental~~  
2 ~~health and disability services commission to address the focus~~  
3 ~~of the initiative.~~

4 ~~c. Of the funds appropriated in this section, \$41,657 shall~~  
5 ~~be deposited in the governmental public health system fund~~  
6 ~~created in [section 135A.8](#) to be used for the purposes of the~~  
7 ~~fund.~~

8 d. Of the funds appropriated in this subsection, ~~\$24,034~~  
9 \$48,069 shall be used for a grant to a statewide association  
10 of psychologists that is affiliated with the American  
11 psychological association to be used for continuation of a  
12 program to rotate intern psychologists in placements in urban  
13 and rural mental health professional shortage areas, as defined  
14 in [section 135.180](#).

15 e. Of the funds appropriated in this subsection, the  
16 following amounts are allocated to be used as follows to  
17 support the Iowa collaborative safety net provider network  
18 goals of increased access, health system integration, and  
19 engagement.

20 (1) Not less than ~~\$260,931~~ \$437,829 is allocated to the  
21 Iowa prescription drug corporation for continuation of the  
22 pharmaceutical infrastructure for safety net providers as  
23 described in [2007 Iowa Acts, chapter 218, section 108](#), and for  
24 the prescription drug donation repository program created in  
25 chapter 135M.

26 (2) Not less than ~~\$167,435~~ \$334,870 is allocated to free  
27 clinics and free clinics of Iowa for necessary infrastructure,  
28 statewide coordination, provider recruitment, service delivery,  
29 and provision of assistance to patients in securing a medical  
30 home inclusive of oral health care.

31 (3) Not less than ~~\$12,500~~ \$25,000 is allocated to the  
32 Iowa association of rural health clinics for necessary  
33 infrastructure and service delivery transformation.

34 (4) Not less than ~~\$50,000~~ \$205,493 is allocated to the  
35 Polk county medical society for continuation of the safety net

1 provider patient access to a specialty health care initiative  
2 as described in [2007 Iowa Acts, chapter 218, section 109](#).

3 f. Of the funds appropriated in this subsection, ~~\$38,115~~  
4 \$15,000 shall be used by the department in implementing  
5 the recommendations in the final report submitted by the  
6 direct care worker advisory council to the governor and the  
7 general assembly in March 2012, including by continuing to  
8 develop, promote, and make available on a statewide basis the  
9 prepare-to-care core curriculum and its associated modules  
10 and specialties through various formats including online  
11 access, community colleges, and other venues; exploring new and  
12 maintaining existing specialties including but not limited to  
13 oral health and dementia care; supporting instructor training;  
14 and assessing and making recommendations concerning the Iowa  
15 care book and information technology systems and infrastructure  
16 uses and needs.

17 g. Of the funds appropriated in this subsection, ~~\$95,594~~  
18 \$176,188 shall be allocated for continuation of the contract  
19 with an independent statewide direct care worker organization  
20 previously selected through a request for proposals process.  
21 The contract shall continue to include performance and outcomes  
22 measures, and shall continue to allow the contractor to use a  
23 portion of the funds received under the contract to collect  
24 data to determine results based on the performance and outcomes  
25 measures.

26 h. Of the funds appropriated in this subsection, the  
27 department may use up to ~~\$29,087~~ \$58,175 for up to one  
28 full-time equivalent position to administer the volunteer  
29 health care provider program pursuant to [section 135.24](#).

30 i. Of the funds appropriated in this subsection, ~~\$48,069~~  
31 \$96,138 shall be used for a matching dental education loan  
32 repayment program to be allocated to a dental nonprofit health  
33 service corporation to continue to develop the criteria and  
34 implement the loan repayment program.

35 ~~j. Of the funds appropriated in this subsection, \$26,455 is~~

1 ~~transferred to the college student aid commission for deposit~~  
2 ~~in the rural Iowa primary care trust fund created in section~~  
3 ~~261.113 to be used for the purposes of the fund.~~

4 k. Of the funds appropriated in this subsection, ~~\$75,000~~  
5 \$100,000 shall be used for the purposes of the Iowa donor  
6 registry as specified in [section 142C.18](#).

7 l. Of the funds appropriated in this subsection, ~~\$48,069~~  
8 \$96,138 shall be used for continuation of a grant to a  
9 nationally affiliated volunteer eye organization that has an  
10 established program for children and adults and that is solely  
11 dedicated to preserving sight and preventing blindness through  
12 education, nationally certified vision screening and training,  
13 and community and patient service programs. The organization  
14 shall submit a report to the individuals identified in this  
15 Act for submission of reports regarding the use of funds  
16 allocated under this paragraph "l". The report shall include  
17 the objectives and results for the program year including  
18 the target population and how the funds allocated assisted  
19 the program in meeting the objectives; the number, age, and  
20 location within the state of individuals served; the type of  
21 services provided to the individuals served; the distribution  
22 of funds based on services provided; and the continuing needs  
23 of the program.

24 m. Of the funds appropriated in this subsection, ~~\$436,327~~  
25 \$2,000,000 shall be deposited in the medical residency training  
26 account created in [section 135.175, subsection 5](#), paragraph  
27 "a", and is appropriated from the account to the department  
28 of public health to be used for the purposes of the medical  
29 residency training state matching grants program as specified  
30 in [section 135.176](#).

31 n. Of the funds appropriated in this subsection, \$250,000  
32 shall be used for the public purpose of providing funding to  
33 Des Moines university to establish a provider education project  
34 to provide primary care physicians with the training and skills  
35 necessary to recognize signs of mental illness in patients.

1 5. ESSENTIAL PUBLIC HEALTH SERVICES

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

6 ..... \$ ~~4,098,939~~  
7 7,662,464

8 6. INFECTIOUS DISEASES

9 For reducing the incidence and prevalence of communicable  
10 diseases, and for not more than the following full-time  
11 equivalent positions:

12 ..... \$ ~~823,213~~  
13 1,796,426  
14 ..... FTEs 4.00

15 7. PUBLIC PROTECTION

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

19 ..... \$ ~~2,097,569~~  
20 4,095,139  
21 ..... FTEs ~~138.00~~  
22 141.00

23 a. Of the funds appropriated in this subsection, not more  
24 than ~~\$152,350~~ \$304,700 shall be credited to the emergency  
25 medical services fund created in [section 135.25](#). Moneys in  
26 the emergency medical services fund are appropriated to the  
27 department to be used for the purposes of the fund.

28 b. Of the funds appropriated in this subsection, up  
29 to ~~\$121,630~~ \$243,260 shall be used for sexual violence  
30 prevention programming through a statewide organization  
31 representing programs serving victims of sexual violence  
32 through the department's sexual violence prevention program,  
33 and for continuation of a training program for sexual assault  
34 response team (SART) members, including representatives of  
35 law enforcement, victim advocates, prosecutors, and certified

1 medical personnel. The amount allocated in this paragraph "b"  
2 shall not be used to supplant funding administered for other  
3 sexual violence prevention or victims assistance programs.

4 c. Of the funds appropriated in this subsection, up to  
5 ~~\$287,813~~ \$500,000 shall be used for the state poison control  
6 center. Pursuant to the directive under 2014 Iowa Acts,  
7 chapter 1140, section 102, the federal matching funds available  
8 to the state poison control center from the department of human  
9 services under the federal Children's Health Insurance Program  
10 Reauthorization Act allotment shall be subject to the federal  
11 administrative cap rule of 10 percent applicable to funding  
12 provided under Tit. XXI of the federal Social Security Act and  
13 included within the department's calculations of the cap.

14 d. Of the funds appropriated in this subsection, up to  
15 ~~\$258,491~~ \$504,796 shall be used for childhood lead poisoning  
16 provisions.

17 8. RESOURCE MANAGEMENT

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

21 .....	\$	485,607
22 .....		<u>971,215</u>
23 .....	FTEs	4.00

24 Sec. 7. 2017 Iowa Acts, chapter 174, section 42, subsections  
25 10 and 11, are amended by striking the subsections.

26 DIVISION IV

27 DEPARTMENT OF VETERANS AFFAIRS — FY 2018-2019

28 Sec. 8. 2017 Iowa Acts, chapter 174, section 43, is amended  
29 to read as follows:

30 SEC. 43. DEPARTMENT OF VETERANS AFFAIRS. There is  
31 appropriated from the general fund of the state to the  
32 department of veterans affairs for the fiscal year beginning  
33 July 1, 2018, and ending June 30, 2019, the following amounts,  
34 or so much thereof as is necessary, to be used for the purposes  
35 designated:



1 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

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

5 .....	\$	571,278
6 .....		<u>1,150,500</u>
7 .....	FTEs	15.00

8 2. IOWA VETERANS HOME

9 For salaries, support, maintenance, and miscellaneous  
10 purposes:

11 .....	\$	<del>3,614,070</del>
12 .....		<u>7,162,976</u>

13 a. The Iowa veterans home billings involving the department  
14 of human services shall be submitted to the department on at  
15 least a monthly basis.

16 b. Within available resources and in conformance with  
17 associated state and federal program eligibility requirements,  
18 the Iowa veterans home may implement measures to provide  
19 financial assistance to or on behalf of veterans or their  
20 spouses who are participating in the community reentry program.

21 d. The Iowa veterans home shall continue to include in the  
22 annual discharge report applicant information and to provide  
23 for the collection of demographic information including but not  
24 limited to the number of individuals applying for admission and  
25 admitted or denied admittance and the basis for the admission  
26 or denial; the age, gender, and race of such individuals;  
27 and the level of care for which such individuals applied for  
28 admission including residential or nursing level of care.

29 3. HOME OWNERSHIP ASSISTANCE PROGRAM

30 For transfer to the Iowa finance authority for the  
31 continuation of the home ownership assistance program for  
32 persons who are or were eligible members of the armed forces of  
33 the United States, pursuant to [section 16.54](#):

34 .....	\$	<del>1,000,000</del>
35 .....		<u>2,000,000</u>

1 Sec. 9. 2017 Iowa Acts, chapter 174, section 44, is amended  
2 to read as follows:

3 SEC. 44. LIMITATION OF COUNTY COMMISSIONS OF VETERAN  
4 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the  
5 standing appropriation in section 35A.16 for the fiscal year  
6 beginning July 1, 2018, and ending June 30, 2019, the amount  
7 appropriated from the general fund of the state pursuant to  
8 that section for the following designated purposes shall not  
9 exceed the following amount:

10 For the county commissions of veteran affairs fund under  
11 section 35A.16:

12 .....	\$ 473,962
13	<u>990,000</u>

14 DIVISION V

15 DEPARTMENT OF HUMAN SERVICES — FY 2018-2019

16 Sec. 10. 2017 Iowa Acts, chapter 174, section 45, is amended  
17 to read as follows:

18 SEC. 45. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK  
19 GRANT. There is appropriated from the fund created in section  
20 8.41 to the department of human services for the fiscal year  
21 beginning July 1, 2018, and ending June 30, 2019, from moneys  
22 received under the federal temporary assistance for needy  
23 families (TANF) block grant pursuant to the federal Personal  
24 Responsibility and Work Opportunity Reconciliation Act of 1996,  
25 Pub. L. No. 104-193, and successor legislation, the following  
26 amounts, or so much thereof as is necessary, to be used for the  
27 purposes designated:

28 1. To be credited to the family investment program account  
29 and used for assistance under the family investment program  
30 under chapter 239B:

31 .....	\$ <del>2,556,231</del>
32	<u>4,539,006</u>

33 2. To be credited to the family investment program account  
34 and used for the job opportunities and basic skills (JOBS)  
35 program and implementing family investment agreements in

1 accordance with [chapter 239B](#):

2 .....	\$	<del>2,787,846</del>
3		<u>5,412,060</u>

4 3. To be used for the family development and  
5 self-sufficiency grant program in accordance with section  
6 216A.107:

7 .....	\$	<del>1,449,490</del>
8		<u>2,883,980</u>

9 Notwithstanding [section 8.33](#), moneys appropriated in this  
10 subsection that remain unencumbered or unobligated at the close  
11 of the fiscal year shall not revert but shall remain available  
12 for expenditure for the purposes designated until the close of  
13 the succeeding fiscal year. However, unless such moneys are  
14 encumbered or obligated on or before September 30, 2019, the  
15 moneys shall revert.

16 4. For field operations:

17 .....	\$	<del>15,648,116</del>
18		<u>31,296,232</u>

19 5. For general administration:

20 .....	\$	<del>1,872,000</del>
21		<u>3,744,000</u>

22 6. For state child care assistance:

23 .....	\$	<del>23,933,413</del>
24		<u>47,166,826</u>

25 a. Of the funds appropriated in this subsection,  
26 ~~\$13,164,048~~ \$26,205,412 is transferred to the child care  
27 and development block grant appropriation made by the  
28 Eighty-seventh General Assembly, 2018 session, for the federal  
29 fiscal year beginning October 1, 2018, and ending September  
30 30, 2019. Of this amount, ~~\$100,000~~ \$200,000 shall be used  
31 for provision of educational opportunities to registered  
32 child care home providers in order to improve services and  
33 programs offered by this category of providers and to increase  
34 the number of providers. The department may contract with  
35 institutions of higher education or child care resource and

1 referral centers to provide the educational opportunities.  
2 Allowable administrative costs under the contracts shall not  
3 exceed 5 percent. The application for a grant shall not exceed  
4 two pages in length.

5 b. Any funds appropriated in this subsection remaining  
6 unallocated shall be used for state child care assistance  
7 payments for families who are employed including but not  
8 limited to individuals enrolled in the family investment  
9 program.

10 7. For child and family services:

11 ..... \$ ~~16,190,327~~  
12 32,380,654

13 8. For child abuse prevention grants:

14 ..... \$ ~~62,500~~  
15 125,000

16 9. For pregnancy prevention grants on the condition that  
17 family planning services are funded:

18 ..... \$ ~~965,033~~  
19 1,913,203

20 Pregnancy prevention grants shall be awarded to programs  
21 in existence on or before July 1, 2018, if the programs have  
22 demonstrated positive outcomes. Grants shall be awarded to  
23 pregnancy prevention programs which are developed after July  
24 1, 2018, if the programs are based on existing models that  
25 have demonstrated positive outcomes. Grants shall comply with  
26 the requirements provided in 1997 Iowa Acts, chapter 208,  
27 section 14, subsections 1 and 2, including the requirement that  
28 grant programs must emphasize sexual abstinence. Priority in  
29 the awarding of grants shall be given to programs that serve  
30 areas of the state which demonstrate the highest percentage of  
31 unplanned pregnancies of females of childbearing age within the  
32 geographic area to be served by the grant.

33 10. For technology needs and other resources necessary  
34 to meet federal welfare reform reporting, tracking, and case  
35 management requirements:

1 .....	\$	518,593
2		<u>1,037,186</u>

3 11. a. Notwithstanding any provision to the contrary,  
4 including but not limited to requirements in [section 8.41](#) or  
5 provisions in 2017 or 2018 Iowa Acts regarding the receipt and  
6 appropriation of federal block grants, federal funds from the  
7 temporary assistance for needy families block grant received  
8 by the state and not otherwise appropriated in this section  
9 and remaining available for the fiscal year beginning July 1,  
10 2018, are appropriated to the department of human services to  
11 the extent as may be necessary to be used in the following  
12 priority order: the family investment program, for state child  
13 care assistance program payments for families who are employed,  
14 and for the family investment program share of system costs  
15 ~~to develop and maintain a new, integrated for~~ eligibility  
16 ~~determination system and related functions.~~ The federal funds  
17 appropriated in this paragraph "a" shall be expended only after  
18 all other funds appropriated in subsection 1 for assistance  
19 under the family investment program, in subsection 6 for child  
20 care assistance, or in subsection 10 for technology costs  
21 related to the family investment program, as applicable, have  
22 been expended. For the purposes of this subsection, the funds  
23 appropriated in subsection 6, paragraph "a", for transfer  
24 to the child care and development block grant appropriation  
25 are considered fully expended when the full amount has been  
26 transferred.

27 b. The department shall, on a quarterly basis, advise the  
28 legislative services agency and department of management of  
29 the amount of funds appropriated in this subsection that was  
30 expended in the prior quarter.

31 12. Of the amounts appropriated in this section, ~~\$6,481,004~~  
32 \$12,962,008 for the fiscal year beginning July 1, 2018, is  
33 transferred to the appropriation of the federal social services  
34 block grant made to the department of human services for that  
35 fiscal year.

1 13. For continuation of the program providing categorical  
2 eligibility for the food assistance program as specified  
3 for the program in the section of this division of this Act  
4 relating to the family investment program account:

5 ..... \$ 12,500  
6 14,236

7 14. The department may transfer funds allocated in this  
8 section to the appropriations made in this division of this Act  
9 for the same fiscal year for general administration and field  
10 operations for resources necessary to implement and operate the  
11 services referred to in this section and those funded in the  
12 appropriation made in this division of this Act for the same  
13 fiscal year for the family investment program from the general  
14 fund of the state.

15 15. With the exception of moneys allocated under this  
16 section for the family development and self-sufficiency grant  
17 program, to the extent moneys allocated in this section are  
18 deemed by the department not to be necessary to support the  
19 purposes for which they are allocated, such moneys may be  
20 credited used in the same fiscal year for any other purpose  
21 for which funds are allocated in this section or in section 7  
22 of this division for the family investment program account.  
23 If there are conflicting needs, priority shall first be given  
24 to the family investment program account as specified under  
25 subsection 1 of this section and used for the purposes of  
26 assistance under the family investment program under chapter  
27 239B in the same fiscal year, followed by state child care  
28 assistance program payments for families who are employed,  
29 followed by other priorities as specified by the department.

30 Sec. 11. 2017 Iowa Acts, chapter 174, section 46, subsection  
31 4, is amended to read as follows:

32 4. Moneys appropriated in this division of this Act and  
33 credited to the FIP account for the fiscal year beginning July  
34 1, 2018, and ending June 30, 2019, are allocated as follows:

35 a. To be retained by the department of human services to

1 be used for coordinating with the department of human rights  
2 to more effectively serve participants in FIP and other shared  
3 clients and to meet federal reporting requirements under the  
4 federal temporary assistance for needy families block grant:

5 ..... \$ ~~10,000~~  
6 5,000

7 b. To the department of human rights for staffing,  
8 administration, and implementation of the family development  
9 and self-sufficiency grant program in accordance with section  
10 216A.107:

11 ..... \$ ~~3,096,417~~  
12 6,192,834

13 (1) Of the funds allocated for the family development  
14 and self-sufficiency grant program in this paragraph "b",  
15 not more than 5 percent of the funds shall be used for the  
16 administration of the grant program.

17 (2) The department of human rights may continue to implement  
18 the family development and self-sufficiency grant program  
19 statewide during fiscal year 2018-2019.

20 (3) The department of human rights may engage in activities  
21 to strengthen and improve family outcomes measures and  
22 data collection systems under the family development and  
23 self-sufficiency grant program.

24 c. For the diversion subaccount of the FIP account:

25 ..... \$ ~~407,500~~  
26 749,694

27 A portion of the moneys allocated for the subaccount may  
28 be used for field operations, salaries, data management  
29 system development, and implementation costs and support  
30 deemed necessary by the director of human services in order to  
31 administer the FIP diversion program. To the extent moneys  
32 allocated in this paragraph "c" are deemed by the department  
33 not to be necessary to support diversion activities, such  
34 moneys may be used for other efforts intended to increase  
35 engagement by family investment program participants in work,

1 education, or training activities, or for the purposes of  
2 assistance under the family investment program in accordance  
3 with [chapter 239B](#).

4 d. For the food assistance employment and training program:  
5 ..... \$ ~~33,294~~  
6 66,588

7 (1) The department shall apply the federal supplemental  
8 nutrition assistance program (SNAP) employment and training  
9 state plan in order to maximize to the fullest extent permitted  
10 by federal law the use of the 50 percent federal reimbursement  
11 provisions for the claiming of allowable federal reimbursement  
12 funds from the United States department of agriculture  
13 pursuant to the federal SNAP employment and training program  
14 for providing education, employment, and training services  
15 for eligible food assistance program participants, including  
16 but not limited to related dependent care and transportation  
17 expenses.

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

27 e. For the JOBS program:  
28 ..... \$ ~~6,761,645~~  
29 12,139,821

30 Sec. 12. 2017 Iowa Acts, chapter 174, section 46, is amended  
31 by adding the following new subsection:

32 NEW SUBSECTION. 7. The department of human services shall  
33 convene a workgroup to review opportunities to increase state  
34 engagement in the supplemental nutrition assistance program  
35 (SNAP) employment and training program. The workgroup shall



1 explore the feasibility of expansion of the current pilot  
2 program to a statewide basis, the potential involvement of  
3 community-based organizations to the extent allowed by federal  
4 law, and the leveraging of state and private funding to match  
5 available federal funds. The membership of the workgroup  
6 shall include representatives of the department of human  
7 services, community colleges, community-based organizations  
8 serving SNAP recipients, philanthropic organizations, and other  
9 stakeholders with relevant interest or expertise as determined  
10 by the department. The workgroup shall submit a report of its  
11 findings and recommendations to the governor and the general  
12 assembly by December 15, 2018.

13 Sec. 13. 2017 Iowa Acts, chapter 174, section 47, unnumbered  
14 paragraph 2, is amended to read as follows:

15 To be credited to the family investment program (FIP)  
16 account and used for family investment program assistance under  
17 chapter 239B:

18 ..... \$ ~~21,502,240~~  
19 40,365,715

20 Sec. 14. 2017 Iowa Acts, chapter 174, section 47,  
21 subsections 1, 2, 4, and 5, are amended to read as follows:

22 1. Of the funds appropriated in this section, ~~\$3,973,798~~  
23 \$6,727,761 is allocated for the JOBS program.

24 2. Of the funds appropriated in this section, ~~\$1,656,927~~  
25 \$3,313,854 is allocated for the family development and  
26 self-sufficiency grant program.

27 4. Of the funds appropriated in this section, ~~\$97,839~~  
28 \$195,678 shall be used for continuation of a grant to an  
29 Iowa-based nonprofit organization with a history of providing  
30 tax preparation assistance to low-income Iowans in order to  
31 expand the usage of the earned income tax credit. The purpose  
32 of the grant is to supply this assistance to underserved areas  
33 of the state.

34 5. Of the funds appropriated in this section, ~~\$30,000~~  
35 \$70,000 shall be used for the continuation of an ~~unfunded pilot~~

1 ~~project~~ the parenting program, as ~~defined~~ specified in 441 IAC  
2 ~~100.1 100~~, relating to parental obligations, in which the child  
3 support recovery unit participates, to support the efforts  
4 of a nonprofit organization committed to strengthening the  
5 community through youth development, healthy living, and social  
6 responsibility headquartered in a county with a population  
7 over 350,000 according to the latest certified federal  
8 census. The funds allocated in this subsection shall be used  
9 by the recipient organization to develop a larger community  
10 effort, through public and private partnerships, to support a  
11 broad-based multi-county ~~fatherhood~~ parenthood initiative that  
12 promotes payment of child support obligations, improved family  
13 relationships, and full-time employment.

