

Senate Study Bill 3222 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON SCHNEIDER)

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

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

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

10 For aging programs for the department on aging and area
11 agencies on aging to provide citizens of Iowa who are 60 years
12 of age and older with case management for frail elders, Iowa's
13 aging and disabilities resource center, and other services
14 which may include but are not limited to adult day services,
15 respite care, chore services, information and assistance,
16 and material aid, for information and options counseling for
17 persons with disabilities who are 18 years of age or older,
18 and for salaries, support, administration, maintenance, and
19 miscellaneous purposes, and for not more than the following
20 full-time equivalent positions:

21	\$	5,521,238
22		<u>11,042,924</u>
23	FTEs	27.00

24 Sec. 2. 2017 Iowa Acts, chapter 174, section 40, subsections
25 2, 4, 5, 6, and 7, are amended to read as follows:

26 2. Of the funds appropriated in this section, ~~\$139,973~~
27 \$279,946 is transferred to the economic development authority
28 for the Iowa commission on volunteer services to be used for
29 the retired and senior volunteer program.

30 4. Of the funds appropriated in this section, at least
31 ~~\$125,000~~ \$250,000 shall be used to fund the unmet needs
32 identified through Iowa's aging and disability resource center
33 network.

34 5. Of the funds appropriated in this section, at
35 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	\$	12,492,915
29		<u>24,804,344</u>
30	FTEs	10.00
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	\$	2,085,375
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	\$	1,453,888
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 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	\$	3,614,070
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	\$	1,000,000
35		<u>2,000,000</u>

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

2	.....	\$	2,787,846
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	.....	\$	1,449,490
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	.....	\$	15,648,116
18			<u>31,296,232</u>

19 5. For general administration:

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

22 6. For state child care assistance:

23	.....	\$	23,933,413
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	\$	6,293,317
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	\$ 8,813,232
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 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	\$ 43,639,687
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	.....	\$	24,242,217
10			<u>49,074,517</u>
11	.....	FTEs	1,583.00
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	.....	\$	7,016,520
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	\$	7,672,390
5		<u>8,022,390</u>

6 (2) FFY 2018-2019:

7	\$	7,672,390
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	\$	600,000
17		<u>250,000</u>

18 (2) FFY 2018-2019:

19	\$	600,000
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,

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		<u>1,913,203</u>

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 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 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

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

16

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

24

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

28

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

39

40 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 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 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 DECATORIZATION. 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.