14 Sec. 15. 2017 Iowa Acts, chapter 174, section 48, unnumbered  
15 paragraph 2, is amended to read as follows:

16 For child support recovery, including salaries, support,  
17 maintenance, and miscellaneous purposes, and for not more than  
18 the following full-time equivalent positions:

19 .....	\$	<del>6,293,317</del>
20 .....		<u>14,586,635</u>
21 .....	FTEs	459.00

22 Sec. 16. 2017 Iowa Acts, chapter 174, section 48, subsection  
23 1, is amended to read as follows:

24 1. The department shall expend up to ~~\$12,164~~ \$24,329,  
25 including federal financial participation, for the fiscal year  
26 beginning July 1, 2018, for a child support public awareness  
27 campaign. The department and the office of the attorney  
28 general shall cooperate in continuation of the campaign. The  
29 public awareness campaign shall emphasize, through a variety  
30 of media activities, the importance of maximum involvement of  
31 both parents in the lives of their children as well as the  
32 importance of payment of child support obligations.

33 Sec. 17. 2017 Iowa Acts, chapter 174, section 51, unnumbered  
34 paragraph 2, is amended to read as follows:

35 For medical assistance program reimbursement and associated

1 costs as specifically provided in the reimbursement  
2 methodologies in effect on June 30, 2018, except as otherwise  
3 expressly authorized by law, consistent with options under  
4 federal law and regulations, and contingent upon receipt of  
5 approval from the office of the governor of reimbursement for  
6 each abortion performed under the program:

7 ..... ~~\$642,202,870~~  
8 1,337,946,375

9 Sec. 18. 2017 Iowa Acts, chapter 174, section 51,  
10 subsections 3, 4, 5, 6, 7, 8, 14, 17, 18, and 19, are amended  
11 to read as follows:

12 3. The department shall utilize not more than ~~\$30,000~~  
13 \$60,000 of the funds appropriated in this section to continue  
14 the AIDS/HIV health insurance premium payment program as  
15 established in 1992 Iowa Acts, Second Extraordinary Session,  
16 chapter 1001, section 409, subsection 6. Of the funds  
17 allocated in this subsection, not more than ~~\$2,500~~ \$5,000 may  
18 be expended for administrative purposes.

19 4. Of the funds appropriated in this Act to the  
20 department of public health for addictive disorders, ~~\$475,000~~  
21 \$950,000 for the fiscal year beginning July 1, 2018, is  
22 transferred to the department of human services for an  
23 integrated substance-related disorder managed care system.  
24 The departments of human services and public health shall  
25 work together to maintain the level of mental health and  
26 substance-related disorder treatment services provided by the  
27 managed care contractors. Each department shall take the steps  
28 necessary to continue the federal waivers as necessary to  
29 maintain the level of services.

30 5. a. The department shall aggressively pursue options for  
31 providing medical assistance or other assistance to individuals  
32 with special needs who become ineligible to continue receiving  
33 services under the early and periodic screening, diagnostic,  
34 and treatment program under the medical assistance program  
35 due to becoming 21 years of age who have been approved for

1 additional assistance through the department's exception to  
2 policy provisions, but who have health care needs in excess  
3 of the funding available through the exception to policy  
4 provisions.

5 b. Of the funds appropriated in this section, ~~\$50,000~~  
6 \$100,000 shall be used for participation in one or more  
7 pilot projects operated by a private provider to allow the  
8 individual or individuals to receive service in the community  
9 in accordance with principles established in *Olmstead v.*  
10 *L.C.*, 527 U.S. 581 (1999), for the purpose of providing  
11 medical assistance or other assistance to individuals with  
12 special needs who become ineligible to continue receiving  
13 services under the early and periodic screening, diagnostic,  
14 and treatment program under the medical assistance program  
15 due to becoming 21 years of age who have been approved for  
16 additional assistance through the department's exception to  
17 policy provisions, but who have health care needs in excess  
18 of the funding available through the exception to the policy  
19 provisions.

20 6. Of the funds appropriated in this section, up to  
21 ~~\$1,525,041~~ \$3,050,082 may be transferred to the field  
22 operations or general administration appropriations in this  
23 division of this Act for operational costs associated with Part  
24 D of the federal Medicare Prescription Drug Improvement and  
25 Modernization Act of 2003, Pub. L. No. 108-173.

26 7. Of the funds appropriated in this section, up to  
27 ~~\$221,050~~ \$442,100 may be transferred to the appropriation in  
28 this division of this Act for medical contracts to be used  
29 for clinical assessment services and prior authorization of  
30 services.

31 8. A portion of the funds appropriated in this section  
32 may be transferred to the appropriations in this division of  
33 this Act for general administration, medical contracts, the  
34 children's health insurance program, or field operations to be  
35 used for the state match cost to comply with the payment error

1 rate measurement (PERM) program for both the medical assistance  
2 and children's health insurance programs as developed by the  
3 centers for Medicare and Medicaid services of the United States  
4 department of health and human services to comply with the  
5 federal Improper Payments Information Act of 2002, Pub. L.  
6 No. 107-300, and to support other reviews and quality control  
7 activities to improve the integrity of these programs.

8 14. Of the funds appropriated in this section, ~~\$174,505~~  
9 \$349,011 shall be used for the administration of the health  
10 insurance premium payment program, including salaries, support,  
11 maintenance, and miscellaneous purposes.

12 17. a. Of the funds appropriated in this section, up  
13 to ~~\$25,000~~ \$50,000 may be transferred by the department to  
14 the appropriation made in this division of this Act to the  
15 department for the same fiscal year for general administration  
16 to be used for associated administrative expenses and for not  
17 more than one full-time equivalent position, in addition to  
18 those authorized for the same fiscal year, to be assigned to  
19 implementing the children's mental health home project.

20 b. Of the funds appropriated in this section, up to  
21 ~~\$200,000~~ \$400,000 may be transferred by the department to  
22 the appropriation made to the department in this division of  
23 this Act for the same fiscal year for Medicaid program-related  
24 general administration planning and implementation activities.

25 The funds may be used for contracts or for personnel in  
26 addition to the amounts appropriated for and the positions  
27 authorized for general administration for the fiscal year.

28 c. Of the funds appropriated in this section, up to  
29 ~~\$1,500,000~~ \$3,000,000 may be transferred by the department  
30 to the appropriations made in this division of this Act  
31 for the same fiscal year for general administration or  
32 medical contracts to be used to support the development  
33 and implementation of standardized assessment tools for  
34 persons with mental illness, an intellectual disability, a  
35 developmental disability, or a brain injury.

1 18. Of the funds appropriated in this section, ~~\$75,000~~  
2 \$150,000 shall be used for lodging expenses associated with  
3 care provided at the university of Iowa hospitals and clinics  
4 for patients with cancer whose travel distance is 30 miles or  
5 more and whose income is at or below 200 percent of the federal  
6 poverty level as defined by the most recently revised poverty  
7 income guidelines published by the United States department of  
8 health and human services. The department of human services  
9 shall establish the maximum number of overnight stays and the  
10 maximum rate reimbursed for overnight lodging, which may be  
11 based on the state employee rate established by the department  
12 of administrative services. The funds allocated in this  
13 subsection shall not be used as nonfederal share matching  
14 funds.

15 19. Of the funds appropriated in this section, up to  
16 ~~\$1,691,940~~ \$3,383,880 shall be used for administration of the  
17 state family planning services program as enacted in this 2017  
18 Act, and of this amount the department may use ~~to up to \$100,000~~  
19 up to \$200,000 for administrative expenses.

20 Sec. 19. 2017 Iowa Acts, chapter 174, section 51, is amended  
21 by adding the following new subsections:

22 NEW SUBSECTION. 22. Of the funds appropriated in this  
23 section, \$300,000 shall be used by the department of human  
24 services through a request for proposals process to establish  
25 a partnership between the university of Iowa hospitals and  
26 clinics and a nonprofit durable medical equipment provider  
27 and manufacturer to provide new, refurbished, or repaired  
28 durable medical equipment to Medicaid members in the state.  
29 Such durable medical equipment provider and manufacturer  
30 shall be authorized as a Medicaid provider in the state on or  
31 after April 1, 2018, and shall have the capability to provide  
32 assessments for customized wheelchairs, manufacture bathing aid  
33 equipment and mobility bathing aids, offer in-home care, and  
34 sell durable medical equipment at cost in Iowa and online as of  
35 June 1, 2018.

1     NEW SUBSECTION. 23. The department of human services shall  
2 expand Medicaid coverage to provide care for young adults with  
3 complex medical conditions in a special population nursing  
4 facility as specified by rule of the department pursuant to  
5 this subsection. The department shall adopt rules pursuant to  
6 chapter 17A to expand the criteria for a special population  
7 nursing facility under the Medicaid program to include a  
8 nursing facility that serves residents, 100 percent of whom are  
9 aged 30 and under and require the skilled level of care, and to  
10 include a nursing facility that serves residents, 100 percent  
11 of whom require care from a facility licensed by the department  
12 of inspections and appeals as an intermediate care facility  
13 for persons with medical complexity as defined by rule of the  
14 department.

15     NEW SUBSECTION. 24. Consistent with the informational  
16 bulletin published May 9, 2017, by the centers for Medicare and  
17 Medicaid services of the United States department of health and  
18 human services, in implementing the regulation that finalized  
19 criteria for home and community-based settings appropriate for  
20 provision of home and community-based services, the department  
21 of human services shall continue progress with the statewide  
22 transition plan to be approved by March 17, 2019, but shall  
23 extend the transition period to demonstrate compliance with  
24 the home and community-based settings criteria until March 17,  
25 2022, for those settings to which a transition period applies.

26     NEW SUBSECTION. 25. The department of human services shall  
27 utilize \$3,000,000 of the funds appropriated under this section  
28 to adjust current supported community living provider daily  
29 rate cells under the tiered rate reimbursement methodology  
30 effective with dates of service beginning July 1, 2018. The  
31 department shall work with the Medicaid program actuary to  
32 evaluate the current tiered rates and the tiered rates phase-in  
33 plan to determine the necessary apportionment of such funds.  
34 In addition, the department, working with the Medicaid program  
35 actuary, shall review the current tiered rates and the tiered

1 rates phase-in plan and shall propose recommendations for any  
2 changes. The department shall convene the tiered rate provider  
3 workgroup initially convened in the fiscal year beginning July  
4 1, 2016, to review the actuarial findings and recommendations.  
5 The tiered rates may be adjusted based upon the actuarial  
6 findings and recommendations if such adjustments are budget  
7 neutral. A report of the actuarial findings, recommendations,  
8 and comments provided by the tiered rate provider workgroup  
9 shall be submitted to the governor and the general assembly by  
10 December 15, 2018. If additional funding is appropriated to  
11 implement the recommendations, the additional funding shall be  
12 incorporated into the managed care organization capitation rate  
13 setting process for the fiscal year beginning July 1, 2019.

14 NEW SUBSECTION. 26. The department of human services shall  
15 review all current Medicaid fee schedules and shall submit a  
16 report to the governor and the general assembly by January 15,  
17 2019, regarding how the current rates compare to the equivalent  
18 Medicare fee schedules or other appropriate reimbursement  
19 methodologies for specific services and including a plan for  
20 phased-in implementation of any changes.

21 NEW SUBSECTION. 27. Of the funds appropriated in this  
22 section, \$1,545,530 shall be used and may be transferred to  
23 other appropriations in this division of this Act as necessary  
24 to administer the provisions in the division of this Act  
25 relating to Medicaid program administration.

26 NEW SUBSECTION. 28. Of the funds appropriated in this  
27 section, \$876,015 shall be used and may be transferred to other  
28 appropriations in this division of this Act as necessary to  
29 administer the provisions of 2018 Iowa Acts, House File 2456,  
30 as enacted.

31 Sec. 20. 2017 Iowa Acts, chapter 174, section 52, is amended  
32 to read as follows:

33 SEC. 52. MEDICAL CONTRACTS. There is appropriated from the  
34 general fund of the state to the department of human services  
35 for the fiscal year beginning July 1, 2018, and ending June 30,



1 2019, the following amount, or so much thereof as is necessary,  
2 to be used for the purpose designated:

3 For medical contracts:

4 .....	\$ <del>8,813,232</del>
5	<u>16,603,198</u>

6 1. The department of inspections and appeals shall  
7 provide all state matching funds for survey and certification  
8 activities performed by the department of inspections  
9 and appeals. The department of human services is solely  
10 responsible for distributing the federal matching funds for  
11 such activities.

12 2. Of the funds appropriated in this section, ~~\$25,000~~  
13 \$50,000 shall be used for continuation of home and  
14 community-based services waiver quality assurance programs,  
15 including the review and streamlining of processes and policies  
16 related to oversight and quality management to meet state and  
17 federal requirements.

18 3. Of the amount appropriated in this section, up to  
19 ~~\$100,000~~ \$200,000 may be transferred to the appropriation  
20 for general administration in this division of this Act to  
21 be used for additional full-time equivalent positions in the  
22 development of key health initiatives such as cost containment,  
23 development and oversight of managed care programs, and  
24 development of health strategies targeted toward improved  
25 quality and reduced costs in the Medicaid program.

26 4. Of the funds appropriated in this section, ~~\$500,000~~  
27 \$1,000,000 shall be used for planning and development,  
28 in cooperation with the department of public health, of a  
29 phased-in program to provide a dental home for children.

30 5. Of the funds appropriated in this section, ~~\$475,000~~  
31 \$723,000 shall be credited to the autism support program fund  
32 created in [section 225D.2](#) to be used for the autism support  
33 program created in [chapter 225D](#), with the exception of the  
34 following amounts of this allocation which shall be used as  
35 follows:

1 ~~a. Of the funds allocated in this subsection, \$125,000~~  
2 ~~shall be deposited in the board-certified behavior analyst and~~  
3 ~~board-certified assistant behavior analyst grants program fund~~  
4 ~~created in [section 135.181](#), to be used for the purposes of the~~  
5 ~~fund.~~

6 b. Of the funds allocated in this subsection, \$12,500  
7 \$25,000 shall be used for the public purpose of continuation  
8 of a grant to a child welfare services provider headquartered  
9 in a county with a population between 205,000 and 215,000 in  
10 the latest certified federal census that provides multiple  
11 services including but not limited to a psychiatric medical  
12 institution for children, shelter, residential treatment, after  
13 school programs, school-based programming, and an Asperger's  
14 syndrome program, to be used for support services for children  
15 with autism spectrum disorder and their families.

16 ~~c. Of the funds allocated in this subsection, \$12,500~~  
17 ~~shall be used for the public purpose of continuing a grant to~~  
18 ~~a hospital-based provider headquartered in a county with a~~  
19 ~~population between 90,000 and 95,000 in the latest certified~~  
20 ~~federal census that provides multiple services including~~  
21 ~~but not limited to diagnostic, therapeutic, and behavioral~~  
22 ~~services to individuals with autism spectrum disorder across~~  
23 ~~one's lifespan. The grant recipient shall utilize the funds~~  
24 ~~to continue the pilot project to determine the necessary~~  
25 ~~support services for children with autism spectrum disorder and~~  
26 ~~their families to be included in the children's disabilities~~  
27 ~~services system. The grant recipient shall submit findings and~~  
28 ~~recommendations based upon the results of the pilot project~~  
29 ~~to the individuals specified in this division of this Act for~~  
30 ~~submission of reports by December 31, 2018.~~

31 Sec. 21. 2017 Iowa Acts, chapter 174, section 53, unnumbered  
32 paragraph 2, is amended to read as follows:

33 For the state supplementary assistance program:

34 ..... \$ 5,186,329  
35 ..... 10,250,873

1 Sec. 22. 2017 Iowa Acts, chapter 174, section 53, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
4 appropriated in this section that remain unencumbered or  
5 unobligated at the close of the fiscal year shall not revert  
6 but shall remain available for expenditure for the purposes  
7 designated until the close of the succeeding fiscal year.

8 Sec. 23. 2017 Iowa Acts, chapter 174, section 54, is amended  
9 to read as follows:

10 SEC. 54. CHILDREN'S HEALTH INSURANCE PROGRAM.

11 1. There is appropriated from the general fund of the  
12 state to the department of human services for the fiscal year  
13 beginning July 1, 2018, and ending June 30, 2019, the following  
14 amount, or so much thereof as is necessary, to be used for the  
15 purpose designated:

16 For maintenance of the healthy and well kids in Iowa (hawk-i)  
17 program pursuant to [chapter 514I](#), including supplemental dental  
18 services, for receipt of federal financial participation under  
19 Tit. XXI of the federal Social Security Act, which creates the  
20 children's health insurance program:

21 ..... \$ 4,259,226  
22 7,064,057

23 2. Of the funds appropriated in this section, ~~\$21,400~~  
24 \$42,800 is allocated for continuation of the contract for  
25 outreach with the department of public health.

26 Sec. 24. 2017 Iowa Acts, chapter 174, section 55, unnumbered  
27 paragraph 2, is amended to read as follows:

28 For child care programs:

29 ..... \$ ~~19,671,808~~  
30 40,816,831

31 Sec. 25. 2017 Iowa Acts, chapter 174, section 55,  
32 subsections 1 and 4, are amended to read as follows:

33 1. Of the funds appropriated in this section, ~~\$16,746,808~~  
34 \$34,966,931 shall be used for state child care assistance in  
35 accordance with [section 237A.13](#).

1 4. Of the funds appropriated in this section, ~~\$2,925,000~~  
2 \$5,850,000 shall be credited to the early childhood programs  
3 grants account in the early childhood Iowa fund created  
4 in [section 256I.11](#). The moneys shall be distributed for  
5 funding of community-based early childhood programs targeted  
6 to children from birth through five years of age developed  
7 by early childhood Iowa areas in accordance with approved  
8 community plans as provided in [section 256I.8](#).

9 Sec. 26. 2017 Iowa Acts, chapter 174, section 56, is amended  
10 to read as follows:

11 SEC. 56. JUVENILE INSTITUTION. There is appropriated  
12 from the general fund of the state to the department of human  
13 services for the fiscal year beginning July 1, 2018, and ending  
14 June 30, 2019, the following amounts, or so much thereof as is  
15 necessary, to be used for the purposes designated:

16 1. For operation of the state training school at Eldora and  
17 for salaries, support, maintenance, and miscellaneous purposes,  
18 and for not more than the following full-time equivalent  
19 positions:

20 .....	\$ 5,675,221
21 .....	<u>12,762,443</u>
22 .....	FTEs 189.00

23 Of the funds appropriated in this subsection, ~~\$45,575~~  
24 \$91,150 shall be used for distribution to licensed classroom  
25 teachers at this and other institutions under the control of  
26 the department of human services based upon the average student  
27 yearly enrollment at each institution as determined by the  
28 department.

29 2. A portion of the moneys appropriated in this section  
30 shall be used by the state training school at Eldora for  
31 grants for adolescent pregnancy prevention activities at the  
32 institution in the fiscal year beginning July 1, 2018.

33 3. Of the funds appropriated in this subsection, \$212,000  
34 shall be used by the state training school at Eldora for a  
35 substance use disorder treatment program at the institution in

1 the fiscal year beginning July 1, 2018.

2 Sec. 27. 2017 Iowa Acts, chapter 174, section 57, is amended  
3 to read as follows:

4 SEC. 57. CHILD AND FAMILY SERVICES.

5 1. 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, 2018, and ending June 30, 2019, the following  
8 amount, or so much thereof as is necessary, to be used for the  
9 purpose designated:

10 For child and family services:

11 .....	\$ <del>43,639,687</del>
12	<u>84,939,774</u>

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

23 3. a. Of the funds appropriated in this section, up  
24 to ~~\$17,868,324~~ \$34,536,648 is allocated as the statewide  
25 expenditure target under [section 232.143](#) for group foster care  
26 maintenance and services. If the department projects that such  
27 expenditures for the fiscal year will be less than the target  
28 amount allocated in this paragraph "a", the department may  
29 reallocate the excess to provide additional funding for shelter  
30 care or the child welfare emergency services addressed with the  
31 allocation for shelter care.

32 b. If at any time after September 30, 2018, annualization  
33 of a service area's current expenditures indicates a service  
34 area is at risk of exceeding its group foster care expenditure  
35 target under [section 232.143](#) by more than 5 percent, the

1 department and juvenile court services shall examine all  
2 group foster care placements in that service area in order to  
3 identify those which might be appropriate for termination.  
4 In addition, any aftercare services believed to be needed  
5 for the children whose placements may be terminated shall be  
6 identified. The department and juvenile court services shall  
7 initiate action to set dispositional review hearings for the  
8 placements identified. In such a dispositional review hearing,  
9 the juvenile court shall determine whether needed aftercare  
10 services are available and whether termination of the placement  
11 is in the best interest of the child and the community.

12 4. In accordance with the provisions of [section 232.188](#),  
13 the department shall continue the child welfare and juvenile  
14 justice funding initiative during fiscal year 2018-2019. Of  
15 the funds appropriated in this section, ~~\$858,876~~ \$1,717,753  
16 is allocated specifically for expenditure for fiscal year  
17 2018-2019 through the decategorization services funding pools  
18 and governance boards established pursuant to [section 232.188](#).

19 5. A portion of the funds appropriated in this section  
20 may be used for emergency family assistance to provide other  
21 resources required for a family participating in a family  
22 preservation or reunification project or successor project to  
23 stay together or to be reunified.

24 6. Notwithstanding [section 234.35](#) or any other provision  
25 of law to the contrary, state funding for shelter care and  
26 the child welfare emergency services contracting implemented  
27 to provide for or prevent the need for shelter care shall be  
28 limited to ~~\$4,048,079~~ \$8,096,158.

29 7. Federal funds received by the state during the fiscal  
30 year beginning July 1, 2018, as the result of the expenditure  
31 of state funds appropriated during a previous state fiscal  
32 year for a service or activity funded under this section are  
33 appropriated to the department to be used as additional funding  
34 for services and purposes provided for under this section.  
35 Notwithstanding [section 8.33](#), moneys received in accordance

1 with this subsection that remain unencumbered or unobligated at  
2 the close of the fiscal year shall not revert to any fund but  
3 shall remain available for the purposes designated until the  
4 close of the succeeding fiscal year.

5 8. a. Of the funds appropriated in this section, up to  
6 ~~\$1,645,000~~ \$3,290,000 is allocated for the payment of the  
7 expenses of court-ordered services provided to juveniles  
8 who are under the supervision of juvenile court services,  
9 which expenses are a charge upon the state pursuant to  
10 section 232.141, subsection 4. Of the amount allocated in  
11 this paragraph "a", up to ~~\$778,143~~ \$1,556,287 shall be made  
12 available to provide school-based supervision of children  
13 adjudicated under [chapter 232](#), of which not more than ~~\$7,500~~  
14 \$15,000 may be used for the purpose of training. A portion of  
15 the cost of each school-based liaison officer shall be paid by  
16 the school district or other funding source as approved by the  
17 chief juvenile court officer.

18 b. Of the funds appropriated in this section, up to ~~\$374,492~~  
19 \$748,985 is allocated for the payment of the expenses of  
20 court-ordered services provided to children who are under the  
21 supervision of the department, which expenses are a charge upon  
22 the state pursuant to [section 232.141, subsection 4](#).

23 c. Notwithstanding [section 232.141](#) or any other provision  
24 of law to the contrary, the amounts allocated in this  
25 subsection shall be distributed to the judicial districts  
26 as determined by the state court administrator and to the  
27 department's service areas as determined by the administrator  
28 of the department of human services' division of child and  
29 family services. The state court administrator and the  
30 division administrator shall make the determination of the  
31 distribution amounts on or before June 15, 2018.

32 d. Notwithstanding [chapter 232](#) or any other provision of  
33 law to the contrary, a district or juvenile court shall not  
34 order any service which is a charge upon the state pursuant  
35 to [section 232.141](#) if there are insufficient court-ordered

1 services funds available in the district court or departmental  
2 service area distribution amounts to pay for the service. The  
3 chief juvenile court officer and the departmental service area  
4 manager shall encourage use of the funds allocated in this  
5 subsection such that there are sufficient funds to pay for  
6 all court-related services during the entire year. The chief  
7 juvenile court officers and departmental service area managers  
8 shall attempt to anticipate potential surpluses and shortfalls  
9 in the distribution amounts and shall cooperatively request the  
10 state court administrator or division administrator to transfer  
11 funds between the judicial districts' or departmental service  
12 areas' distribution amounts as prudent.

13 e. Notwithstanding any provision of law to the contrary,  
14 a district or juvenile court shall not order a county to pay  
15 for any service provided to a juvenile pursuant to an order  
16 entered under [chapter 232](#) which is a charge upon the state  
17 under [section 232.141, subsection 4](#).

18 f. Of the funds allocated in this subsection, not more  
19 than ~~\$41,500~~ \$83,000 may be used by the judicial branch for  
20 administration of the requirements under this subsection.

21 g. Of the funds allocated in this subsection, ~~\$8,500~~ \$17,000  
22 shall be used by the department of human services to support  
23 the interstate commission for juveniles in accordance with  
24 the interstate compact for juveniles as provided in section  
25 232.173.

26 9. Of the funds appropriated in this section, ~~\$6,126,613~~  
27 \$12,253,227 is allocated for juvenile delinquent graduated  
28 sanctions services. Any state funds saved as a result of  
29 efforts by juvenile court services to earn a federal Tit. IV-E  
30 match for juvenile court services administration may be used  
31 for the juvenile delinquent graduated sanctions services.

32 10. Of the funds appropriated in this section, ~~\$829,142~~  
33 \$1,658,285 is transferred to the department of public health  
34 to be used for the child protection center grant program for  
35 child protection centers located in Iowa in accordance with



1 section 135.118. The grant amounts under the program shall be  
2 equalized so that each center receives a uniform base amount  
3 of ~~\$122,500~~ \$245,000, so that ~~\$25,000~~ \$50,000 is awarded to  
4 establish a satellite child protection center in a city in  
5 north central Iowa that is the county seat of a county with  
6 a population between 44,000 and 45,000 according to the 2010  
7 federal decennial census, and so that the remaining funds are  
8 awarded through a funding formula based upon the volume of  
9 children served.

10 11. If the department receives federal approval to  
11 implement a waiver under Tit. IV-E of the federal Social  
12 Security Act to enable providers to serve children who remain  
13 in the children's families and communities, for purposes of  
14 eligibility under the medical assistance program through 25  
15 years of age, children who participate in the waiver shall be  
16 considered to be placed in foster care.

17 12. Of the funds appropriated in this section, ~~\$2,012,583~~  
18 \$4,025,167 is allocated for the preparation for adult living  
19 program pursuant to [section 234.46](#).

20 13. Of the funds appropriated in this section, ~~\$113,668~~  
21 \$227,337 shall be used for the public purpose of continuing  
22 a grant to a nonprofit human services organization providing  
23 services to individuals and families in multiple locations in  
24 southwest Iowa and Nebraska for support of a project providing  
25 immediate, sensitive support and forensic interviews, medical  
26 exams, needs assessments, and referrals for victims of child  
27 abuse and their nonoffending family members.

28 14. Of the funds appropriated in this section, ~~\$150,310~~  
29 \$300,620 is allocated for the foster care youth council  
30 approach of providing a support network to children placed in  
31 foster care.

32 15. Of the funds appropriated in this section, ~~\$101,000~~  
33 \$202,000 is allocated for use pursuant to [section 235A.1](#) for  
34 continuation of the initiative to address child sexual abuse  
35 implemented pursuant to 2007 Iowa Acts, chapter 218, section

1 18, subsection 21.

2 16. Of the funds appropriated in this section, ~~\$315,120~~  
3 \$630,240 is allocated for the community partnership for child  
4 protection sites.

5 17. Of the funds appropriated in this section, ~~\$185,625~~  
6 \$371,250 is allocated for the department's minority youth and  
7 family projects under the redesign of the child welfare system.

8 18. Of the funds appropriated in this section, ~~\$568,297~~  
9 \$851,595 is allocated for funding of the community circle of  
10 care collaboration for children and youth in northeast Iowa.

11 19. Of the funds appropriated in this section, at least  
12 ~~\$73,579~~ \$147,158 shall be used for the continuation of the  
13 child welfare provider training academy, a collaboration  
14 between the coalition for family and children's services in  
15 Iowa and the department.

16 20. Of the funds appropriated in this section, ~~\$105,936~~  
17 \$211,872 shall be used for continuation of the central Iowa  
18 system of care program grant through June 30, 2019.

19 21. Of the funds appropriated in this section, ~~\$117,500~~  
20 \$235,000 shall be used for the public purpose of the  
21 continuation and expansion of a system of care program grant  
22 implemented in Cerro Gordo and Linn counties to utilize a  
23 comprehensive and long-term approach for helping children  
24 and families by addressing the key areas in a child's life  
25 of childhood basic needs, education and work, family, and  
26 community.

27 22. Of the funds appropriated in this section, at least  
28 ~~\$12,500~~ \$25,000 shall be used to continue and to expand the  
29 foster care respite pilot program in which postsecondary  
30 students in social work and other human services-related  
31 programs receive experience by assisting family foster care  
32 providers with respite and other support.

33 23. Of the funds appropriated in this section, ~~\$55,000~~  
34 \$110,000 shall be used for the public purpose of funding  
35 community-based services and other supports with a system of

1 care approach for children with a serious emotional disturbance  
2 and their families through a nonprofit provider of child  
3 welfare services that has been in existence for more than  
4 115 years, is located in a county with a population of more  
5 than 200,000 but less than 220,000 according to the latest  
6 certified federal census, is licensed as a psychiatric medical  
7 institution for children, and was a system of care grantee  
8 prior to July 1, 2018.

9 Sec. 28. 2017 Iowa Acts, chapter 174, section 58, subsection  
10 1, paragraph a, is amended to read as follows:

11 a. For adoption subsidy payments and services:

12 ..... \$ ~~20,388,955~~  
13 40,445,137

14 Sec. 29. 2017 Iowa Acts, chapter 174, section 60, is amended  
15 to read as follows:

16 SEC. 60. FAMILY SUPPORT SUBSIDY PROGRAM.

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, 2018, and ending June 30, 2019, the following  
20 amount, or so much thereof as is necessary, to be used for the  
21 purpose designated:

22 For the family support subsidy program subject to the  
23 enrollment restrictions in [section 225C.37, subsection 3](#):

24 ..... \$ ~~534,641~~  
25 949,282

26 2. At least ~~\$393,750~~ \$787,500 of the moneys appropriated in  
27 this section is transferred to the department of public health  
28 for the family support center component of the comprehensive  
29 family support program under [chapter 225C](#), subchapter V.

30 3. If at any time during the fiscal year, the amount of  
31 funding available for the family support subsidy program  
32 is reduced from the amount initially used to establish the  
33 figure for the number of family members for whom a subsidy  
34 is to be provided at any one time during the fiscal year,  
35 notwithstanding [section 225C.38, subsection 2](#), the department

1 shall revise the figure as necessary to conform to the amount  
2 of funding available.

3 Sec. 30. 2017 Iowa Acts, chapter 174, section 61, is amended  
4 to read as follows:

5 SEC. 61. CONNER DECREE. There is appropriated from the  
6 general fund of the state to the department of human services  
7 for the fiscal year beginning July 1, 2018, and ending June 30,  
8 2019, the following amount, or so much thereof as is necessary,  
9 to be used for the purpose designated:

10 For building community capacity through the coordination  
11 and provision of training opportunities in accordance with the  
12 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.  
13 Iowa, July 14, 1994):

14 ..... \$ 16,816  
15 33,632

16 Sec. 31. 2017 Iowa Acts, chapter 174, section 62, subsection  
17 1, is amended to read as follows:

18 1. There is appropriated from the general fund of the  
19 state to the department of human services for the fiscal year  
20 beginning July 1, 2018, and ending June 30, 2019, the following  
21 amounts, or so much thereof as is necessary, to be used for the  
22 purposes designated:

23 a. For operation of the state mental health institute at  
24 Cherokee as required by chapters 218 and 226 for salaries,  
25 support, maintenance, and miscellaneous purposes, and for not  
26 more than the following full-time equivalent positions:

27 ..... \$ ~~6,935,127~~  
28 13,870,254  
29 ..... FTEs 162.00

30 b. For operation of the state mental health institute at  
31 Independence as required by chapters 218 and 226 for salaries,  
32 support, maintenance, and miscellaneous purposes, and for not  
33 more than the following full-time equivalent positions:

34 ..... \$ ~~8,756,810~~  
35 17,513,621

1 ..... FTEs 204.00

2 Sec. 32. 2017 Iowa Acts, chapter 174, section 63, subsection  
3 1, is amended to read as follows:

4 1. There is appropriated from the general fund of the  
5 state to the department of human services for the fiscal year  
6 beginning July 1, 2018, and ending June 30, 2019, the following  
7 amounts, or so much thereof as is necessary, to be used for the  
8 purposes designated:

9 a. For the state resource center at Glenwood for salaries,  
10 support, maintenance, and miscellaneous purposes:  
11 ..... \$ ~~8,943,890~~  
12 16,858,523

13 b. For the state resource center at Woodward for salaries,  
14 support, maintenance, and miscellaneous purposes:  
15 ..... \$ ~~6,038,517~~  
16 11,386,679

17 Sec. 33. 2017 Iowa Acts, chapter 174, section 64, subsection  
18 1, is amended to read as follows:

19 1. There is appropriated from the general fund of the  
20 state to the department of human services for the fiscal year  
21 beginning July 1, 2018, and ending June 30, 2019, the following  
22 amount, or so much thereof as is necessary, to be used for the  
23 purpose designated:

24 For costs associated with the commitment and treatment of  
25 sexually violent predators in the unit located at the state  
26 mental health institute at Cherokee, including costs of legal  
27 services and other associated costs, including salaries,  
28 support, maintenance, and miscellaneous purposes, and for not  
29 more than the following full-time equivalent positions:  
30 ..... \$ ~~4,732,373~~  
31 10,864,747  
32 ..... FTEs ~~112.00~~  
33 132.00

34 Sec. 34. 2017 Iowa Acts, chapter 174, section 65, is amended  
35 to read as follows:

1 SEC. 65. FIELD OPERATIONS. There is appropriated from the  
2 general fund of the state to the department of human services  
3 for the fiscal year beginning July 1, 2018, and ending June 30,  
4 2019, the following amount, or so much thereof as is necessary,  
5 to be used for the purposes designated:

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

9 .....	\$	<del>24,242,217</del>
10		<u>49,074,517</u>
11 .....	FTEs	<del>1,583.00</del>
12		<u>1,539.00</u>

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

16 Sec. 35. 2017 Iowa Acts, chapter 174, section 66, is amended  
17 to read as follows:

18 SEC. 66. GENERAL ADMINISTRATION. There is appropriated  
19 from the general fund of the state to the department of human  
20 services for the fiscal year beginning July 1, 2018, and ending  
21 June 30, 2019, the following amount, or so much thereof as is  
22 necessary, to be used for the purpose designated:

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

26 .....	\$	<del>7,016,520</del>
27		<u>13,833,040</u>
28 .....	FTEs	294.00

29 2. Of the funds appropriated in this section, ~~\$75,000~~  
30 \$150,000 shall be used to continue the contract for the  
31 provision of a program to provide technical assistance,  
32 support, and consultation to providers of habilitation services  
33 and home and community-based services waiver services for  
34 adults with disabilities under the medical assistance program.

35 3. Of the funds appropriated in this section, ~~\$25,000~~

1 \$50,000 is transferred to the Iowa finance authority to be  
2 used for administrative support of the council on homelessness  
3 established in [section 16.2D](#) and for the council to fulfill its  
4 duties in addressing and reducing homelessness in the state.

5 4. Of the funds appropriated in this section, ~~\$100,000~~  
6 \$200,000 shall be transferred to and deposited in the  
7 administrative fund of the Iowa ABLE savings plan trust  
8 created in [section 12I.4](#), to be used for implementation and  
9 administration activities of the Iowa ABLE savings plan trust.

10 5. Of the funds appropriated in this section, ~~\$100,000~~  
11 \$200,000 is transferred to the economic development authority  
12 for the Iowa commission on volunteer services to continue  
13 to be used for RefugeeRISE AmeriCorps program established  
14 under [section 15H.8](#) for member recruitment and training to  
15 improve the economic well-being and health of economically  
16 disadvantaged refugees in local communities across Iowa. Funds  
17 transferred may be used to supplement federal funds under  
18 federal regulations.

19 7. Of the funds appropriated in this section, \$300,000 shall  
20 be used to contract for children's well-being collaboratives  
21 grants for the development and implementation of children's  
22 well-being collaboratives to establish and coordinate  
23 prevention and early intervention services to promote improved  
24 mental health and well-being for children and families, as  
25 enacted in 2017 Iowa Acts, chapter 174, section 88.

26 8. The department of human services shall submit the  
27 strategic plan to create and implement a children's mental  
28 health system submitted to the governor by the children's  
29 system state board established by Executive Order Number Two  
30 issued April 23, 2018, to the general assembly by November 15,  
31 2018.

32 Sec. 36. 2017 Iowa Acts, chapter 174, section 67, is amended  
33 to read as follows:

34 SEC. 67. DEPARTMENT-WIDE DUTIES. 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, 2018, and ending  
2 June 30, 2019, the following amount, or so much thereof as is  
3 necessary, to be used for the purposes designated:

4 For salaries, support, maintenance, and miscellaneous  
5 purposes at facilities under the purview of the department of  
6 human services:

7 ..... \$ ~~1,439,637~~  
8 2,879,274

9 Sec. 37. 2017 Iowa Acts, chapter 174, section 68, is amended  
10 to read as follows:

11 SEC. 68. VOLUNTEERS. There is appropriated from the general  
12 fund of the state to the department of human services for the  
13 fiscal year beginning July 1, 2018, and ending June 30, 2019,  
14 the following amount, or so much thereof as is necessary, to be  
15 used for the purpose designated:

16 For development and coordination of volunteer services:

17 ..... \$ ~~42,343~~  
18 84,686

19 Sec. 38. 2017 Iowa Acts, chapter 174, section 70, subsection  
20 1, paragraph f, subparagraph (1), is amended to read as  
21 follows:

22 (1) For the fiscal year beginning July 1, 2018,  
23 reimbursement rates for home health agencies shall continue to  
24 be based on the Medicare low utilization payment adjustment  
25 (LUPA) methodology with state geographic wage adjustments and  
26 shall be adjusted to increase the rates to the extent possible  
27 within the \$1,000,000 of state funding appropriated for this  
28 purpose. The department shall continue to update the rates  
29 every two years to reflect the most recent Medicare LUPA rates  
30 to the extent possible within the state funding appropriated  
31 for this purpose.

32 Sec. 39. 2017 Iowa Acts, chapter 174, section 70, subsection  
33 1, paragraphs j and k, are amended to read as follows:

34 j. For the fiscal year beginning July 1, 2018, unless  
35 otherwise specified in this Act, all noninstitutional medical



1 assistance provider reimbursement rates shall remain at the  
2 rates in effect on June 30, 2018, except for area education  
3 agencies, local education agencies, infant and toddler  
4 services providers, home and community-based services providers  
5 including consumer-directed attendant care providers under a  
6 section 1915(c) or 1915(i) waiver, targeted case management  
7 providers, and those providers whose rates are required to be  
8 determined pursuant to section 249A.20, or to meet federal  
9 mental health parity requirements.

10 k. Notwithstanding any provision to the contrary, for the  
11 fiscal year beginning July 1, 2018, the reimbursement rate  
12 for anesthesiologists shall be ~~adjusted to implement the cost~~  
13 ~~containment strategies authorized for the medical assistance~~  
14 ~~program in this 2017 Act~~ remain at the rate in effect on June  
15 30, 2018, and updated on January 1, 2019, to align with the  
16 most current Iowa Medicare anesthesia base rate.

17 Sec. 40. 2017 Iowa Acts, chapter 174, section 70, subsection  
18 11, is amended to read as follows:

19 11. a. For the fiscal year beginning July 1, 2018,  
20 Effective July 1, 2018, the child care provider reimbursement  
21 rates shall remain at the rates in effect on June 30, 2018.  
22 Effective January 1, 2019, for child care providers reimbursed  
23 under the state child care assistance program, the department  
24 shall set utilize \$3,000,000 of the amount appropriated for  
25 child care assistance under this division to increase provider  
26 reimbursement rates based on the rate reimbursement survey  
27 completed in December 2004 2014. Effective July 1, 2018,  
28 the child care provider reimbursement rates shall remain at  
29 the rates in effect on June 30, 2018. The department shall  
30 increase the lowest rate that is furthest from the fiftieth  
31 percentile to a rate consistent with the relative percentage of  
32 the second lowest rate as compared to the fiftieth percentile.  
33 As funds remain available, the department shall increase  
34 the subsequent lowest rates in a similar manner until the  
35 \$3,000,000 is projected to be fully expended in the fiscal

1 year. The department shall set rates in a manner so as to  
2 provide incentives for a nonregistered provider to become  
3 registered by applying the increase only to registered and  
4 licensed providers.

5 b. Effective January 1, 2019, for infant and toddler  
6 child care providers reimbursed under the state child  
7 care assistance program, the department shall set provider  
8 reimbursement rates at the seventy-fifth percentile of the rate  
9 reimbursement survey completed in December 2014, within the  
10 expected increase for the federal child care and development  
11 block grant expenditure requirement for infant and toddler  
12 quality improvement, subject to quality rating system criteria  
13 developed pursuant to section 237A.30. The department shall  
14 set rates in a manner so as to provide incentives for a  
15 nonregistered provider to become registered by applying the  
16 increase only to registered and licensed providers.

17 Sec. 41. 2017 Iowa Acts, chapter 174, section 70, subsection  
18 13, is amended by striking the subsection.

19 Sec. 42. REPEAL. 2017 Iowa Acts, chapter 174, section 69,  
20 is repealed.

21 DIVISION VI

22 HEALTH CARE ACCOUNTS AND FUNDS — FY 2018-2019

23 Sec. 43. 2017 Iowa Acts, chapter 174, section 75, is amended  
24 to read as follows:

25 SEC. 75. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
26 appropriated from the pharmaceutical settlement account created  
27 in section 249A.33 to the department of human services for the  
28 fiscal year beginning July 1, 2018, and ending June 30, 2019,  
29 the following amount, or so much thereof as is necessary, to be  
30 used for the purpose designated:

31 Notwithstanding any provision of law to the contrary, to  
32 supplement the appropriations made in this Act for medical  
33 contracts under the medical assistance program for the fiscal  
34 year beginning July 1, 2018, and ending June 30, 2019:

35 ..... \$ 400,000

1 1,446,266

2 Sec. 44. 2017 Iowa Acts, chapter 174, section 76, is amended  
3 to read as follows:

4 SEC. 76. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN  
5 SERVICES. Notwithstanding any provision to the contrary and  
6 subject to the availability of funds, there is appropriated  
7 from the quality assurance trust fund created in section  
8 249L.4 to the department of human services for the fiscal year  
9 beginning July 1, 2018, and ending June 30, 2019, the following  
10 amounts, or so much thereof as is necessary, for the purposes  
11 designated:

12 To supplement the appropriation made in this Act from the  
13 general fund of the state to the department of human services  
14 for medical assistance for the same fiscal year:  
15 ..... \$ ~~18,352,604~~  
16 36,705,208

17 Sec. 45. 2017 Iowa Acts, chapter 174, section 77, is amended  
18 to read as follows:

19 SEC. 77. HOSPITAL HEALTH CARE ACCESS TRUST FUND —  
20 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to  
21 the contrary and subject to the availability of funds, there is  
22 appropriated from the hospital health care access trust fund  
23 created in [section 249M.4](#) to the department of human services  
24 for the fiscal year beginning July 1, 2018, and ending June  
25 30, 2019, the following amounts, or so much thereof as is  
26 necessary, for the purposes designated:

27 To supplement the appropriation made in this Act from the  
28 general fund of the state to the department of human services  
29 for medical assistance for the same fiscal year:  
30 ..... \$ ~~16,960,277~~  
31 33,920,554

32 DIVISION VII

33 PRIOR YEAR APPROPRIATIONS AND OTHER PROVISIONS

34 FEDERAL FUNDING

35 Sec. 46. 2017 Iowa Acts, chapter 165, section 13, subsection

1 3, paragraphs b and e, are amended to read as follows:

2 b. Child and family services:

3 (1) FFY 2017-2018:

4 .....	\$	<del>7,672,390</del>
5		<u>8,022,390</u>

6 (2) FFY 2018-2019:

7 .....	\$	<del>7,672,390</del>
8		<u>8,272,390</u>

9 e. For distribution to counties for state case services  
10 provided for persons with mental illness, intellectual  
11 disability, or a developmental disability in accordance with  
12 section 331.440, Code 2013, or in accordance with a dispute  
13 resolution process implemented in accordance with section  
14 331.394, subsections 5 or 6:

15 (1) FFY 2017-2018:

16 .....	\$	<del>600,000</del>
17		<u>250,000</u>

18 (2) FFY 2018-2019:

19 .....	\$	<del>600,000</del>
20		<u>0</u>

21 Moneys appropriated in this lettered paragraph "e"  
22 that remain unencumbered or unallocated at the close of a  
23 federal fiscal year shall not revert but shall be retained  
24 by the department and used to supplement amounts otherwise  
25 appropriated for child and family services under paragraph "b".

26 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

27 Sec. 47. 2017 Iowa Acts, chapter 174, section 6, is amended  
28 to read as follows:

29 SEC. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

30 GRANT. There is appropriated from the fund created in section  
31 8.41 to the department of human services for the fiscal year  
32 beginning July 1, 2017, and ending June 30, 2018, from moneys  
33 received under the federal temporary assistance for needy  
34 families (TANF) block grant pursuant to the federal Personal  
35 Responsibility and Work Opportunity Reconciliation Act of 1996,

S.F. 2418

1 Pub. L. No. 104-193, and successor legislation, the following  
2 amounts, or so much thereof as is necessary, to be used for the  
3 purposes designated:

4 1. To be credited to the family investment program account  
5 and used for assistance under the family investment program  
6 under [chapter 239B](#):

7 ..... \$ ~~5,112,462~~  
8 4,539,006

9 2. To be credited to the family investment program account  
10 and used for the job opportunities and basic skills (JOBS)  
11 program and implementing family investment agreements in  
12 accordance with [chapter 239B](#):

13 ..... \$ ~~5,575,693~~  
14 5,412,060

15 3. To be used for the family development and  
16 self-sufficiency grant program in accordance with section  
17 216A.107:

18 ..... \$ ~~2,898,980~~  
19 2,883,980

20 Notwithstanding [section 8.33](#), moneys appropriated in this  
21 subsection that remain unencumbered or unobligated at the close  
22 of the fiscal year shall not revert but shall remain available  
23 for expenditure for the purposes designated until the close of  
24 the succeeding fiscal year. However, unless such moneys are  
25 encumbered or obligated on or before September 30, 2018, the  
26 moneys shall revert.

27 4. For field operations:

28 ..... \$ 31,296,232

29 5. For general administration:

30 ..... \$ 3,744,000

31 6. For state child care assistance:

32 ..... \$ ~~47,866,826~~  
33 53,603,561

34 a. Of the funds appropriated in this subsection,  
35 ~~\$26,328,097~~ \$26,205,412 is transferred to the child care

1 and development block grant appropriation made by the  
2 Eighty-seventh General Assembly, 2017 session, for the federal  
3 fiscal year beginning October 1, 2017, and ending September 30,  
4 2018. Of this amount, \$200,000 shall be used for provision  
5 of educational opportunities to registered child care home  
6 providers in order to improve services and programs offered  
7 by this category of providers and to increase the number of  
8 providers. The department may contract with institutions  
9 of higher education or child care resource and referral  
10 centers to provide the educational opportunities. Allowable  
11 administrative costs under the contracts shall not exceed 5  
12 percent. The application for a grant shall not exceed two  
13 pages in length.

14 b. Any funds appropriated in this subsection remaining  
15 unallocated shall be used for state child care assistance  
16 payments for families who are employed including but not  
17 limited to individuals enrolled in the family investment  
18 program.

19 7. For child and family services:

20 ..... \$ 32,380,654

21 8. For child abuse prevention grants:

22 ..... \$ 125,000

23 9. For pregnancy prevention grants on the condition that  
24 family planning services are funded:

25 ..... \$ ~~1,930,067~~

26 ..... 1,913,203

27 Pregnancy prevention grants shall be awarded to programs  
28 in existence on or before July 1, 2017, if the programs have  
29 demonstrated positive outcomes. Grants shall be awarded to  
30 pregnancy prevention programs which are developed after July  
31 1, 2017, if the programs are based on existing models that  
32 have demonstrated positive outcomes. Grants shall comply with  
33 the requirements provided in 1997 Iowa Acts, chapter 208,  
34 section 14, subsections 1 and 2, including the requirement that  
35 grant programs must emphasize sexual abstinence. Priority in

1 the awarding of grants shall be given to programs that serve  
2 areas of the state which demonstrate the highest percentage of  
3 unplanned pregnancies of females of childbearing age within the  
4 geographic area to be served by the grant.

5 10. For technology needs and other resources necessary  
6 to meet federal welfare reform reporting, tracking, and case  
7 management requirements:

8 ..... \$ ~~1,037,186~~  
9 294,155

10 11. a. Notwithstanding any provision to the contrary,  
11 including but not limited to requirements in [section 8.41](#) or  
12 provisions in 2016 or 2017 Iowa Acts regarding the receipt and  
13 appropriation of federal block grants, federal funds from the  
14 temporary assistance for needy families block grant received by  
15 the state and not otherwise appropriated in this section and  
16 remaining available for the fiscal year beginning July 1, 2017,  
17 are appropriated to the department of human services to the  
18 extent as may be necessary to be used in the following priority  
19 order: the family investment program, for state child care  
20 assistance program payments for families who are employed, and  
21 for the family investment program share of costs to develop and  
22 maintain a new, integrated eligibility determination system.  
23 The federal funds appropriated in this paragraph "a" shall be  
24 expended only after all other funds appropriated in subsection  
25 1 for assistance under the family investment program, in  
26 subsection 6 for child care assistance, or in subsection 10  
27 for technology costs related to the family investment program,  
28 as applicable, have been expended. For the purposes of this  
29 subsection, the funds appropriated in subsection 6, paragraph  
30 "a", for transfer to the child care and development block grant  
31 appropriation are considered fully expended when the full  
32 amount has been transferred.

33 b. The department shall, on a quarterly basis, advise the  
34 legislative services agency and department of management of  
35 the amount of funds appropriated in this subsection that was

1 expended in the prior quarter.

2 12. Of the amounts appropriated in this section,  
3 \$12,962,008 for the fiscal year beginning July 1, 2017, is  
4 transferred to the appropriation of the federal social services  
5 block grant made to the department of human services for that  
6 fiscal year.

7 13. For continuation of the program providing categorical  
8 eligibility for the food assistance program as specified  
9 for the program in the section of this division of this Act  
10 relating to the family investment program account:

11 .....	\$	25,000
12		<u>14,236</u>

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

21 15. With the exception of moneys allocated under this  
22 section for the family development and self-sufficiency grant  
23 program, to the extent moneys allocated in this section are  
24 deemed by the department not to be necessary to support the  
25 purposes for which they are allocated, such moneys may be  
26 ~~credited~~ used in the same fiscal year for any other purpose for  
27 which funds are allocated in this section or in section 7 of  
28 this division for the family investment program account. If  
29 there are competing needs, priority shall first be given to the  
30 family investment program account as specified under subsection  
31 1 of this section and used for the purposes of assistance  
32 under the family investment program in accordance with chapter  
33 239B in the same fiscal year, followed by state child care  
34 assistance program payments for families who are employed,  
35 followed by other priorities as specified by the department.



1 MEDICAID TRANSFERS TO SUPPORT REVIEWS AND QUALITY CONTROL  
2 ACTIVITIES

3 Sec. 48. 2017 Iowa Acts, chapter 174, section 12, subsection  
4 8, is amended to read as follows:

5 8. A portion of the funds appropriated in this section  
6 may be transferred to the appropriations in this division of  
7 this Act for general administration, medical contracts, the  
8 children's health insurance program, or field operations to be  
9 used for the state match cost to comply with the payment error  
10 rate measurement (PERM) program for both the medical assistance  
11 and children's health insurance programs as developed by the  
12 centers for Medicare and Medicaid services of the United States  
13 department of health and human services to comply with the  
14 federal Improper Payments Information Act of 2002, Pub. L.  
15 No. 107-300, and to support other reviews and quality control  
16 activities to improve the integrity of these programs.

17 STATE SUPPLEMENTARY ASSISTANCE

18 Sec. 49. 2017 Iowa Acts, chapter 174, section 14, is amended  
19 by adding the following new subsection:

20 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
21 appropriated in this section that remain unencumbered or  
22 unobligated at the close of the fiscal year shall not revert  
23 but shall remain available for expenditure for the purposes  
24 designated until the close of the succeeding fiscal year.

25 JUVENILE INSTITUTION

26 Sec. 50. 2017 Iowa Acts, chapter 174, section 17, is amended  
27 by adding the following new subsection:

28 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys  
29 appropriated in this section that remain unencumbered or  
30 unobligated at the close of the fiscal year shall not revert  
31 but shall remain available for expenditure for the purposes  
32 designated until the close of the succeeding fiscal year.

33 MENTAL HEALTH INSTITUTES

34 Sec. 51. 2017 Iowa Acts, chapter 174, section 23, is amended  
35 by adding the following new subsection:

1     NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
2 appropriated in this section that remain unencumbered or  
3 unobligated at the close of the fiscal year shall not revert  
4 but shall remain available for expenditure for the purposes  
5 designated until the close of the succeeding fiscal year.

6                                   STATE RESOURCE CENTERS

7     Sec. 52. 2017 Iowa Acts, chapter 174, section 24, is amended  
8 by adding the following new subsection:

9     NEW SUBSECTION. 6. Notwithstanding section 8.33, and  
10 notwithstanding the amount limitation specified in section  
11 222.92, moneys appropriated in this section that remain  
12 unencumbered or unobligated at the close of the fiscal year  
13 shall not revert but shall remain available for expenditure  
14 for the purposes designated until the close of the succeeding  
15 fiscal year.

16                                   SEXUALLY VIOLENT PREDATORS

17     Sec. 53. 2017 Iowa Acts, chapter 174, section 25, is amended  
18 by adding the following new subsection:

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

24     Sec. 54. EFFECTIVE DATE. This division of this Act, being  
25 deemed of immediate importance, takes effect upon enactment.

26     Sec. 55. RETROACTIVE APPLICABILITY. This division of this  
27 Act applies retroactively to July 1, 2017.

28                                   DIVISION VIII

29                                   DECATEGORIZATION

30     Sec. 56. DECATEGORIZATION CARRYOVER FUNDING — TRANSFER TO  
31 MEDICAID PROGRAM. Notwithstanding section 232.188, subsection  
32 5, paragraph "b", any state appropriated moneys in the funding  
33 pool that remained unencumbered or unobligated at the close  
34 of the fiscal year beginning July 1, 2015, and were deemed  
35 carryover funding to remain available for the two succeeding

1 fiscal years that still remain unencumbered or unobligated at  
2 the close of the fiscal year beginning July 1, 2017, shall  
3 not revert but shall be transferred to the medical assistance  
4 program for the fiscal year beginning July 1, 2018.

5 Sec. 57. EFFECTIVE DATE. This division of this Act, being  
6 deemed of immediate importance, takes effect upon enactment.

7 Sec. 58. RETROACTIVE APPLICABILITY. This division of this  
8 Act applies retroactively to July 1, 2017.

9 DIVISION IX

10 STATE CASES

11 Sec. 59. Section 218.99, Code 2018, is amended to read as  
12 follows:

13 **218.99 Counties to be notified of patients' personal**  
14 **accounts.**

15 The administrator in control of a state institution shall  
16 direct the business manager of each institution under the  
17 administrator's jurisdiction which is mentioned in section  
18 331.424, subsection 1, paragraph "a", subparagraphs (1) and  
19 (2), and for which services are paid under [section 331.424A](#),  
20 to quarterly inform the county of residence of any patient or  
21 resident who has an amount in excess of two hundred dollars on  
22 account in the patients' personal deposit fund and the amount  
23 on deposit. The administrators shall direct the business  
24 manager to further notify the county of residence at least  
25 fifteen days before the release of funds in excess of two  
26 hundred dollars or upon the death of the patient or resident.  
27 If the patient or resident has no residency in this state  
28 or the person's residency is unknown ~~so that the person is~~  
29 ~~deemed to be a state case~~, notice shall be made to the director  
30 of human services and the administrator in control of the  
31 institution involved.

32 Sec. 60. Section 222.60, subsection 1, paragraph b, Code  
33 2018, is amended to read as follows:

34 *b.* The state when the person is a resident in another state  
35 or in a foreign country, or when the person's residence is

1 unknown. ~~The payment responsibility shall be deemed to be a~~  
2 ~~state case.~~

3 Sec. 61. Section 222.60, subsection 2, paragraph b, Code  
4 2018, is amended to read as follows:

5 b. The cost of a regional administrator-required diagnosis  
6 and an evaluation is at the mental health and disability  
7 services region's expense. ~~For a state case~~ When a person is  
8 a resident in another state or in a foreign country, or when  
9 the persons' residence is unknown, the state may apply the  
10 diagnosis and evaluation provisions of **this subsection** at the  
11 state's expense.

12 Sec. 62. Section 222.65, subsection 1, Code 2018, is amended  
13 to read as follows:

14 1. If the administrator concurs with a certified  
15 determination as to residency of the person ~~so that the~~  
16 ~~person is deemed a state case~~ in another state or in a foreign  
17 country, or the person's residence is unknown under section  
18 222.60, the administrator shall cause the person either to be  
19 transferred to a resource center or a special unit or to be  
20 transferred to the place of foreign residency.

21 Sec. 63. Section 222.66, Code 2018, is amended to read as  
22 follows:

23 **222.66 Transfers — ~~state cases~~ no residency in the state or**  
24 **residency unknown — expenses.**

25 ~~1-~~ The transfer to a resource center or a special unit or  
26 to the place of residency of a person with an intellectual  
27 disability who has no residence in this state or whose  
28 residency is unknown, shall be made in accordance with such  
29 directions as shall be prescribed by the administrator and  
30 when practicable by employees of the state resource center or  
31 the special unit. The actual and necessary expenses of such  
32 transfers shall be paid by the department on itemized vouchers  
33 sworn to by the claimants and approved by the administrator and  
34 the approved amount is appropriated to the department from any  
35 funds in the state treasury not otherwise appropriated.

1     ~~2. The case of a person with an intellectual disability~~  
2 ~~who is determined to have no residence in this state or whose~~  
3 ~~residence is unknown shall be considered a state case.~~

4     Sec. 64. Section 222.67, Code 2018, is amended to read as  
5 follows:

6     **222.67 Charge on finding of residency.**

7     If a person has been received into a resource center or a  
8 special unit as a patient whose residency is unknown and the  
9 administrator determines that the residency of the patient  
10 was at the time of admission in a county of this state, the  
11 administrator shall certify the determination and charge  
12 all legal costs and expenses pertaining to the admission  
13 and support of the patient to the county of residence. The  
14 certification shall be sent to the county of residence. The  
15 certification shall be accompanied by a copy of the evidence  
16 supporting the determination. If the person's residency status  
17 has been determined in accordance with [section 331.394](#), the  
18 legal costs and expenses shall be charged to the county ~~or as a~~  
19 ~~state case~~ in accordance with that determination. The costs  
20 and expenses shall be collected as provided by law in other  
21 cases.

22     Sec. 65. Section 222.70, Code 2018, is amended to read as  
23 follows:

24     **222.70 Residency disputes.**

25     If a dispute arises between counties or between the  
26 department and a county as to the residency of a person  
27 admitted to a resource center, or a special unit, ~~or a~~  
28 ~~community-based service~~, the dispute shall be resolved as  
29 provided in [section 331.394](#).

30     Sec. 66. Section 226.45, Code 2018, is amended to read as  
31 follows:

32     **226.45 Reimbursement to county or state.**

33     If a patient is not receiving medical assistance under  
34 chapter 249A and the amount ~~to~~ in the account of any patient  
35 in the patients' personal deposit fund exceeds two hundred

1 dollars, the business manager of the hospital may apply any  
2 of the excess to reimburse the county of residence or the  
3 state ~~for a state case~~ when the patient is a resident in  
4 another state or in a foreign country, or when the patient's  
5 residence is unknown for liability incurred by the county or  
6 the state for the payment of care, support and maintenance of  
7 the patient, when billed by the county of residence or by the  
8 administrator ~~for a state case~~ when the patient is a resident  
9 in another state or in a foreign country, or when the patient's  
10 residence is unknown.

11 Sec. 67. Section 230.1, subsection 1, paragraph b, Code  
12 2018, is amended to read as follows:

13 b. By the state ~~as a state case~~ if such person has no  
14 residence in this state, if the person's residence is unknown,  
15 or if the person is under eighteen years of age.

16 Sec. 68. Section 230.2, Code 2018, is amended to read as  
17 follows:

18 **230.2 Finding of residence.**

19 If a person's residency status is disputed, the residency  
20 shall be determined in accordance with [section 331.394](#).  
21 Otherwise, the district court may, when the person is  
22 ordered placed in a hospital for psychiatric examination and  
23 appropriate treatment, or as soon thereafter as the court  
24 obtains the proper information, make one of the following  
25 determinations and enter of record whether the residence of the  
26 person is in a county or the person is ~~deemed to be a state case~~  
27 a resident in another state or in a foreign country, or when  
28 the person's residence is unknown, as follows:

29 1. That the person's residence is in the county from which  
30 the person was placed in the hospital.

31 2. That the person's residence is in another county of the  
32 state.

33 3. That the person's residence is in a foreign state or  
34 country ~~and the person is deemed to be a state case.~~

35 4. That the person's residence is unknown ~~and the person is~~

1 ~~deemed to be a state case.~~

2 Sec. 69. Section 230.8, Code 2018, is amended to read as  
3 follows:

4 **230.8 Transfers of persons with mental illness — expenses.**

5 The transfer to any state hospitals or to the places of their  
6 residence of persons with mental illness who have no residence  
7 in this state or whose residence is unknown ~~and deemed to be a~~  
8 ~~state case~~, shall be made according to the directions of the  
9 administrator, and when practicable by employees of the state  
10 hospitals. The actual and necessary expenses of such transfers  
11 shall be paid by the department on itemized vouchers sworn to  
12 by the claimants and approved by the administrator.

13 Sec. 70. Section 230.9, Code 2018, is amended to read as  
14 follows:

15 **230.9 Subsequent discovery of residence.**

16 If, after a person has been received by a state hospital  
17 for persons with mental illness ~~as a state case patient~~  
18 whose residence is supposed to be outside this state, the  
19 administrator determines that the residence of the person  
20 was, at the time of admission or commitment, in a county of  
21 this state, the administrator shall certify the determination  
22 and charge all legal costs and expenses pertaining to the  
23 admission or commitment and support of the person to the county  
24 of residence. The certification shall be sent to the county  
25 of residence. The certification shall be accompanied by a  
26 copy of the evidence supporting the determination. The costs  
27 and expenses shall be collected as provided by law in other  
28 cases. If the person's residency status has been determined in  
29 accordance with [section 331.394](#), the legal costs and expenses  
30 shall be charged ~~to the county of residence or as a state case~~  
31 in accordance with that determination.

32 Sec. 71. Section 230.11, Code 2018, is amended to read as  
33 follows:

34 **230.11 Recovery of costs from state.**

35 Costs and expenses attending the taking into custody,

1 care, and investigation of a person who has been admitted  
2 or committed to a state hospital, United States department  
3 of veterans affairs hospital, or other agency of the United  
4 States government, for persons with mental illness and who  
5 has no residence in this state or whose residence is unknown,  
6 including cost of commitment, if any, shall be paid ~~as a state~~  
7 ~~case~~ as approved by the administrator. The amount of the costs  
8 and expenses approved by the administrator is appropriated  
9 to the department from any money in the state treasury  
10 not otherwise appropriated. Payment shall be made by the  
11 department on itemized vouchers executed by the auditor of the  
12 county which has paid them, and approved by the administrator.

13 Sec. 72. Section 249A.26, subsection 2, paragraph b, Code  
14 2018, is amended to read as follows:

15 b. The state shall pay for one hundred percent of the  
16 nonfederal share of the costs of case management provided for  
17 adults, day treatment, partial hospitalization, and the home  
18 and community-based services waiver services ~~for persons who~~  
19 ~~have no residence in this state or whose residence is unknown~~  
20 ~~so that the persons are deemed to be state cases.~~

21 Sec. 73. Section 249A.26, subsection 7, Code 2018, is  
22 amended by striking the subsection.

23 Sec. 74. Section 331.394, Code 2018, is amended to read as  
24 follows:

25 **331.394 County of residence — services to residents —**  
26 **service authorization appeals — disputes between counties or**  
27 **regions ~~and the department.~~**

28 1. For the purposes of **this section**, unless the context  
29 otherwise requires:

30 a. *“County of residence”* means the county in this state in  
31 which, at the time a person applies for or receives services,  
32 the person is living and has established an ongoing presence  
33 with the declared, good faith intention of living in the  
34 county for a permanent or indefinite period of time. The  
35 county of residence of a person who is a homeless person



1 is the county where the homeless person usually sleeps. A  
2 person maintains residency in the county or state in which the  
3 person last resided while the person is present in another  
4 county or this state receiving services in a hospital, a  
5 correctional facility, a halfway house for community-based  
6 corrections or substance-related treatment, a nursing facility,  
7 an intermediate care facility for persons with an intellectual  
8 disability, or a residential care facility, or for the purpose  
9 of attending a college or university.

10 *b. "Homeless person"* means the same as defined in section  
11 48A.2.

12 *c. "Mental health professional"* means the same as defined  
13 in [section 228.1](#).

14 *d. "Person"* means a person who is a United States citizen or  
15 a qualified alien as defined in 8 U.S.C. §1641.

16 2. If a person appeals a decision regarding a service  
17 authorization or other services-related decision made by a  
18 regional administrator that cannot be resolved informally,  
19 the appeal shall be heard in a contested case proceeding by a  
20 state administrative law judge. The administrative law judge's  
21 decision shall be considered final agency action under chapter  
22 17A.

23 3. If a service authorization or other services-related  
24 decision made by a regional administrator concerning a person  
25 varies from the type and amount of service identified to be  
26 necessary for the person in a clinical determination made by a  
27 mental health professional and the mental health professional  
28 believes that failure to provide the type and amount of service  
29 identified could cause an immediate danger to the person's  
30 health or safety, the person may request an expedited review  
31 of the regional administrator's decision to be made by the  
32 department of human services. An expedited review held in  
33 accordance with [this subsection](#) is subject to the following  
34 procedures:

35 *a.* The request for the expedited review shall be filed

1 within five business days of receiving the notice of decision  
2 by the regional administrator. The request must be in writing,  
3 plainly state the request for an expedited review in the  
4 caption and body of the request, and be supported by written  
5 documentation from the mental health professional who made the  
6 clinical determination stating how the notice of decision on  
7 services could cause an immediate danger to the person's health  
8 or safety.

9     *b.* The expedited review shall be performed by a mental  
10 health professional, who is either the administrator of the  
11 division of mental health and disability services of the  
12 department of human services or the administrator's designee.  
13 If the administrator is not a mental health professional,  
14 the expedited review shall be performed by a designee of the  
15 administrator who is a mental health professional and is free  
16 of any conflict of interest to perform the expedited review.  
17 The expedited review shall be performed within two business  
18 days of the time the request is filed. If the reviewer  
19 determines the information submitted in connection with the  
20 request is inadequate to perform the review, the reviewer shall  
21 request the submission of additional information and the review  
22 shall be performed within two business days of the time that  
23 adequate information is submitted. The regional administrator  
24 and the person, with the assistance of the mental health  
25 professional who made the clinical determination, shall each  
26 provide a brief statement of facts, conclusions, and reasons  
27 for the decision made. Supporting clinical information shall  
28 also be attached. All information related to the proceedings  
29 and any related filings shall be considered to be mental health  
30 information subject to [chapter 228](#).

31     *c.* The administrator or designee shall issue an order,  
32 including a brief statement of findings of fact, conclusions of  
33 law, and policy reasons for the order, to justify the decision  
34 made concerning the expedited review. If the decision concurs  
35 with the contention that there is an immediate danger to the

1 person's health or safety, the order shall identify the type  
2 and amount of service which shall be provided for the person.  
3 The administrator or designee shall give such notice as is  
4 practicable to persons who are required to comply with the  
5 order. The order is effective when issued.

6 *d.* The decision of the administrator or designee shall be  
7 considered a final agency action and is subject to judicial  
8 review in accordance with [section 17A.19](#). The record for  
9 judicial review consists of any documents regarding the matter  
10 that were considered or prepared by the administrator or  
11 designee. The administrator or designee shall maintain these  
12 documents as the official record of the decision. If the  
13 matter is appealed to the district court, the record shall be  
14 filed as confidential.

15 4. If a county of residence is part of a mental health and  
16 disability services region that has agreed to pool funding and  
17 liability for services, the responsibilities of the county  
18 under law regarding such services shall be performed on behalf  
19 of the county by the regional administrator. The county of  
20 residence or the county's mental health and disability services  
21 region, as applicable, is responsible for paying the public  
22 costs of the mental health and disability services that are  
23 not covered by the medical assistance program under chapter  
24 249A and are provided in accordance with the region's approved  
25 service management plan to persons who are residents of the  
26 county or region.

27 5. *a.* The dispute resolution process implemented in  
28 accordance with [this subsection](#) applies to residency disputes.  
29 The dispute resolution process is not applicable to disputes  
30 involving persons committed to a state facility pursuant to  
31 chapter 812 or [rule of criminal procedure 2.22](#), Iowa court  
32 rules, or to disputes involving service authorization decisions  
33 made by a region.

34 *b.* If a county, or region, ~~or the department~~, as applicable,  
35 receives a billing for services provided to a resident

1 in another county or region, or objects to a residency  
2 determination certified by ~~the department or another county's~~  
3 ~~or region's regional administrator and asserts either that the~~  
4 ~~person has residency in another county or region or the person~~  
5 ~~is not a resident of this state or the person's residency is~~  
6 ~~unknown so that the person is deemed a state case, the person's~~  
7 ~~residency status shall be determined as provided in this~~  
8 ~~subsection. The county or region shall notify the department~~  
9 ~~of the county's or region's assertion within one hundred twenty~~  
10 ~~days of receiving the billing. If the county or region asserts~~  
11 ~~that the person has residency in another county or region,~~  
12 ~~that the county or region shall be notified at the same time~~  
13 ~~as the department. If the department disputes a residency~~  
14 ~~determination certification made by a regional administrator,~~  
15 ~~the department shall notify the affected counties or regions of~~  
16 ~~the department's assertion notify the other county or region~~  
17 ~~within one hundred twenty days of receiving the billing for~~  
18 ~~services.~~

19 *c.* The ~~department, county, or region~~ that received the  
20 notification, as applicable, shall respond to the party that  
21 provided the notification within forty-five days of receiving  
22 the notification. If the parties cannot agree to a settlement  
23 as to the person's residency status within ninety days of the  
24 date of notification, on motion of any of the parties, the  
25 matter shall be referred to the department of inspections and  
26 appeals for a contested case hearing under [chapter 17A](#) before  
27 an administrative law judge assigned in accordance with section  
28 10A.801 to determine the person's residency status.

29 *d.* (1) The administrative law judge's determination  
30 of the person's residency status shall be considered final  
31 agency action, notwithstanding contrary provisions of section  
32 17A.15. The party that does not prevail in the determination  
33 or subsequent judicial review is liable for costs associated  
34 with the proceeding, including reimbursement of the department  
35 of inspections and appeals' actual costs associated with

1 the administrative proceeding. Judicial review of the  
2 determination may be sought in accordance with [section 17A.19](#).

3 (2) If following the determination of a person's residency  
4 status in accordance with [this subsection](#), additional evidence  
5 becomes available that merits a change in that determination,  
6 the parties affected may change the determination by mutual  
7 agreement. Otherwise, a party may move that the matter be  
8 reconsidered by the ~~department~~, county, or region, or by the  
9 administrative law judge.

10 e. (1) Unless a petition is filed for judicial review,  
11 the administrative law judge's determination of the person's  
12 residency status shall result in one of the following:

13 (a) If a county or region is determined to be the person's  
14 residence, the county or region shall pay the amounts due and  
15 shall reimburse any other amounts paid for services provided by  
16 the other county or region ~~or the department~~ on the person's  
17 behalf prior to the determination.

18 (b) If it is determined that the person is not a resident  
19 of this state ~~or the person's residency is unknown so that the~~  
20 ~~person is deemed to be a state case, the department shall pay~~  
21 ~~the amounts due and shall reimburse the county or region, as~~  
22 ~~applicable, for any payment made on behalf of the person prior~~  
23 ~~to the determination~~ neither the region in which the services  
24 were provided nor the state shall be liable for payment of  
25 amounts due for services provided to the person prior to the  
26 determination.

27 (2) The payment or reimbursement shall be remitted within  
28 forty-five days of the date the determination was issued.  
29 After the forty-five-day period, a penalty of not greater than  
30 one percent per month may be added to the amount due.

31 6. a. The dispute resolution process implemented in  
32 accordance with [this subsection](#) applies beginning July 1, 2012,  
33 to billing disputes between the state and a county or region,  
34 other than residency disputes or other dispute processes under  
35 this section, involving the responsibility for service costs

1 for services provided on or after July 1, 2011, under any of  
2 the following:

- 3 (1) Chapter 221.
- 4 (2) Chapter 222.
- 5 (3) Chapter 229.
- 6 (4) Chapter 230.
- 7 (5) Chapter 249A.
- 8 (6) Chapter 812.

9 *b.* If a county, region, or the department, as applicable,  
10 disputes a billing for service costs listed in paragraph "a",  
11 the dispute shall be resolved as provided in [this subsection](#).  
12 The county or region shall notify the department of the  
13 county's or region's assertion within ninety days of receiving  
14 the billing. However, for services provided on or after July  
15 1, 2011, for which a county has received the billing as of July  
16 1, 2012, the county shall notify the department of the county's  
17 assertion on or before October 1, 2012. If the department  
18 disputes such a billing of a regional administrator, the  
19 department shall notify the affected counties or regions of the  
20 department's assertion.

21 *c.* The department, county, or region that received the  
22 notification, as applicable, shall respond to the party  
23 that provided the notification within forty-five days of  
24 receiving the notification. If the parties cannot agree to a  
25 settlement as to the dispute within ninety days of the date  
26 of notification, on motion of any of the parties, the matter  
27 shall be referred to the department of inspections and appeals  
28 for a contested case hearing under [chapter 17A](#) before an  
29 administrative law judge assigned in accordance with section  
30 10A.801 to determine facts and issue a decision to resolve the  
31 dispute.

32 *d.* (1) The administrative law judge's decision is a final  
33 agency action, notwithstanding contrary provisions of section  
34 17A.15. The party that does not prevail in the decision or  
35 subsequent judicial review is liable for costs associated with

1 the proceeding, including reimbursement of the department of  
2 inspections and appeals' actual costs associated with the  
3 administrative proceeding. Judicial review of the decision may  
4 be sought in accordance with [section 17A.19](#).

5 (2) If following the decision regarding a dispute in  
6 accordance with [this subsection](#), additional evidence becomes  
7 available that merits a change in that decision, the parties  
8 affected may change the decision by mutual agreement.

9 Otherwise, a party may move that the matter be reconsidered by  
10 the department, county, or region, or by the administrative law  
11 judge.

12 e. (1) Unless a petition is filed for judicial review,  
13 the administrative law judge's decision regarding a disputed  
14 billing shall result in one of the following:

15 (a) If a county or region is determined to be responsible  
16 for the disputed amounts, the county or region shall pay  
17 the amounts due and shall reimburse any other amounts paid  
18 for services provided by the other county or region or the  
19 department on the person's behalf prior to the decision.

20 (b) If it is determined that the state is responsible for  
21 the disputed amounts, the state shall pay the amounts due and  
22 shall reimburse the county or region, as applicable, for any  
23 payment made on behalf of the person prior to the decision.

24 (2) The payment or reimbursement shall be remitted within  
25 forty-five days of the date the decision was issued. After  
26 the forty-five-day period, a penalty of not greater than one  
27 percent per month may be added to the amount due.

28 Sec. 75. REPEAL. Section 226.9C, Code 2018, is repealed.

29 DIVISION X

30 IOWA DEPARTMENT ON AGING — MEDICAID CLAIMING

31 Sec. 76. IOWA DEPARTMENT ON AGING — MEDICAID CLAIMING. The  
32 department on aging and the department of human services shall  
33 collaborate to develop a cost allocation plan requesting  
34 Medicaid administrative funding to provide for the claiming  
35 of federal financial participation for aging and disability

1 resource center activities that are performed to assist with  
2 administration of the Medicaid program. By January 1, 2019,  
3 the department of human services shall submit to the centers  
4 for Medicare and Medicaid services of the United States  
5 department of health and human services any Medicaid state plan  
6 amendment as necessary and shall enter into an interagency  
7 agreement with the department on aging to implement this  
8 section.

9 Sec. 77. EFFECTIVE DATE. This division of this Act, being  
10 deemed of immediate importance, takes effect upon enactment.

11 DIVISION XI

12 EXECUTIVE DIRECTOR — DEPARTMENT OF VETERANS AFFAIRS

13 Sec. 78. 2008 Iowa Acts, chapter 1191, section 14,  
14 subsection 3, is amended to read as follows:

15 3. The following are range 3 positions: administrator of  
16 the division of criminal and juvenile justice planning of the  
17 department of human rights, administrator of the division of  
18 community action agencies of the department of human rights,  
19 ~~executive director of the department of veterans affairs,~~ and  
20 chairperson and members of the employment appeal board of the  
21 department of inspections and appeals.

22 Sec. 79. 2008 Iowa Acts, chapter 1191, section 14,  
23 subsection 5, as amended by 2013 Iowa Acts, chapter 123,  
24 section 63, is amended to read as follows:

25 5. The following are range 5 positions: administrator of  
26 the division of homeland security and emergency management of  
27 the department of public defense, state public defender, drug  
28 policy coordinator, labor commissioner, workers' compensation  
29 commissioner, director of the department of cultural affairs,  
30 director of the department of elder affairs, director of the  
31 law enforcement academy, members of the property assessment  
32 appeal board, executive director of the department of veterans  
33 affairs, and administrator of the historical division of the  
34 department of cultural affairs.

35 Sec. 80. EFFECTIVE DATE. This division of this Act, being



1 deemed of immediate importance, takes effect upon enactment.

2

DIVISION XII

3

FAMILY PLANNING SERVICES PROGRAM

4

Sec. 81. Section 217.41B, subsection 3, Code 2018, is

5

amended to read as follows:

6

3. a. (1) Distribution of family planning services program

7

funds shall not be made to any entity that performs abortions

8

or that maintains or operates a facility where abortions

9

are performed, which shall not be interpreted to include a

10

nonpublic entity that is a distinct location of a nonprofit

11

health care delivery system, if the distinct location provides

12

family planning services but does not perform abortions

13

or maintain or operate as a facility where abortions are

14

performed.

15

(2) The department of human services shall adopt rules

16

pursuant to chapter 17A to require that as a condition of

17

eligibility as a provider under the family planning services

18

program, each distinct location of a nonprofit health care

19

delivery system shall enroll in the program as a separate

20

provider, be assigned a distinct provider identification

21

number, and complete an attestation that abortions are not

22

performed at the distinct location.

23

(3) For the purposes of this section, "nonprofit health

24

care delivery system" means an Iowa nonprofit corporation

25

that controls, directly or indirectly, a regional health

26

care network consisting of hospital facilities and various

27

ambulatory and clinic locations that provide a range of

28

primary, secondary, and tertiary inpatient, outpatient, and

29

physician services.

30

b. For the purposes of this section, "abortion" does not

31

include any of the following:

32

a. (1) The treatment of a woman for a physical

33

disorder, physical injury, or physical illness, including a

34

life-endangering physical condition caused by or arising from

35

the pregnancy itself, that would, as certified by a physician,

1 place the woman in danger of death.

2 ~~b.~~ (2) The treatment of a woman for a spontaneous abortion,  
3 commonly known as a miscarriage, when not all of the products  
4 of human conception are expelled.

5 DIVISION XIII

6 PROVISIONAL REGIONALIZATION AUTHORIZATION

7 Sec. 82. Section 331.389, subsection 1, paragraphs b and c,  
8 Code 2018, are amended to read as follows:

9 ~~b.~~ ~~The director of human services shall exempt a county~~  
10 ~~from being required to enter into a regional service system if~~  
11 ~~the county furnishes evidence that the county complies with~~  
12 ~~the requirements in subsection 3, paragraphs "c", "d", "e",~~  
13 ~~and "f", and is able to provide the core services required~~  
14 ~~by law to the county's residents in a manner that is as cost~~  
15 ~~effective and with outcomes that are at least equal to what~~  
16 ~~could be provided to the residents if the county would provide~~  
17 ~~the services through a regional service system. The director~~  
18 ~~shall identify criteria for evaluating the evidence provided by~~  
19 ~~counties applying for the exemption. The criteria identified~~  
20 ~~shall be specified in rule adopted by the state commission.~~

21 ~~e.~~ b. If a county has been exempted pursuant to this  
22 subsection prior to July 1, 2014, from the requirement to enter  
23 into a regional service system, the county and the county's  
24 board of supervisors shall fulfill all requirements under  
25 this chapter and chapter 225C for a regional service system,  
26 regional service system management plan, regional governing  
27 board, and regional administrator, and any other provisions  
28 applicable to a region of counties providing local mental  
29 health and disability services.

30 Sec. 83. Section 331.389, subsection 2, Code 2018, is  
31 amended to read as follows:

32 2. The director of human services shall approve any region  
33 meeting the requirements of subsection 3. ~~However, the~~  
34 ~~director of human services, in consultation with the state~~  
35 ~~commission, may grant a waiver from the requirement relating to~~

~~1 the minimum number of counties if there is convincing evidence  
2 that compliance with such requirement is not workable.~~

3 Sec. 84. Section 331.389, subsection 3, paragraph a, Code  
4 2018, is amended to read as follows:

5 a. The counties comprising the region are contiguous ~~except~~  
6 ~~that a region may include a county that is not contiguous with~~  
7 ~~any of the other counties in the region, if the county that is~~  
8 ~~not contiguous has had a formal relationship for two years or~~  
9 ~~longer with one or more of the other counties in the region for~~  
10 ~~the provision of mental health and disability services.~~

11 Sec. 85. Section 331.389, subsection 4, paragraph c, Code  
12 2018, is amended to read as follows:

13 c. During the period of April 2, 2013, through July 1,  
14 2013, the department shall work with any county that has not  
15 agreed to be part of a region in accordance with paragraph  
16 "a" and with the regions forming around the county to resolve  
17 issues preventing the county from joining a region. By July  
18 1, 2013, a county that has not agreed to be part of a region  
19 in accordance with paragraph "a" shall be assigned by the  
20 department to a region, unless exempted pursuant to subsection  
21 ± prior to July 1, 2014.

22 Sec. 86. Section 331.389, subsection 4, paragraph e,  
23 unnumbered paragraph 1, Code 2018, is amended to read as  
24 follows:

25 On or before June 30, 2014, unless exempted pursuant to  
26 subsection 1 prior to July 1, 2014, all counties shall be  
27 in compliance with all of the following mental health and  
28 disability services region implementation criteria:

29 Sec. 87. Section 331.424A, subsection 8, Code 2018, is  
30 amended to read as follows:

31 8. a. For the fiscal year beginning July 1, 2017, the  
32 regional per capita expenditure target amount is the sum of the  
33 base expenditure amount for all counties in the region divided  
34 by the population of the region. However, a regional per  
35 capita expenditure target amount shall not exceed the statewide

1 per capita expenditure target amount. For the fiscal year  
2 beginning July 1, 2018, and each subsequent fiscal year, the  
3 regional per capita expenditure target amount for each region  
4 is equal to the regional per capita expenditure target amount  
5 for the fiscal year beginning July 1, 2017.

6 b. Notwithstanding paragraph "a", for the fiscal year  
7 beginning July 1, 2019, the regional per capita expenditure  
8 target amount for a region formed pursuant to the section of  
9 this Act which authorizes regionalization is the sum of the  
10 base expenditure amount for all counties in the region divided  
11 by the population of the region. However, the regional per  
12 capita expenditure target amount shall not exceed the statewide  
13 per capita expenditure target amount. For the fiscal year  
14 beginning July 1, 2020, and each subsequent fiscal year, the  
15 regional per capita expenditure target amount for the region  
16 shall be equal to the regional per capita expenditure target  
17 amount for the fiscal year beginning July 1, 2019.

18 Sec. 88. MENTAL HEALTH AND DISABILITY SERVICES —  
19 REGIONALIZATION AUTHORIZATION.

20 1. Upon receiving a request from any county within the  
21 county social services mental health and disability services  
22 region to be removed from the region, the director of human  
23 services may authorize the county to join with other counties  
24 requesting to be removed from the county social services mental  
25 health and disability services region in the formation of a  
26 proposed new mental health and disability services region.

27 2. County formation of a proposed new mental health and  
28 disability services region pursuant to this section is subject  
29 to all of the following:

30 a. The aggregate population of all counties forming  
31 the region is at least 100,000 and includes at least one  
32 incorporated city with a population of more than 24,000. For  
33 purposes of this subparagraph, "population" means the same as  
34 defined in section 331.388, subsection 3, Code 2018.

35 b. Notwithstanding section 331.389, subsection 4, on or

1 before February 1, 2019, the counties forming the region have  
2 complied with section 331.389, subsection 3, as amended in  
3 this division of this Act, and all of the following additional  
4 requirements:

5 (1) The board of supervisors of each county forming the  
6 region has voted to approve a chapter 28E agreement.

7 (2) The duly authorized representatives of all the counties  
8 forming the region have signed a chapter 28E agreement that is  
9 in compliance with section 331.392 and 441 IAC 25.14.

10 (3) The county board of supervisors' or supervisors'  
11 designee members and other members of the region's governing  
12 board are appointed in accordance with section 331.390.

13 (4) Executive staff for the region's regional administrator  
14 are identified or engaged.

15 (5) The regional service management plan is developed in  
16 accordance with section 331.393 and 441 IAC 25.18 and 441 IAC  
17 25.21 and is submitted to the department.

18 (6) The initial regional service management plan shall  
19 identify the service provider network for the region, identify  
20 the information technology and data management capacity to be  
21 employed to support regional functions, and establish business  
22 functions, accounting procedures, and other administrative  
23 processes.

24 c. Each county forming the region shall submit the  
25 compliance information required in paragraph "b" to the  
26 director of human services on or before February 1, 2019.  
27 Within 45 days of receipt of such information, the director  
28 of human services shall determine if the region is in full  
29 compliance and shall approve the region if the region has met  
30 all of the requirements of this section.

31 d. The director of human services shall work with a county  
32 making a request under this section that has not agreed or  
33 is unable to join the proposed new region to resolve issues  
34 preventing the county from joining the proposed new region.

35 e. By February 1, 2019, the director of human services shall

1 assign a county making a request under this section that has  
2 not reached an agreement to be part of the proposed new region  
3 to an existing region or to the new proposed region, consistent  
4 with this section.

5 3. If approved by the department, the region shall commence  
6 full operations no later than July 1, 2019.

7 Sec. 89. EFFECTIVE DATE. This division of this Act, being  
8 deemed of immediate importance, takes effect upon enactment.

9

DIVISION XIV

10 MANDATORY REPORTER TRAINING AND CERTIFICATION WORKGROUP

11 Sec. 90. DEPARTMENT OF HUMAN SERVICES — MANDATORY REPORTER  
12 TRAINING AND CERTIFICATION WORKGROUP. The department of human  
13 services, in cooperation with the departments of education  
14 and public health, shall facilitate a study by a workgroup of  
15 stakeholders to make recommendations relating to mandatory  
16 child abuse and mandatory dependent adult abuse reporter  
17 training and certification requirements. The workgroup shall  
18 develop interdepartmental strategies for improving mandatory  
19 child abuse and mandatory dependent adult abuse reporter  
20 training and certification requirements. The workgroup  
21 shall consist of representatives from the departments of  
22 human services, education, public health, public safety, and  
23 human rights, the department on aging, and the office of the  
24 attorney general; a court appointed special advocate; and other  
25 experts the department of human services deems necessary. The  
26 membership of the workgroup shall also include four members of  
27 the general assembly. The legislative members shall serve as  
28 ex officio, nonvoting members of the workgroup, with one member  
29 to be appointed by each of the following: the majority leader  
30 of the senate, the minority leader of the senate, the speaker  
31 of the house of representatives, and the minority leader of the  
32 house of representatives. The workgroup shall submit a report  
33 with recommendations, including but not limited to strategies  
34 developed and other proposed improvements, to the governor and  
35 the general assembly on or before December 15, 2018.

DIVISION XV

NURSING FACILITY QUALITY ASSURANCE ASSESSMENT

1  
2  
3 Sec. 91. Section 249L.3, subsection 1, paragraph d, Code  
4 2018, is amended to read as follows:

5 *d.* The aggregate quality assurance assessments imposed under  
6 this chapter shall not exceed ~~the lower of three percent of the~~  
7 ~~aggregate non-Medicare revenues of a nursing facility or the~~  
8 maximum amount that may be assessed pursuant to the indirect  
9 guarantee threshold as established pursuant to 42 C.F.R.  
10 §433.68(f)(3)(i), and shall be stated on a per-patient-day  
11 basis.

12 Sec. 92. Section 249L.4, subsection 2, Code 2018, is amended  
13 to read as follows:

14 2. Moneys in the trust fund shall be used, subject to  
15 their appropriation by the general assembly, by the department  
16 only for reimbursement of nursing facility services for which  
17 federal financial participation under the medical assistance  
18 program is available to match state funds. ~~Any moneys~~ Moneys  
19 appropriated from the trust fund for reimbursement of nursing  
20 facilities, in addition to the quality assurance assessment  
21 pass-through and the quality assurance assessment rate add-on  
22 which shall be used as specified in subsection 5, paragraph "b",  
23 shall be used in a manner such that no less than thirty-five  
24 percent of the amount received by a nursing facility is used  
25 for increases in compensation and costs of employment for  
26 direct care workers, and no less than sixty percent of the  
27 total is used to increase compensation and costs of employment  
28 for all nursing facility staff. For the purposes of use of  
29 such funds, "*direct care worker*", "*nursing facility staff*",  
30 "*increases in compensation*", and "*costs of employment*" mean as  
31 defined or specified in this chapter.

32 Sec. 93. DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES.

33 1. The department of human services shall request approval  
34 from the centers for Medicare and Medicaid services of the  
35 United States department of health and human services for any

1 waiver or state plan amendment necessary to administer this  
2 division of this Act.

3 2. The change in the quality assurance assessment shall  
4 accrue beginning on the first day of the calendar quarter  
5 following the date of approval of any waiver or state plan  
6 amendment.

7 DIVISION XVI

8 SEXUAL OFFENSES AND SEX OFFENDERS

9 Sec. 94. Section 229A.2, subsection 4, Code 2018, is amended  
10 to read as follows:

11 4. "*Discharge*" means an unconditional discharge from the  
12 sexually violent predator program. A person released from a  
13 secure facility into a transitional release program or released  
14 with ~~or without~~ supervision is not considered to be discharged.

15 Sec. 95. Section 229A.5B, subsection 1, unnumbered  
16 paragraph 1, Code 2018, is amended to read as follows:

17 A person who is detained pursuant to [section 229A.5](#) or is  
18 subject to an order of civil commitment under [this chapter](#)  
19 shall remain in custody unless released by court order or  
20 discharged under [section 229A.8](#) or [229A.10](#). A person who has  
21 been placed in a transitional release program or who is under  
22 release with ~~or without~~ supervision is considered to be in  
23 custody. A person in custody under [this chapter](#) shall not do  
24 any of the following:

25 Sec. 96. Section 229A.5C, subsection 4, Code 2018, is  
26 amended to read as follows:

27 4. A person who committed a public offense while in a  
28 transitional release program or on release with ~~or without~~  
29 supervision may be returned to a secure facility operated by  
30 the department of human services upon completion of any term  
31 of confinement that resulted from the commission of the public  
32 offense.

33 Sec. 97. Section 229A.6A, subsection 1, paragraph d, Code  
34 2018, is amended to read as follows:

35 *d.* To a facility for placement or treatment in a



1 transitional release program or for release with ~~or without~~  
2 supervision. A transport order is not required under this  
3 paragraph.

4 Sec. 98. Section 229A.7, subsection 7, Code 2018, is amended  
5 to read as follows:

6 7. The control, care, and treatment of a person determined  
7 to be a sexually violent predator shall be provided at a  
8 facility operated by the department of human services. At all  
9 times prior to placement in a transitional release program  
10 or release with ~~or without~~ supervision, persons committed  
11 for control, care, and treatment by the department of human  
12 services pursuant to **this chapter** shall be kept in a secure  
13 facility and those patients shall be segregated at all times  
14 from any other patient under the supervision of the department  
15 of human services. A person committed pursuant to **this chapter**  
16 to the custody of the department of human services may be kept  
17 in a facility or building separate from any other patient  
18 under the supervision of the department of human services.  
19 The department of human services may enter into a chapter  
20 28E agreement with the department of corrections or other  
21 appropriate agency in this state or another state for the  
22 confinement of patients who have been determined to be sexually  
23 violent predators. Patients who are in the custody of the  
24 director of the department of corrections pursuant to a chapter  
25 28E agreement and who have not been placed in a transitional  
26 release program or released with ~~or without~~ supervision shall  
27 be housed and managed separately from criminal offenders in  
28 the custody of the director of the department of corrections,  
29 and except for occasional instances of supervised incidental  
30 contact, shall be segregated from those offenders.

31 Sec. 99. Section 229A.8B, subsection 3, Code 2018, is  
32 amended to read as follows:

33 3. Upon the return of the committed person to a secure  
34 facility, the director of human services or the director's  
35 designee shall notify the court that issued the ex parte order

1 that the absconder has been returned to a secure facility, and  
2 the court shall set a hearing ~~within five days~~ to determine if  
3 a violation occurred. If a court order was not issued, the  
4 director or the director's designee shall contact the nearest  
5 district court with jurisdiction to set a hearing to determine  
6 whether a violation of the rules or directives occurred. The  
7 court shall schedule a hearing ~~within five days of~~ after  
8 receiving notice that the committed person has been returned  
9 from the transitional release program to a secure facility.

10 Sec. 100. Section 229A.9A, Code 2018, is amended to read as  
11 follows:

12 **229A.9A Release with ~~or without~~ supervision.**

13 1. In any proceeding under section 229A.8, the court may  
14 order the committed person released with ~~or without~~ supervision  
15 if any of the following apply:

16 a. The attorney general stipulates to the release with ~~or~~  
17 ~~without~~ supervision.

18 b. The court or jury has determined that the person should  
19 be ~~discharged~~ released from ~~the program~~ a secure facility or  
20 a transitional release program, but the court has determined  
21 the person suffers from a mental abnormality and it is in the  
22 best interest of the community to order release with ~~or without~~  
23 supervision before the committed person is discharged.

24 2. If release with ~~or without~~ supervision is ordered, the  
25 department of human services shall prepare within sixty days of  
26 the order of the court a release plan addressing the person's  
27 needs for counseling, medication, community support services,  
28 residential services, vocational services, alcohol or other  
29 drug abuse treatment, sex offender treatment, or any other  
30 treatment or supervision necessary.

31 3. The court shall set a hearing on the release plan  
32 prepared by the department of human services before the  
33 committed person is released from a secure facility or a  
34 transitional release program.

35 4. If the court orders release with supervision, the court

1 shall order supervision by an agency with jurisdiction that  
2 is familiar with the placement of criminal offenders in the  
3 community. The agency with jurisdiction shall be responsible  
4 for initiating proceedings for violations of the release plan  
5 as provided in **section 229A.9B**. ~~If the court orders release~~  
6 ~~without supervision, the agency with jurisdiction shall also be~~  
7 ~~responsible for initiating proceedings for any violations of~~  
8 ~~the release plan as provided in **section 229A.9B**.~~

9 5. A committed person may not petition the court for release  
10 with ~~or without~~ supervision.

11 6. A committed person released with ~~or without~~ supervision  
12 is not considered discharged from civil commitment under this  
13 chapter.

14 7. After being released with ~~or without~~ supervision, the  
15 person may petition the court for discharge as provided in  
16 section 229A.8.

17 8. The court shall retain jurisdiction over the committed  
18 person who has been released with ~~or without~~ supervision until  
19 the person is discharged from the program. The department  
20 of human services or a judicial district department of  
21 correctional services shall not be held liable for any acts  
22 committed by a committed person who has been ordered released  
23 with ~~or without~~ supervision.

24 Sec. 101. Section 229A.9B, Code 2018, is amended to read as  
25 follows:

26 **229A.9B Violations of release with ~~or without~~ supervision.**

27 1. If a committed person violates the release plan, the  
28 agency with jurisdiction over the person may request the  
29 ~~district~~ court to issue an emergency ex parte order directing  
30 any law enforcement officer to take the person into custody  
31 so that the person can be returned to a secure facility.  
32 The request for an ex parte order may be made orally or by  
33 telephone, but the original written request or a facsimile copy  
34 of the request shall be filed with the clerk of court no later  
35 than 4:30 p.m. on the next business day the office of the clerk

1 of court is open.

2 2. If a committed person has absconded in violation of the  
3 conditions of the person's release plan, a presumption arises  
4 that the person poses a risk to public safety. The department  
5 of human services or contracting agency, in cooperation with  
6 local law enforcement agencies, may make a public announcement  
7 about the absconder. The public announcement may include a  
8 description of the committed person, that the committed person  
9 is on release with ~~or without~~ supervision from the sexually  
10 violent predator program, and any other information pertinent  
11 to public safety.

12 3. Upon the return of the committed person to a secure  
13 facility, the director of human services or the director's  
14 designee shall notify the court that issued the ex parte  
15 order that the committed person has been returned to a secure  
16 facility, and the court shall set hearing ~~within five days~~ to  
17 determine if a violation occurred. If a court order was not  
18 issued, the director or the director's designee shall contact  
19 the nearest district court with jurisdiction to set a hearing  
20 to determine whether a violation of the conditions of the  
21 release plan occurred. The court shall schedule a hearing  
22 ~~within five days of~~ after receiving notice that the committed  
23 person has been returned to a secure facility.

24 4. At the hearing, the burden shall be upon the attorney  
25 general to show by a preponderance of the evidence that a  
26 violation of the release plan occurred.

27 5. If the court determines a violation occurred, the court  
28 shall receive release recommendations from the department of  
29 human services and either order that the committed person be  
30 returned to release with ~~or without~~ supervision or placed  
31 in a transitional release program, or be confined in a  
32 secure facility. The court may impose further conditions  
33 upon the committed person if returned to release with ~~or~~  
34 ~~without~~ supervision or placed in the transitional release  
35 program. If the court determines no violation occurred, the

1 committed person shall be returned to release with ~~or without~~  
2 supervision.

3 Sec. 102. Section 232.68, subsection 2, paragraph a,  
4 subparagraph (3), Code 2018, is amended to read as follows:

5 (3) The commission of a sexual offense with or to a child  
6 pursuant to [chapter 709, section 726.2](#), or section 728.12,  
7 subsection 1, as a result of the acts or omissions of the  
8 person responsible for the care of the child or of a person who  
9 is fourteen years of age or older and resides in a home with  
10 the child. Notwithstanding [section 702.5](#), the commission of  
11 a sexual offense under this subparagraph includes any sexual  
12 offense referred to in this subparagraph with or to a person  
13 under the age of eighteen years.

14 Sec. 103. Section 232.68, subsection 2, paragraph a,  
15 subparagraph (9), Code 2018, is amended to read as follows:

16 (9) (a) Knowingly A person who is responsible for the  
17 care of a child knowingly allowing a person another person  
18 custody ~~or of,~~ control ~~of over,~~ or unsupervised access to a  
19 child ~~or minor~~ child under the age of fourteen or a child with  
20 a physical or mental disability, after knowing the ~~person~~  
21 other person is required to register or is on the sex offender  
22 registry under [chapter 692A](#) ~~for a violation of [section 726.6](#).~~

23 (b) This subparagraph does not apply in any of the following  
24 circumstances:

25 (i) A child living with a parent or guardian who is a sex  
26 offender required to register or on the sex offender registry  
27 under chapter 692A.

28 (ii) A child living with a parent or guardian who is married  
29 to and living with a sex offender required to register or on  
30 the sex offender registry under chapter 692A.

31 (iii) A child who is a sex offender required to register or  
32 on the sex offender registry under chapter 692A who is living  
33 with the child's parent, guardian, or foster parent and is also  
34 living with the child to whom access was allowed.

35 (c) For purposes of this subparagraph, "control over" means

1 any of the following:

2 (i) A person who has accepted, undertaken, or assumed  
3 supervision of a child from the parent or guardian of the  
4 child.

5 (ii) A person who has undertaken or assumed temporary  
6 supervision of a child without explicit consent from the parent  
7 or guardian of the child.

8 Sec. 104. Section 901A.2, subsection 6, Code 2018, is  
9 amended to read as follows:

10 6. A person who has been placed in a transitional release  
11 program, released with ~~or without~~ supervision, or discharged  
12 pursuant to [chapter 229A](#), and who is subsequently convicted of  
13 a sexually predatory offense or a sexually violent offense,  
14 shall be sentenced to life in prison on the same terms as  
15 a class "A" felon under [section 902.1](#), notwithstanding any  
16 other provision of the Code to the contrary. The terms and  
17 conditions applicable to sentences for class "A" felons under  
18 chapters 901 through 909 shall apply to persons sentenced under  
19 this subsection. However, if the person commits a sexually  
20 violent offense which is a misdemeanor offense under chapter  
21 709, the person shall be sentenced to life in prison, with  
22 eligibility for parole as provided in [chapter 906](#).

23 DIVISION XVII

24 MEDICAID RETROACTIVE ELIGIBILITY

25 Sec. 105. 2017 Iowa Acts, chapter 174, section 12,  
26 subsection 15, paragraph a, subparagraph (7), is amended to  
27 read as follows:

28 (7) (a) Elimination of the three-month retroactive  
29 Medicaid coverage benefit for Medicaid applicants effective  
30 October 1, 2017. The department shall seek a waiver from  
31 the centers for Medicare and Medicaid services of the United  
32 States department of health and human services to implement  
33 the strategy. If federal approval is received, an applicant's  
34 Medicaid coverage shall be effective on the first day of the  
35 month of application, as allowed under the Medicaid state plan.

1     (b) Effective July 1, 2018, a three-month retroactive  
2 Medicaid coverage benefit shall apply to a Medicaid applicant  
3 who is otherwise Medicaid-eligible and is a resident of a  
4 nursing facility licensed under chapter 135C. The department  
5 shall seek federal approval for any Medicaid waiver or state  
6 plan amendment necessary to implement this subparagraph (b).

7     Sec. 106. EFFECTIVE DATE. This division of this Act, being  
8 deemed of immediate importance, takes effect upon enactment.

9

DIVISION XVIII

10     MENTAL HEALTH AND DISABILITY SERVICES — TRANSFER OF FUNDS

11     Sec. 107. MENTAL HEALTH AND DISABILITY SERVICES — TRANSFER  
12 OF FUNDS. Notwithstanding section 331.424A, a county with a  
13 population of over 300,000 based on the most recent federal  
14 decennial census, may transfer funds from any other fund of  
15 the county not comprised of revenue generated by a levy to the  
16 mental health and disability regional services fund for the  
17 purposes of providing mental health and disability services for  
18 the fiscal year beginning July 1, 2018, and ending June 30,  
19 2019. The county shall submit a report to the governor and the  
20 general assembly by September 1, 2019, including the source of  
21 any funds transferred, the amount of the funds transferred, and  
22 the mental health and disability services provided with the  
23 transferred funds.

24

DIVISION XIX

25

MISCELLANEOUS TECHNICAL PROVISIONS

26     Sec. 108. Section 135.15, Code 2018, is amended to read as  
27 follows:

28     **135.15 Oral and health delivery system bureau established —**  
29 **responsibilities.**

30     An oral and health delivery system bureau is established  
31 within the division of health promotion and chronic disease  
32 prevention of the department. The bureau shall be responsible  
33 for all of the following:

34     1. Providing population-based oral health services,  
35 including public health training, improvement of dental support

1 systems for families, technical assistance, awareness-building  
2 activities, and educational services, at the state and local  
3 level to assist Iowans in maintaining optimal oral health  
4 throughout all stages of life.

5 2. Performing infrastructure building and enabling services  
6 through the administration of state and federal grant programs  
7 targeting access improvement, prevention, and local oral  
8 health programs utilizing maternal and child health programs,  
9 Medicaid, and other new or existing programs.

10 3. Leveraging federal, state, and local resources for  
11 programs under the purview of the bureau.

12 4. Facilitating ongoing strategic planning and application  
13 of evidence-based research in oral health care policy  
14 development that improves oral health care access and the  
15 overall oral health of all Iowans.

16 5. Developing and implementing an ongoing oral health  
17 surveillance system for the evaluation and monitoring of  
18 the oral health status of children and other underserved  
19 populations.

20 6. Facilitating the provision of oral health services  
21 through dental homes. For the purposes of this section,  
22 "*dental home*" means a network of individualized care based on  
23 risk assessment, which includes oral health education, dental  
24 screenings, preventive services, diagnostic services, treatment  
25 services, and emergency services.

26 Sec. 109. Section 135.175, subsection 1, paragraph a, Code  
27 2018, is amended to read as follows:

28 a. A health care workforce support initiative is established  
29 to provide for the coordination and support of various efforts  
30 to address the health care workforce shortage in this state.  
31 This initiative shall include the medical residency training  
32 state matching grants program created in [section 135.176](#),  
33 the nurse residency state matching grants program created in  
34 section 135.178, and the fulfilling Iowa's need for dentists  
35 matching grant program created in [section 135.179](#).



1     Sec. 110. Section 135.175, subsection 5, Code 2018, is  
2 amended by adding the following new paragraph:

3     NEW PARAGRAPH. *b.* The nurse residency state matching grants  
4 program account. The nurse residency state matching grants  
5 program account shall be under the control of the department  
6 and the moneys in the account shall be used for the purposes of  
7 the nurse residency state matching grants program as specified  
8 in section 135.178. Moneys in the account shall consist of  
9 moneys appropriated or allocated for deposit in or received  
10 by the fund or the account and specifically dedicated to the  
11 nurse residency state matching grants program account for the  
12 purposes of such account.

13     Sec. 111. Section 135.175, subsection 6, paragraph a, Code  
14 2018, is amended to read as follows:

15     *a.* Moneys in the fund and the accounts in the fund shall  
16 only be appropriated in a manner consistent with the principles  
17 specified and the strategic plan developed pursuant to section  
18 135.163 to support the medical residency training state  
19 matching grants program, the nurse residency state matching  
20 grants program, the fulfilling Iowa's need for dentists  
21 matching grant program, and to provide funding for state health  
22 care workforce shortage programs as provided in [this section](#).

23                                   DIVISION XX

24                                   STATE TRAINING SCHOOL — ELDORA

25     Sec. 112. Section 233A.1, Code 2018, is amended to read as  
26 follows:

27     **233A.1 State training school — Eldora and ~~Toledo~~.**

28     1. Effective January 1, 1992, a diagnosis and evaluation  
29 center and other units are established at ~~Eldora~~ the  
30 state training school to provide ~~to~~ court-committed  
31 male juvenile delinquents a program which focuses upon  
32 appropriate developmental skills, treatment, placements, and  
33 rehabilitation.

34     2. The diagnosis and evaluation center which is used to  
35 identify appropriate treatment and placement alternatives for

1 juveniles and any other units for juvenile delinquents which  
2 are located at Eldora ~~and the unit for juvenile delinquents at~~  
3 ~~Toledo~~ shall ~~together~~ be known as the "state training school".  
4 For the purposes of **this chapter** "director" means the director  
5 of human services and "superintendent" means the administrator  
6 in charge of the diagnosis and evaluation center for juvenile  
7 delinquents and other units at ~~Eldora and the unit for juvenile~~  
8 ~~delinquents at Toledo~~ the state training school.

9 3. The number of children present at any one time at the  
10 state training school ~~at Eldora~~ shall not exceed the population  
11 guidelines established under **1990 Iowa Acts, ch. 1239, §21**, as  
12 adjusted for subsequent changes in the capacity at the training  
13 school.

14 Sec. 113. Section 233A.14, Code 2018, is amended to read as  
15 follows:

16 **233A.14 Transfers to other institutions.**

17 The administrator may transfer to the ~~schools~~ state training  
18 school minor wards of the state from any institution under the  
19 administrator's charge but no person shall be so transferred  
20 who is mentally ill or has an intellectual disability. Any  
21 child in the ~~schools~~ state training school who is mentally ill  
22 or has an intellectual disability may be transferred by the  
23 administrator to the proper state institution.

24 Sec. 114. Section 915.29, subsection 1, unnumbered  
25 paragraph 1, Code 2018, is amended to read as follows:

26 The department of human services shall notify a registered  
27 victim regarding a juvenile adjudicated delinquent for a  
28 violent crime, committed to the custody of the department of  
29 human services, and placed at the state training school ~~at~~  
30 ~~Eldora or Toledo~~, of the following:

31 DIVISION XXI

32 GERIATRIC PATIENT HOUSING REVIEW

33 Sec. 115. GERIATRIC PATIENT HOUSING REVIEW.

34 1. During the 2018 legislative interim, the department  
35 on aging and the departments of human services, inspections

1 and appeals, and corrections, cooperatively, shall review  
2 issues and develop policy recommendations relating to housing  
3 for geriatric persons, including geriatric individuals  
4 who are registered on the sex offender registry or who are  
5 sexually aggressive. The review shall address all aspects  
6 of the issue including the feasibility of private entities  
7 utilizing facilities located at Mount Pleasant, Clarinda,  
8 or other vacant, state-owned facilities to care for such  
9 geriatric persons; related workforce recruitment and training;  
10 requirements that a facility must meet in order to receive  
11 Medicaid reimbursement; and any other information or issues  
12 deemed appropriate by the agencies.

13 2. The agencies shall submit a joint report with  
14 recommendations to the governor and general assembly by  
15 December 15, 2018.

16 DIVISION XXII

17 DISTRIBUTION OF FEDERAL FUNDS — RESTRICTIONS — ABORTION

18 Sec. 116. DISTRIBUTION OF FEDERAL PUBLIC HEALTH SERVICES  
19 ACT FUNDS FOR FAMILY PLANNING.

20 1. The department of public health shall annually apply  
21 to the United States department of health and human services  
22 for grant funding under Tit. X of the federal Public Health  
23 Services Act, 42 U.S.C. §300 et seq. The department shall  
24 distribute all grant funding received to applicants in the  
25 following order of priority:

26 a. Public entities that provide family planning services  
27 including state, county, or local community health clinics and  
28 federally qualified health centers.

29 b. Nonpublic entities that, in addition to family planning  
30 services, provide required primary health services as described  
31 in 42 U.S.C. §254b(b)(1)(A).

32 c. Nonpublic entities that provide family planning  
33 services but do not provide required primary health services as  
34 described in 42 U.S.C. §254b(b)(1)(A).

35 2. Distribution of funds under this section shall be made in

1 a manner that continues access to family planning services.

2 3. Distribution of funds shall not be made to any entity  
3 that performs abortions or that maintains or operates a  
4 facility where abortions are performed. For the purposes of  
5 this section, "abortion" does not include any of the following:

6 a. The treatment of a woman for a physical disorder,  
7 physical injury, or physical illness, including a  
8 life-endangering physical condition caused by or arising from  
9 the pregnancy itself, that would, as certified by a physician,  
10 place the woman in danger of death.

11 b. The treatment of a woman for a spontaneous abortion,  
12 commonly known as a miscarriage.

13 4. Funds distributed in accordance with this section shall  
14 not be used for direct or indirect costs, including but not  
15 limited to administrative costs or expenses, overhead, employee  
16 salaries, rent, and telephone and other utility costs, related  
17 to providing abortions as specified in this section.

18 5. The department of public health shall submit a report to  
19 the governor and the general assembly, annually by January 1,  
20 listing any entities that received funds pursuant to subsection  
21 1, paragraph "c", and the amount and type of funds received by  
22 such entities during the preceding calendar year. The report  
23 shall provide a detailed explanation of how the department  
24 determined that distribution of funds to such an entity,  
25 instead of to an entity described in subsection 1, paragraph  
26 "a" or "b", was necessary to prevent severe limitation or  
27 elimination of access to family planning services in the region  
28 of the state where the entity is located.

29 Sec. 117. ADMINISTRATION OF PERSONAL RESPONSIBILITY  
30 EDUCATION PROGRAM AND ABSTINENCE EDUCATION GRANT PROGRAM  
31 FUNDS. Any contract entered into on or after July 1, 2018,  
32 by the department of public health to administer the personal  
33 responsibility education program as specified in 42 U.S.C.  
34 §713 or to administer the abstinence education grant program  
35 authorized pursuant to section 510 of Tit. V of the federal

1 Social Security Act, shall exclude as an eligible applicant any  
2 applicant entity that provides abortions, maintains or operates  
3 a facility where abortions are performed, or regularly makes  
4 referrals to an entity that provides abortions or maintains or  
5 operates a facility where abortions are performed. For the  
6 purposes of this section, such referrals include but are not  
7 limited to referrals made by reference to an internet site or  
8 by linking to an internet site maintained by an entity that  
9 provides abortions or maintains or operates a facility where  
10 abortions are performed.

11 Sec. 118. AWARD OF COMMUNITY ADOLESCENT PREGNANCY  
12 PREVENTION AND SERVICES PROGRAM GRANT FUNDS. Any contract  
13 entered into on or after July 1, 2018, by the department of  
14 human services to award a community adolescent pregnancy  
15 prevention and services program grant using federal temporary  
16 assistance for needy families block grant funds appropriated  
17 to the department shall exclude as an eligible applicant any  
18 applicant entity that provides abortions, maintains or operates  
19 a facility where abortions are performed, or regularly makes  
20 referrals to an entity that provides abortions or maintains or  
21 operates a facility where abortions are performed. For the  
22 purposes of this section, such referrals include but are not  
23 limited to referrals made by reference to an internet site or  
24 by linking to an internet site maintained by an entity that  
25 provides abortions or maintains or operates a facility where  
26 abortions are performed.

27 DIVISION XXIII

28 WRONGFUL BIRTH OR WRONGFUL LIFE CAUSE OF ACTION

29 Sec. 119. NEW SECTION. 613.15B Wrongful birth or wrongful  
30 life cause of action — prohibitions — exceptions.

31 1. A cause of action shall not arise and damages shall not  
32 be awarded, on behalf of any person, based on a wrongful birth  
33 claim that, but for an act or omission of the defendant, a  
34 child would not or should not have been born.

35 2. A cause of action shall not arise and damages shall not

1 be awarded, on behalf of any person, based on a wrongful life  
2 claim that, but for an act or omission of the defendant, the  
3 person bringing the action would not or should not have been  
4 born.

5 3. The prohibitions specified in this section apply to any  
6 claim regardless of whether the child is born healthy or with a  
7 birth defect or disorder or other adverse medical condition.  
8 However, the prohibitions specified in this section shall not  
9 apply to any of the following:

10 a. A civil action for damages for an intentional or grossly  
11 negligent act or omission, including any act or omission that  
12 constitutes a public offense.

13 b. A civil action for damages for the intentional failure  
14 of a physician to comply with the duty imposed by licensure  
15 pursuant to chapter 148 to provide a patient with all  
16 information reasonably necessary to make decisions about a  
17 pregnancy.

18 Sec. 120. EFFECTIVE DATE. This division of this Act, being  
19 deemed of immediate importance, takes effect upon enactment.

20 Sec. 121. APPLICABILITY. This division of this Act applies  
21 on or after the effective date of this division of this Act to  
22 causes of action that accrue on or after that date. A cause of  
23 action that accrues before the effective date of this division  
24 of this Act is governed by the law in effect prior to the  
25 effective date of this division of this Act.

26 DIVISION XXIV

27 TRANSFERS OF FUNDS BETWEEN DHS INSTITUTIONS

28 Sec. 122. Section 218.6, Code 2018, is amended to read as  
29 follows:

30 **218.6 Transfer of appropriations made to institutions.**

31 1. Notwithstanding [section 8.39, subsection 1](#), without the  
32 prior written consent and approval of the governor and the  
33 director of the department of management, the director of human  
34 services may transfer funds between the appropriations made for  
35 the institutions, listed as follows:

- 1 ~~1.~~ a. The state resource centers.
  - 2 ~~2.~~ b. The state mental health institutes.
  - 3 ~~3.~~ c. The state training school.
  - 4 ~~4.~~ d. The civil commitment unit for sexual offenders.
- 5 2. The department shall report any transfer made pursuant  
6 to subsection 1 during a fiscal quarter to the legislative  
7 services agency within thirty days of the beginning of the  
8 subsequent fiscal quarter.

9 DIVISION XXV

10 MEDICAL CANNABIDIOL

11 Sec. 123. Section 124E.7, subsections 7 and 8, Code 2018,  
12 are amended to read as follows:

13 7. A medical cannabidiol manufacturer shall not employ  
14 a person who is under eighteen years of age or who has been  
15 convicted of a disqualifying felony offense. An employee  
16 of a medical cannabidiol manufacturer shall be subject to a  
17 background investigation conducted by the division of criminal  
18 investigation of the department of public safety and a national  
19 criminal history background check pursuant to section 124E.19.

20 8. A medical cannabidiol manufacturer owner shall not have  
21 been convicted of a disqualifying felony offense and shall be  
22 subject to a background investigation conducted by the division  
23 of criminal investigation of the department of public safety  
24 and a national criminal history background check pursuant to  
25 section 124E.19.

26 Sec. 124. Section 124E.9, subsections 7 and 8, Code 2018,  
27 are amended to read as follows:

28 7. A medical cannabidiol dispensary shall not employ a  
29 person who is under eighteen years of age or who has been  
30 convicted of a disqualifying felony offense. An employee  
31 of a medical cannabidiol dispensary shall be subject to a  
32 background investigation conducted by the division of criminal  
33 investigation of the department of public safety and a national  
34 criminal history background check pursuant to section 124E.19.

35 8. A medical cannabidiol dispensary owner shall not have

1 been convicted of a disqualifying felony offense and shall be  
2 subject to a background investigation conducted by the division  
3 of criminal investigation of the department of public safety  
4 and a national criminal history background check pursuant to  
5 section 124E.19.

6 Sec. 125. Section 124E.10, Code 2018, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 **124E.10 Fees.**

9 All fees collected by the department under this chapter  
10 shall be retained by the department for operation of the  
11 medical cannabidiol registration card program and the medical  
12 cannabidiol manufacturer and medical cannabidiol dispensary  
13 licensing programs. The moneys retained by the department  
14 shall be considered repayment receipts as defined in section  
15 8.2 and shall be used for any of the department's duties  
16 under this chapter, including but not limited to the addition  
17 of full-time equivalent positions for program services and  
18 investigations. Notwithstanding section 8.33, moneys retained  
19 by the department pursuant to this section shall not revert to  
20 the general fund of the state but shall remain available for  
21 expenditure only for the purposes specified in this section.

22 Sec. 126. NEW SECTION. **124E.19 Background investigations.**

23 1. The division of criminal investigation of the  
24 department of public safety shall conduct thorough  
25 background investigations for the purposes of licensing  
26 medical cannabidiol manufacturers and medical cannabidiol  
27 dispensaries under this chapter. The results of any background  
28 investigation conducted pursuant to this section shall be  
29 presented to the department.

30 a. An applicant for a medical cannabidiol manufacturer  
31 license or a medical cannabidiol dispensary license and their  
32 owners, investors, and employees shall submit all required  
33 information on a form prescribed by the department of public  
34 safety.

35 b. The department shall charge an applicant for a medical



1 cannabidiol manufacturer license or a medical cannabidiol  
2 dispensary license a fee determined by the department of public  
3 safety and adopted by the department by rule to defray the  
4 costs associated with background investigations conducted  
5 pursuant to the requirements of this section. The fee shall  
6 be in addition to any other fees charged by the department.  
7 The fee may be retained by the department of public safety and  
8 shall be considered repayment receipts as defined in section  
9 8.2.

10 2. The department shall require an applicant for a medical  
11 cannabidiol manufacturer license or a medical cannabidiol  
12 dispensary license, their owners and investors, and applicants  
13 for employment at a medical cannabidiol manufacturer or  
14 medical cannabidiol dispensary to submit fingerprints and other  
15 required identifying information to the department on a form  
16 prescribed by the department of public safety. The department  
17 shall submit the fingerprint cards and other identifying  
18 information to the division of criminal investigation of the  
19 department of public safety for submission to the federal  
20 bureau of investigation for the purpose of conducting a  
21 national criminal history record check. The department may  
22 require employees and contractors involved in carrying out  
23 a background investigation to submit fingerprints and other  
24 identifying information for the same purpose.

25 3. The department may enter into a chapter 28E agreement  
26 with the department of public safety to meet the requirements  
27 of this section.

28 4. An applicant for a medical cannabidiol manufacturer  
29 license or a medical cannabidiol dispensary license shall  
30 submit information and fees required by this section at the  
31 time of application.

32 5. The results of background investigations conducted  
33 pursuant to this section shall not be considered public records  
34 under chapter 22.

35 Sec. 127. EFFECTIVE UPON ENACTMENT. This division of this

1 Act, being deemed of immediate importance, takes effect upon  
2 enactment.

3

DIVISION XXVI

4

DEPARTMENT OF HUMAN SERVICES PROGRAMS AND ACTIVITIES

5

INMATES OF PUBLIC INSTITUTIONS — MEDICAID

6

Sec. 128. Section 249A.38, Code 2018, is amended to read as  
7 follows:

8

**249A.38 Inmates of public institutions — suspension or  
9 termination of medical assistance.**

10

1. ~~The following conditions shall apply to~~ Following the  
11 first thirty days of commitment, the department shall suspend  
12 the eligibility of an individual who is an inmate of a public  
13 institution as defined in 42 C.F.R. §435.1010, who is enrolled  
14 in the medical assistance program at the time of commitment to  
15 the public institution, and who remains eligible for medical  
16 assistance as an individual except for the individual's  
17 institutional status:

18

~~a. The department shall suspend the individual's~~  
19 ~~eligibility for up to the initial twelve months of the period~~  
20 ~~of commitment. The department shall delay the suspension~~  
21 ~~of eligibility for a period of up to the first thirty days~~  
22 ~~of commitment if such delay is approved by the centers for~~  
23 ~~Medicare and Medicaid services of the United States department~~  
24 ~~of health and human services. If such delay is not approved,~~  
25 ~~the department shall suspend eligibility during the entirety~~  
26 ~~of the initial twelve months of the period of commitment.~~  
27 ~~Claims submitted on behalf of the individual under the medical~~  
28 ~~assistance program for covered services provided during the~~  
29 ~~delay period shall only be reimbursed if federal financial~~  
30 ~~participation is applicable to such claims.~~

31

~~b. The department shall terminate an individual's~~  
32 ~~eligibility following a twelve-month period of suspension~~  
33 ~~of the individual's eligibility under paragraph "a", during~~  
34 the period of the individual's commitment to the public  
35 institution.

1 2. a. A public institution shall provide the department and  
2 the social security administration with a monthly report of the  
3 individuals who are committed to the public institution and of  
4 the individuals who are discharged from the public institution.  
5 The monthly report to the department shall include the date  
6 of commitment or the date of discharge, as applicable, of  
7 each individual committed to or discharged from the public  
8 institution during the reporting period. The monthly report  
9 shall be made through the reporting system created by the  
10 department for public, nonmedical institutions to report inmate  
11 populations. Any medical assistance expenditures, including  
12 but not limited to monthly managed care capitation payments,  
13 provided on behalf of an individual who is an inmate of a  
14 public institution but is not reported to the department  
15 in accordance with this subsection, shall be the financial  
16 responsibility of the respective public institution.

17 b. The department shall provide a public institution with  
18 the forms necessary to be used by the individual in expediting  
19 restoration of the individual's medical assistance benefits  
20 upon discharge from the public institution.

21 ~~3. This section applies to individuals as specified in~~  
22 ~~subsection 1 on or after January 1, 2012.~~

23 ~~4. 3.~~ The department may adopt rules pursuant to chapter  
24 17A to implement this section.

25 MEDICAID PROGRAM ADMINISTRATION

26 Sec. 129. MEDICAID PROGRAM ADMINISTRATION.

27 1. PROVIDER PROCESSES AND PROCEDURES.

28 a. When all of the required documents and other information  
29 necessary to process a claim have been received by a managed  
30 care organization, the managed care organization shall  
31 either provide payment to the claimant within the timelines  
32 specified in the managed care contract or, if the managed  
33 care organization is denying the claim in whole or in part,  
34 shall provide notice to the claimant including the reasons for  
35 such denial consistent with national industry best practice

1 guidelines.

2     b. A managed care organization shall correct any identified  
3 system configuration error within a reasonable time frame  
4 approved by the department, and shall fully and accurately  
5 reprocess claims affected by such errors within thirty days  
6 of the successful system correction. The department shall  
7 define "system configuration error" as appropriate to include  
8 errors in provider data caused by a managed care organization  
9 or improper claims edits that result in incorrect payments to  
10 providers.

11     c. A managed care organization shall provide written notice  
12 to affected individuals at least sixty days prior to making  
13 any program or procedural change, as determined necessary by  
14 the department. The department shall develop and distribute a  
15 list of the types of changes that require the sixty-day notice  
16 to the managed care organizations effective July 1, 2018.  
17 Such changes may include but are not limited to billing and  
18 collection provisions, provider network provisions, member or  
19 provider services, and prior authorization requirements.

20     d. The department of human services shall engage dedicated  
21 provider relations staff to assist Medicaid providers in  
22 resolving billing conflicts with managed care organizations  
23 including those involving denied claims, technical omissions,  
24 or incomplete information. If the provider relations staff  
25 observe trends evidencing fraudulent claims or improper  
26 reimbursement, the staff shall forward such evidence to the  
27 department of human services for further review.

28     e. The department of human services shall adopt rules  
29 pursuant to chapter 17A to require the inclusion by a managed  
30 care organization of advanced registered nurse practitioners  
31 and physician assistants as primary care providers for the  
32 purposes of population health management.

33     f. The department of human services shall provide for the  
34 development and shall require the use of standardized Medicaid  
35 provider enrollment forms to be used by the department and

1 uniform Medicaid provider credentialing specifications to be  
2 used by managed care organizations.

3 2. MEMBER SERVICES AND PROCESSES.

4 a. If a Medicaid member is receiving court-ordered services  
5 or treatment for a substance-related disorder pursuant to  
6 chapter 125 or for a mental illness pursuant to chapter 229,  
7 such services or treatment shall be provided and reimbursed  
8 for an initial period of three days before a managed care  
9 organization may apply medical necessity criteria to determine  
10 the most appropriate services, treatment, or placement for the  
11 Medicaid member.

12 b. The department of human services shall maintain and  
13 update Medicaid member eligibility files in a timely manner  
14 consistent with national industry best practices.

15 c. The department of human services shall utilize an  
16 independent, external quality review vendor to complete a  
17 review of a random case sample of decreased level of care  
18 determinations using national best practices to ensure that  
19 appropriate medically necessary services are provided to  
20 meet Medicaid member needs. The department shall report the  
21 findings of the review to the governor and the general assembly  
22 by December 15, 2018, including any plan necessary to address  
23 the findings.

24 d. The department of human services, on an annual basis,  
25 shall conduct an analysis of all Medicaid member appeals that  
26 have been dismissed, withdrawn, or overturned to determine  
27 if there are any negative patterns or trends based on the  
28 analysis. The services of any member whose appeal is subject  
29 to the analysis shall continue for the period during which an  
30 interdisciplinary team conducts a new assessment to determine  
31 which services are medically necessary for that member, which  
32 period shall not exceed ninety days. A report of the analysis  
33 and findings shall be submitted to the governor and the general  
34 assembly on a biannual basis and the department shall develop a  
35 plan as necessary to address any negative patterns or trends

1 identified by the analysis.

2 3. MEDICAID PROGRAM REVIEW AND OVERSIGHT.

3 a. (1) The department of human services shall facilitate a  
4 workgroup, in collaboration with representatives of the managed  
5 care organizations and health home providers, to review the  
6 health home programs. The review shall include all of the  
7 following:

8 (a) An analysis of the state plan amendments applicable to  
9 health homes.

10 (b) An analysis of the current health home system, including  
11 the rationale for any recommended changes.

12 (c) The development of a clear and consistent delivery  
13 model linked to program-determined outcomes and data reporting  
14 requirements.

15 (d) A work plan to be used in communicating with  
16 stakeholders regarding the administration and operation of the  
17 health home programs.

18 (2) The department of human services shall submit a  
19 report of the workgroup's findings, recommendations, and  
20 any actions taken by December 15, 2018, to the governor and  
21 to the Eighty-eighth General Assembly, 2019 session, for  
22 consideration.

23 (3) The workgroup and the workgroup's activities shall  
24 not affect the department's authority to apply or enforce the  
25 Medicaid state plan amendment relative to health homes.

26 b. The department of human services, in collaboration  
27 with Medicaid providers and managed care organizations, shall  
28 initiate a review process to determine the effectiveness of  
29 prior authorizations used by the managed care organizations  
30 with the goal of making adjustments based on relevant  
31 service costs and member outcomes data utilizing existing  
32 industry-accepted standards. Prior authorization policies  
33 shall comply with existing rules, guidelines, and procedures  
34 developed by the centers for Medicare and Medicaid services of  
35 the United States department of health and human services.

1 c. The department of human services shall enter into a  
2 contract with an independent review organization to perform  
3 an audit of a random sample of small dollar claims paid to  
4 or denied Medicaid long-term services and supports providers  
5 during the first quarter of the 2018 calendar year. The  
6 department of human services shall submit a report of  
7 the findings of the audit to the governor and the general  
8 assembly by February 1, 2019. The department may take any  
9 action specified in the managed care contract relative to  
10 any claim the auditor determines to be incorrectly paid or  
11 denied, subject to appeal by the managed care organization  
12 to the director of human services. For the purposes of this  
13 paragraph, "small dollar claims" means those claims less than  
14 or equal to two thousand five hundred dollars.

15 MEDICAID PROGRAM PHARMACY COPAYMENT

16 Sec. 130. 2005 Iowa Acts, chapter 167, section 42, is  
17 amended to read as follows:

18 SEC. 42. COPAYMENTS FOR PRESCRIPTION DRUGS UNDER THE  
19 MEDICAL ASSISTANCE PROGRAM. The department of human services  
20 shall require recipients of medical assistance to pay the  
21 ~~following copayments~~ a copayment of \$1 on each prescription  
22 filled for a covered prescription drug, including each refill  
23 of such prescription, ~~as follows:~~

24 ~~1. A copayment of \$1 on each prescription filled for each~~  
25 ~~covered nonpreferred generic prescription drug.~~

26 ~~2. A copayment of \$1 for each covered preferred brand-name~~  
27 ~~or generic prescription drug.~~

28 ~~3. A copayment of \$1 for each covered nonpreferred~~  
29 ~~brand-name prescription drug for which the cost to the state is~~  
30 ~~up to and including \$25.~~

31 ~~4. A copayment of \$2 for each covered nonpreferred~~  
32 ~~brand-name prescription drug for which the cost to the state is~~  
33 ~~more than \$25 and up to and including \$50.~~

34 ~~5. A copayment of \$3 for each covered nonpreferred~~  
35 ~~brand-name prescription drug for which the cost to the state~~

1 ~~is more than \$50.~~

2 MEDICAL ASSISTANCE ADVISORY COUNCIL

3 Sec. 131. Section 249A.4B, subsection 2, paragraph a,  
4 subparagraphs (27) and (28), Code 2018, are amended by striking  
5 the subparagraphs.

6 Sec. 132. MEDICAL ASSISTANCE ADVISORY COUNCIL — REVIEW OF  
7 MEDICAID MANAGED CARE REPORT DATA. The executive committee  
8 of the medical assistance advisory council shall review  
9 the data collected and analyzed for inclusion in periodic  
10 reports to the general assembly, including but not limited  
11 to the information and data specified in 2016 Iowa Acts,  
12 chapter 1139, section 93, to determine which data points and  
13 information should be included and analyzed to more accurately  
14 identify trends and issues with, and promote the effective and  
15 efficient administration of, Medicaid managed care for all  
16 stakeholders. At a minimum, the areas of focus shall include  
17 consumer protection, provider network access and safeguards,  
18 outcome achievement, and program integrity. The executive  
19 committee shall report its findings and recommendations to the  
20 medical assistance advisory council for review and comment by  
21 October 1, 2018, and shall submit a final report of findings  
22 and recommendations to the governor and the general assembly by  
23 December 31, 2018.

24 TARGETED CASE MANAGEMENT AND INPATIENT PSYCHIATRIC SERVICES  
25 REIMBURSEMENT

26 Sec. 133. Section 249A.31, Code 2018, is amended to read as  
27 follows:

28 **249A.31 Cost-based reimbursement.**

29 ~~1. Providers of individual case management services for~~  
30 ~~persons with an intellectual disability, a developmental~~  
31 ~~disability, or chronic mental illness shall receive cost-based~~  
32 ~~reimbursement for one hundred percent of the reasonable~~  
33 ~~costs for the provision of the services in accordance with~~  
34 ~~standards adopted by the mental health and disability services~~  
35 ~~commission pursuant to [section 225C.6](#). Effective July 1, 2018,~~



1 targeted case management services shall be reimbursed based  
2 on a statewide fee schedule amount developed by rule of the  
3 department pursuant to chapter 17A.

4 2. Effective July 1, 2010 2014, ~~the department shall apply~~  
5 ~~a cost-based reimbursement methodology for reimbursement of~~  
6 ~~psychiatric medical institution for children providers of~~  
7 inpatient psychiatric services for individuals under twenty-one  
8 years of age shall be reimbursed as follows:

9 a. For non-state-owned providers, services shall be  
10 reimbursed according to a fee schedule without reconciliation.

11 b. For state-owned providers, services shall be reimbursed  
12 at one hundred percent of the actual and allowable cost of  
13 providing the service.

14 DIVISION XXVII

15 PREAPPLICATION SCREENING ASSESSMENT

16 Sec. 134. Section 229.5A, Code 2018, is amended to read as  
17 follows:

18 **229.5A Preapplication screening assessment — program.**

19 Prior to filing an application pursuant to [section 229.6](#),  
20 the clerk of the district court or the clerk's designee  
21 shall inform the interested person referred to in section  
22 229.6, subsection 1, about the option of requesting a  
23 preapplication screening assessment through a preapplication  
24 screening assessment program, if available. ~~The state court~~  
25 ~~administrator shall prescribe practices and procedures for~~  
26 ~~implementation of the preapplication screening assessment~~  
27 ~~program.~~

28 Sec. 135. Section 602.1209, subsection 16, Code 2018, is  
29 amended to read as follows:

30 16. Prescribe practices and procedures for the  
31 implementation of the preapplication screening assessment  
32 program referred to in [sections section 125.74](#) and ~~229.5A~~.

33 DIVISION XXVIII

34 COVERAGE OF BEHAVIORAL HEALTH SERVICES PROVIDED BY CERTAIN  
35 PROVIDERS

1     Sec. 136. Section 249A.15, Code 2018, is amended to read as  
2 follows:

3     **249A.15 Licensed psychologists eligible for payment —**  
4 **provisional licensees.**

5     1. The department shall adopt rules pursuant to chapter  
6 17A entitling psychologists who are licensed pursuant to  
7 chapter 154B and psychologists who are licensed in the state  
8 where the services are provided and have a doctorate degree  
9 in psychology, have had at least two years of clinical  
10 experience in a recognized health setting, or have met the  
11 standards of a national register of health service providers  
12 in psychology, to payment for services provided to recipients  
13 of medical assistance, subject to limitations and exclusions  
14 the department finds necessary on the basis of federal laws and  
15 regulations and of funds available for the medical assistance  
16 program. The rules shall also provide that an individual, who  
17 holds a provisional license to practice psychology pursuant  
18 to section 154B.6, is entitled to payment under this section  
19 for services provided to recipients of medical assistance,  
20 when such services are provided under the supervision of a  
21 supervisor who meets the qualifications determined by the board  
22 of psychology by rule, and claims for payment for such services  
23 are submitted by the supervisor.

24     2. Entitlement to payment under this section is applicable  
25 to services provided to recipients of medical assistance  
26 under both the fee-for-service and managed care payment and  
27 delivery systems. Neither the fee-for-service nor the managed  
28 care payment and delivery system shall impose a practice  
29 or supervision restriction which is inconsistent with or  
30 more restrictive than the authority already granted by law,  
31 including the authority to provide supervision in person or  
32 remotely through electronic means as specified by rule of the  
33 board of psychology.

34     Sec. 137. Section 249A.15A, Code 2018, is amended to read  
35 as follows:

1     **249A.15A Licensed marital and family therapists, licensed**  
2 **master social workers, licensed mental health counselors, and**  
3 **certified alcohol and drug counselors — temporary licensees.**

4     1. The department shall adopt rules pursuant to chapter  
5 17A entitling marital and family therapists who are licensed  
6 pursuant to [chapter 154D](#) to payment for behavioral health  
7 services provided to recipients of medical assistance, subject  
8 to limitations and exclusions the department finds necessary  
9 on the basis of federal laws and regulations. The rules shall  
10 also provide that a marital and family therapist, who holds  
11 a temporary license to practice marital and family therapy  
12 pursuant to section 154D.7, is entitled to payment under this  
13 section for behavioral health services provided to recipients  
14 of medical assistance, when such services are provided under  
15 the supervision of a qualified supervisor as determined by the  
16 board of behavioral science by rule, and claims for payment for  
17 such services are submitted by the qualified supervisor.

18     2. The department shall adopt rules pursuant to chapter  
19 17A entitling master social workers who hold a master's  
20 degree approved by the board of social work, are licensed as  
21 a master social worker pursuant to section 154C.3, subsection  
22 1, paragraph "b", and provide treatment services under the  
23 supervision of an independent social worker licensed pursuant  
24 to [section 154C.3, subsection 1](#), paragraph "c", to payment  
25 for behavioral health services provided to recipients of  
26 medical assistance, subject to limitations and exclusions the  
27 department finds necessary on the basis of federal laws and  
28 regulations.

29     3. The department shall adopt rules pursuant to [chapter 17A](#)  
30 entitling mental health counselors who are licensed pursuant  
31 to [chapter 154D](#) to payment for behavioral health services  
32 provided to recipients of medical assistance, subject to  
33 limitations and exclusions the department finds necessary on  
34 the basis of federal laws and regulations. The rules shall  
35 also provide that a mental health counselor, who holds a

1 temporary license to practice mental health counseling pursuant  
2 to section 154D.7, is entitled to payment under this section  
3 for behavioral health services provided to recipients of  
4 medical assistance, when such services are provided under the  
5 supervision of a qualified supervisor as determined by the  
6 board of behavioral science by rule, and claims for payment for  
7 such services are submitted by the qualified supervisor.

8 4. The department shall adopt rules pursuant to **chapter 17A**  
9 entitling alcohol and drug counselors who are certified by the  
10 nongovernmental Iowa board of substance abuse certification to  
11 payment for behavioral health services provided to recipients  
12 of medical assistance, subject to limitations and exclusions  
13 the department finds necessary on the basis of federal laws and  
14 regulations.

15 5. Entitlement to payment under this section is applicable  
16 to services provided to recipients of medical assistance  
17 under both the fee-for-service and managed care payment and  
18 delivery systems. Neither the fee-for-service nor the managed  
19 care payment and delivery system shall impose a practice  
20 or supervision restriction which is inconsistent with or  
21 more restrictive than the authority already granted by law,  
22 including the authority to provide supervision in person or  
23 remotely through electronic means as specified by rule of the  
24 applicable licensing board.

25 **Sec. 138. NEW SECTION. 514C.32 Services provided by**  
26 **certain licensed master social workers, licensed mental health**  
27 **counselors, and licensed marital and family therapists.**

28 1. Notwithstanding section 514C.6, a policy or contract  
29 providing for third-party payment or prepayment of health or  
30 medical expenses shall include a provision for the payment of  
31 necessary behavioral health services provided by any of the  
32 following:

33 a. A licensed master social worker who is licensed by the  
34 board of social work as a master social worker pursuant to  
35 section 154C.3, subsection 1, paragraph "b", and who provides

1 services under the supervision of an independent social worker  
2 licensed pursuant to section 154C.3, subsection 1, paragraph  
3 "c".

4 *b.* A licensed mental health counselor or a licensed  
5 marital and family therapist who holds a temporary license to  
6 practice mental health counseling or marital and family therapy  
7 pursuant to section 154D.7, and who provides services under  
8 the supervision of a qualified supervisor as determined by the  
9 board of behavioral science by rule.

10 2. A policy or contract subject to this section shall  
11 not impose a practice or supervision restriction which is  
12 inconsistent with or more restrictive than the authority  
13 already granted by law, including the authority to provide  
14 supervision in person or remotely through electronic means as  
15 specified by rule of the applicable licensing board.

16 3. The requirements of this section apply to and supersede  
17 any conflicting requirements regarding services provided under  
18 a policy or contract, which is delivered, issued for delivery,  
19 continued, or renewed in this state on or after the effective  
20 date of this Act, and apply to and supersede any conflicting  
21 requirements regarding services contained in an existing policy  
22 or contract on the policy's or contract's anniversary or  
23 renewal date, whichever is later.

24 4. For the purposes of this section, third-party payment or  
25 prepayment includes an individual or group policy of accident  
26 or health insurance or individual or group hospital or health  
27 care service contract issued pursuant to chapter 509, 514, or  
28 514A, an individual or group health maintenance organization  
29 contract issued and regulated under chapter 514B, or a  
30 preferred provider organization contract regulated pursuant to  
31 chapter 514F.

32 5. Nothing in this section shall be interpreted to require  
33 an individual or group health maintenance organization or a  
34 preferred provider organization or arrangement to provide  
35 payment or prepayment for services provided by a licensed

1 master social worker providing behavioral health services  
2 under the supervision of an independent social worker, or to  
3 a licensed mental health counselor or licensed marital and  
4 family therapist who holds a temporary license to practice  
5 mental health counseling or marital and family therapy  
6 providing behavioral health services under the supervision of  
7 a qualified supervisor, as specified in this section, unless  
8 the supervising independent social worker or the qualified  
9 supervisor, respectively, has entered into a contract or other  
10 agreement to provide behavioral health services with the  
11 individual or group health maintenance organization or the  
12 preferred provider organization or arrangement.

13 Sec. 139. NEW SECTION. 514C.33 **Services provided by**  
14 **provisionally licensed psychologists.**

15 1. Notwithstanding section 514C.6, a policy or contract  
16 providing for third-party payment or prepayment of health or  
17 medical expenses shall include a provision for the payment of  
18 necessary behavioral health services provided by a person who  
19 holds a provisional license to practice psychology pursuant to  
20 section 154B.6, and who practices under the supervision of a  
21 supervisor who meets the qualifications determined by the board  
22 of psychology by rule.

23 2. A policy or contract subject to this section shall  
24 not impose a practice or supervision restriction which is  
25 inconsistent with or more restrictive than the authority  
26 already granted by law, including the authority to provide  
27 supervision in person or remotely through electronic means as  
28 specified by rule of the board of psychology.

29 3. The requirements of this section apply to and supersede  
30 any conflicting requirements regarding services provided under  
31 a policy or contract which is delivered, issued for delivery,  
32 continued, or renewed in this state on or after the effective  
33 date of this Act, and apply to and supersede any conflicting  
34 requirements regarding services contained in an existing policy  
35 or contract on the policy's or contract's anniversary or

1 renewal date, whichever is later.

2 4. For the purposes of this section, third-party payment or  
3 prepayment includes an individual or group policy of accident  
4 or health insurance or individual or group hospital or health  
5 care service contract issued pursuant to chapter 509, 514, or  
6 514A, an individual or group health maintenance organization  
7 contract issued and regulated under chapter 514B, or a  
8 preferred provider organization contract regulated pursuant to  
9 chapter 514F.

10 5. Nothing in this section shall be interpreted to require  
11 an individual or group health maintenance organization or a  
12 preferred provider organization or arrangement to provide  
13 payment or prepayment for services provided by a provisionally  
14 licensed psychologist providing behavioral health services  
15 under the supervision of a supervisor as specified in this  
16 section, unless the supervisor has entered into a contract or  
17 other agreement to provide behavioral health services with the  
18 individual or group health maintenance organization or the  
19 preferred provider organization or arrangement.

20 Sec. 140. EFFECTIVE DATE. This division of this Act, being  
21 deemed of immediate importance, takes effect upon enactment.

22 DIVISION XXIX

23 PHARMACY BENEFITS MANAGER — RIGHTS OF COVERED INDIVIDUALS

24 Sec. 141. NEW SECTION. 510B.10 Rights related to covered  
25 individuals.

26 1. A pharmacy or pharmacist, as defined in section 155A.3,  
27 has the right to provide a covered individual information  
28 regarding the amount of the covered individual's cost share  
29 for a prescription drug. A pharmacy benefits manager shall  
30 not prohibit a pharmacy or pharmacist from discussing any such  
31 information or from selling a more affordable alternative to  
32 the covered individual, if one is available.

33 2. A health benefit plan, as defined in section 514J.102,  
34 issued or renewed on or after July 1, 2018, that provides  
35 coverage for pharmacy benefits shall not require a covered

1 individual to pay a copayment for pharmacy benefits that  
2 exceeds the pharmacy's or pharmacist's submitted charges.

3 3. Any amount paid by a covered individual for a covered  
4 prescription drug pursuant to this section shall be applied  
5 toward any deductible imposed by the covered individual's  
6 health benefit plan in accordance with the covered individual's  
7 health benefit plan coverage documents.

8 4. To the extent that any provision of this section is  
9 inconsistent or conflicts with applicable federal law, rule,  
10 or regulation, such federal law, rule, or regulation shall  
11 prevail to the extent necessary to eliminate the inconsistency  
12 or conflict.

13 EXPLANATION

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

16 This bill relates to appropriations for health and human  
17 services for fiscal year 2018-2019 to the department of  
18 veterans affairs, Iowa veterans home, department on aging  
19 (IDA), office of long-term care ombudsman, department of public  
20 health (DPH), Iowa finance authority, department of human  
21 rights, and department of human services (DHS).

22 The bill is organized into divisions.

23 DEPARTMENT ON AGING. This division makes appropriations  
24 from the general fund of the state to the department on aging  
25 for FY 2018-2019.

26 OFFICE OF LONG-TERM CARE OMBUDSMAN. This division makes  
27 appropriations from the general fund of the state to the office  
28 of long-term care ombudsman for FY 2018-2019.

29 DEPARTMENT OF PUBLIC HEALTH. This division makes  
30 appropriations from the general fund of the state to the  
31 department of public health for FY 2018-2019.

32 DEPARTMENT OF VETERANS AFFAIRS AND IOWA VETERANS HOME. This  
33 division makes appropriations from the general fund of the  
34 state to the department of veterans affairs for FY 2018-2019  
35 for administration, the Iowa veterans home, for transfer to



1 the Iowa finance authority for the home ownership assistance  
2 program, and for the county commissions of veteran affairs.

3 DEPARTMENT OF HUMAN SERVICES. This division makes  
4 appropriations from the general fund of the state and the  
5 federal temporary assistance for needy families block grant  
6 to DHS for FY 2018-2019. The allocation for the family  
7 development and self-sufficiency grant program is made directly  
8 to the department of human rights. The reimbursement section  
9 addresses reimbursement for providers reimbursed by the  
10 department of human services.

11 HEALTH CARE ACCOUNTS AND FUNDS. This division makes certain  
12 health-related appropriations for FY 2018-2019. A number  
13 of the appropriations are made for purposes of the medical  
14 assistance (Medicaid) program in addition to the general fund  
15 appropriations made for this purpose for the same fiscal year.

16 PRIOR YEAR APPROPRIATIONS AND OTHER PROVISIONS. This  
17 division adjusts allocations and provides for the  
18 prioritization of the use of TANF funds that are not necessary  
19 for the purposes for which they are allocated; provides  
20 that any portion of the funds transferred from the Medicaid  
21 appropriation to the appropriations for general administration,  
22 medical contracts, the children's health insurance program, or  
23 field operations may be used, in addition to the payment error  
24 rate measurement (PERM) program, for other reviews and quality  
25 control activities to improve program integrity; provides for  
26 the nonreversion of funds appropriated for FY 2017-2018 for  
27 state supplementary assistance, the juvenile institution, the  
28 mental health institutes, the state resource centers, and  
29 sexually violent predators; and adjusts the state payment  
30 program federal funds amounts appropriated for federal fiscal  
31 years 2017-2018 and 2018-2019. These provisions take effect  
32 upon enactment and are retroactively applicable to July 1,  
33 2017.

34 DECATEGORIZATION. This division provides for the transfer  
35 to the medical assistance appropriation for FY 2018-2019

1 of state-appropriated moneys in the funding pool for  
2 decategorization that remain unencumbered or unobligated at  
3 the close of the fiscal year beginning July 1, 2015, and that  
4 were deemed carryover funding to remain available for the two  
5 succeeding fiscal years that still remain unencumbered or  
6 unobligated at the close of the fiscal year beginning July  
7 1, 2017. This provision takes effect upon enactment and is  
8 retroactively applicable to July 1, 2017.

9 STATE CASES. This division eliminates the state's  
10 responsibility for payment of the costs of mental health  
11 and disability services provided to an individual whose  
12 county of residence cannot be determined, and eliminates  
13 the responsibility of both the state and any region for the  
14 costs of mental health and disability services provided to an  
15 individual who is not a resident of the state. The division  
16 makes other conforming changes related to the elimination of  
17 the references to state cases.

18 MEDICAID CLAIMING. This division authorizes the department  
19 on aging to implement Medicaid claiming for certain aging and  
20 disability resource center activities. The division takes  
21 effect upon enactment.

22 VETERANS AFFAIRS — EXECUTIVE DIRECTOR. This division  
23 provides that the salary range for the executive director of  
24 the department of veterans affairs is a range 5 rather than a  
25 range 3 position. This division takes effect upon enactment.

26 FAMILY PLANNING SERVICES PROGRAM. This division provides  
27 for the participation of certain providers in the state family  
28 planning services program by allowing that any entity that  
29 performs abortions or that maintains or operates a facility  
30 where abortions are performed is not to be interpreted to  
31 include a nonpublic entity that is a distinct location of  
32 a nonprofit health care delivery system, if the distinct  
33 location provides family planning services but does not perform  
34 abortions or maintain or operate as a facility where abortions  
35 are performed.

1 PROVISIONAL REGIONALIZATION AUTHORIZATION. This division  
2 provides that upon receiving a request to be removed from the  
3 region from any county within the county social services mental  
4 health and disability services region, the director of the  
5 department of human services may authorize the county to join  
6 in the formation of a proposed new mental health and disability  
7 services region, subject to certain requirements. The division  
8 provides that if approved by the department, the region shall  
9 commence full operations no later than July 1, 2019.

10 The division amends current law to specify that only a  
11 region formed prior to July 1, 2014, may be exempt from  
12 the requirement to enter into a regional mental health and  
13 disabilities services region under Code section 331.389.

14 The division takes effect upon enactment.

15 MANDATORY REPORTER TRAINING AND CERTIFICATION WORKGROUP.

16 This division requires the department of human services  
17 to facilitate a study by a workgroup, in cooperation with  
18 the departments of education and public health, related to  
19 mandatory child abuse and mandatory dependent adult abuse  
20 reporter training and certification requirements. The  
21 workgroup is required to develop interdepartmental strategies  
22 for improving mandatory child abuse and mandatory dependent  
23 adult abuse reporter training and certification requirements  
24 and to submit a report with recommendations to the governor and  
25 the general assembly on or before December 15, 2018.

26 NURSING FACILITY QUALITY ASSURANCE ASSESSMENT. This  
27 division adjusts the maximum amount for the nursing facility  
28 quality assurance assessment to provide that the maximum shall  
29 not exceed the maximum amount allowed under federal law, rather  
30 than the lower of 3 percent of the aggregate non-Medicare  
31 revenues of a nursing facility or the maximum amount allowed  
32 under federal law. The division also clarifies that the  
33 moneys in the quality assurance trust fund are to be used by  
34 the department of human services only for reimbursement of  
35 nursing facility services for which Medicaid federal financial

1 participation is available.

2 SEXUAL OFFENSES AND SEX OFFENDERS. This division relates to  
3 sexually violent predators and accumulation of earned time by  
4 offenders.

5 The division strikes a provision permitting a person  
6 committed as a sexually violent predator under Code chapter  
7 229A (committed person) to be released from a secure facility  
8 or a transitional release program without supervision.  
9 Currently, a committed person may be released with or without  
10 supervision.

11 Currently, if a committed person absconds from the  
12 transitional release program, the court is required to set a  
13 hearing within five days of the committed person's return to a  
14 secure facility in order to determine if a violation occurred.  
15 The division strikes the five-day requirement and instead  
16 requires the court to schedule a hearing after receiving notice  
17 that the committed person has been returned to the secure  
18 facility.

19 Under current law, if the court or jury has determined that a  
20 committed person should be discharged from the sexually violent  
21 predator program, the court may release the committed person  
22 with or without supervision prior to such discharge, if the  
23 court determines it is in the best interests of the community.  
24 Under the division, if the court or jury has determined that a  
25 committed person should be released from a secure facility or a  
26 transitional release program, but the court has determined the  
27 committed person suffers from a mental abnormality and it is in  
28 the best interest of the community, the court shall release the  
29 committed person with supervision prior to discharge.

30 Currently, the department of human services is the only  
31 designated agency that is not liable for the acts of a  
32 committed person released with supervision. Under the  
33 division, if a committed person is released with supervision,  
34 the division specifies that a judicial district of department  
35 of correctional services shall not be held liable for any acts

1 of the committed person.

2 If a person is released with supervision, and the person  
3 absconds in violation of the release plan, the division strikes  
4 the requirement that a hearing be held within five days of  
5 the committed person's return to a secure facility in order  
6 to determine if a violation occurred and instead requires the  
7 court to schedule a hearing after the committed person has been  
8 returned to a secure facility.

9 The division also provides that child abuse includes a  
10 person who is responsible for the care of a child knowingly  
11 allowing another person custody of, control over, or  
12 unsupervised access to a child under the age of 14 or a child  
13 with a physical or mental disability, after knowing the other  
14 person is required to register or is on the sex offender  
15 registry. The division provides exceptions for a child living  
16 with a parent or guardian who is a sex offender required to  
17 register or on the sex offender registry, a child living with  
18 a parent or guardian who is married to and living with a sex  
19 offender required to register or on the sex offender registry,  
20 and a child who is a sex offender required to register or on the  
21 sex offender registry who is living with the child's parent,  
22 guardian, or foster parent and is also living with the child to  
23 whom access was allowed.

24 MEDICAID RETROACTIVE ELIGIBILITY. This division provides  
25 that effective July 1, 2018, a three-month retroactive Medicaid  
26 coverage benefit shall apply to Medicaid applicants who are  
27 residents of licensed nursing facilities. The division takes  
28 effect upon enactment.

29 MENTAL HEALTH AND DISABILITY SERVICES — TRANSFER OF FUNDS.  
30 This division provides that notwithstanding a provision to the  
31 contrary, a county with a population of over 300,000 based on  
32 the most recent federal decennial census, may transfer funds  
33 from any other fund of the county not comprised of revenue  
34 generated by a levy to the mental health and disability  
35 regional services fund for purposes of providing mental health

1 and disability services for the fiscal year beginning July 1,  
2 2018, and ending June 30, 2019. The county is required to  
3 submit a report to the governor and the general assembly by  
4 September 1, 2019, regarding the activities related to the  
5 transfer of any funds.

6 MISCELLANEOUS TECHNICAL PROVISIONS. This division makes  
7 technical changes to Code section 135.15, updating the name of  
8 the oral health bureau to the oral and health delivery system  
9 bureau and providing a context for the use of the definition  
10 of "dental home"; and to Code section 135.175 relating to the  
11 nurse residency state matching grants program.

12 STATE TRAINING SCHOOL. This division relates to the state  
13 training school at Eldora. Under current law, "state training  
14 school" is defined to include units for juvenile delinquents  
15 located at Eldora and Toledo. The division amends the  
16 definition of "state training school" to eliminate references  
17 to Toledo and makes conforming changes to Code sections 233A.14  
18 (transfers to other institutions) and 915.29 (notification of  
19 victim of juvenile by department of human services).

20 GERIATRIC PATIENT HOUSING REVIEW. This division requires  
21 the department on aging and the department of human services,  
22 inspections and appeals, and corrections during the 2018  
23 legislative interim to cooperatively review issues and develop  
24 policy recommendations relating to housing for geriatric  
25 persons including geriatric individuals on the sex offender  
26 registry or who are sexually aggressive. The agencies are  
27 directed to submit a joint report with recommendations to the  
28 governor and general assembly by December 15, 2018.

29 DISTRIBUTION OF FEDERAL FUNDS — ABORTIONS. This division  
30 includes limitations on the distribution to certain applicants  
31 of federal funds received under Title X of the federal Public  
32 Health Services Act, the personal responsibility education  
33 program, the abstinence education grant program, and the  
34 community adolescent pregnancy prevention and services grant  
35 program, based on whether the applicant performs abortions or

1 maintains or operates a facility where abortions are performed.

2       WRONGFUL BIRTH OR WRONGFUL LIFE CAUSE OF ACTION. This  
3 division relates to causes of action for wrongful birth and  
4 wrongful life. The division prohibits a cause of action and  
5 the awarding of damages on behalf of a person, based on a  
6 wrongful birth claim that, but for an act or omission of the  
7 defendant, a child would not or should not have been born. The  
8 division also prohibits a cause of action and the awarding of  
9 damages on behalf of any person, based on a wrongful life claim  
10 that, but for an act or omission of the defendant, the person  
11 bringing the action would not or should not have been born.

12       The prohibitions apply to any claim regardless of whether  
13 the child is born healthy or with a birth defect or disorder or  
14 other adverse medical condition. However, the division does  
15 not apply to a civil action for damages for an intentional  
16 or grossly negligent act or omission, including any act or  
17 omission that constitutes a public offense, or to a civil  
18 action for damages for the intentional failure of a physician  
19 to comply with the duty imposed by licensure to provide a  
20 patient with all information reasonably necessary to make  
21 decisions about a pregnancy.

22       The division takes effect upon enactment and applies to a  
23 cause of action that accrues on or after the effective date of  
24 the division. A cause of action that accrues before that date  
25 is governed by the law applicable to such a cause of action  
26 prior to that date.

27       The division, in part, is a response to the Iowa supreme  
28 court's decision in *Plowman v. Fort Madison Community Hospital*,  
29 No. 15-0974 (June 2, 2017), holding, in part, that a wrongful  
30 birth action fits within common law tort principles governing  
31 medical negligence claims.

32       TRANSFER OF FUNDS BETWEEN DHS INSTITUTIONS. This division  
33 requires the department of human services to report any  
34 transfer made during a fiscal quarter by the director of DHS  
35 between appropriations made to the institutions under the

1 purview of the department, that are not subject to prior  
2 written consent and approval of the governor and the department  
3 of management, to the legislative services agency within 30  
4 days of the beginning of the subsequent fiscal quarter.

5 MEDICAL CANNABIDIOL. This division relates to the  
6 collection of fees and the performance of background  
7 investigations under the medical cannabidiol Act (Code chapter  
8 124E).

9 With respect to fees collected by the department of public  
10 health pursuant to Code chapter 124E, the department shall  
11 use such fees for the operation of the medical cannabidiol  
12 registration card program and the medical cannabidiol  
13 manufacturer and medical cannabidiol dispensary licensing  
14 programs. Any remaining funds are to be used to administer any  
15 of the department's duties under Code chapter 124E, including  
16 the addition of full-time equivalent positions for program  
17 services and investigations.

18 The division also directs the division of criminal  
19 investigation of the department of public safety to conduct  
20 background investigations of applicants for medical cannabidiol  
21 manufacturer and medical cannabidiol dispensary licenses,  
22 including employees, owners of, and investors in, any such  
23 applicants. In addition to the background investigation,  
24 the department of public safety must require applicants,  
25 their employees, and their owners and investors to submit  
26 fingerprints and other identifying information to the  
27 department for submittal to the federal bureau of investigation  
28 for the purpose of conducting a national criminal history  
29 record check. The department of public safety shall collect  
30 fees to offset the costs associated with the background  
31 investigations and the criminal history record checks.

32 The division takes effect upon enactment.

33 DHS PROGRAMS AND ACTIVITIES. This division relates to  
34 programs and activities under the purview of the department of  
35 human services including inmates of public institutions under



1 the Medicaid program; Medicaid program administration; Medicaid  
2 program pharmacy copayments; the medical assistance advisory  
3 council; and reimbursement for targeted case management  
4 services and for inpatient psychiatric services for individuals  
5 under 21 years of age.

6       PREAPPLICATION SCREENING ASSESSMENTS. This division relates  
7 to preapplication screening assessments for mental health and  
8 substance abuse commitments. Under current law, the state  
9 court administrator prescribes practices and procedures for  
10 implementation of the preapplication screening assessment  
11 program for both mental health and substance abuse commitments.  
12 The division strikes the requirements the court administrator  
13 prescribes practices and procedures for implementation of the  
14 preapplication screening assessment program for the mental  
15 health commitments. Under 2018 Acts, House File 2456, section  
16 15, the department of human services, in coordination with the  
17 mental health and disability services commission, instead is  
18 required to adopt administrative rules pursuant to Code chapter  
19 17A, relating to the civil commitment prescreening assessments.

20       COVERAGE OF BEHAVIORAL HEALTH SERVICES PROVIDED BY CERTAIN  
21 PROVIDERS. This division provides for coverage under the  
22 Medicaid program and through third-party payment or prepayment  
23 policies or contracts for licensed marital and family  
24 therapists, licensed master social workers, licensed mental  
25 health counselors, and psychologists, holding provisional  
26 or temporary licenses and practicing under the supervision  
27 of a specified supervisor. The division takes effect upon  
28 enactment.

29       PHARMACY BENEFITS MANAGER — RIGHTS OF COVERED INDIVIDUALS.  
30 This division establishes certain requirements regarding a  
31 pharmacy benefits manager relative to a covered individual.