

House File 2466 - Introduced

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A BILL FOR

1 An Act establishing a mental health and disability services
2 risk pool and risk pool board, making appropriations, and
3 including effective date provisions.

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

1 Section 1. NEW SECTION. 426B.5A Risk pool.

2 1. For the purposes of this section, unless the context
3 otherwise requires:

4 a. "*County services fund*" means the same as defined in
5 section 331.424A.

6 b. "*Mental health and disability services region*" means
7 a mental health and disability services region formed in
8 accordance with section 331.389.

9 c. "*Regional administrator*" means the regional administrator
10 of a mental health and disability services region, as defined
11 in section 331.388.

12 2. a. A risk pool is created in the property tax relief
13 fund under section 426B.1. The pool shall consist of the
14 moneys credited to the pool by law.

15 b. For each fiscal year beginning on or after July 1, 2020,
16 there is appropriated annually from the general fund of the
17 state to the department of human services to be credited to the
18 risk pool twenty-four million two hundred thousand dollars to
19 be used as provided in this section.

20 3. A risk pool board is created. The board shall consist
21 of two county supervisors, two county auditors, a member of
22 the mental health and disability services commission created
23 under section 225C.5 who is not a member of a county board
24 of supervisors, a member of the county finance committee
25 created in chapter 333A who is not an elected official, a
26 representative of a provider of mental health or developmental
27 disabilities services selected from nominees submitted by
28 the Iowa association of community providers, and two staff
29 members of regional administrators of county mental health and
30 disability services regions, all appointed by the governor,
31 and one member appointed by the director of human services.
32 All members appointed by the governor shall be subject to
33 confirmation by the senate. Members shall serve for three-year
34 terms. A vacancy shall be filled in the same manner as the
35 original appointment. Expenses and other costs of the risk

1 pool board members representing counties shall be paid by the
2 county of origin. Expenses and other costs of risk pool board
3 members who do not represent counties shall be paid from a
4 source determined by the governor. Staff assistance to the
5 board shall be provided by the department of human services and
6 counties. Actuarial expenses and other direct administrative
7 costs shall be charged to the risk pool.

8 4. A regional administrator must apply to the risk pool
9 board for assistance from the risk pool on or before October 31
10 preceding the fiscal year for which assistance is requested.
11 The purpose of the assistance shall be to provide financial
12 support for services provided by one or more of the counties
13 comprising the regional administrator's mental health and
14 disability services region. The risk pool board shall make its
15 final decisions on or before December 15 regarding acceptance
16 or rejection of the applications for assistance and the total
17 amount accepted shall be considered obligated.

18 5. Basic eligibility for risk pool assistance requires that
19 a mental health and disability services region meet all of the
20 following conditions:

21 a. The mental health and disability services region is in
22 compliance with the regional service system management plan
23 requirements of section 331.393.

24 b. The counties comprising the mental health and disability
25 services region each levied the maximum amount allowed for the
26 county's services fund under section 331.424A and in compliance
27 with the region's service system management plan for the fiscal
28 year of application for risk pool assistance.

29 c. The mental health and disability services region's cash
30 flow amount, either reserved in the region's combined account
31 or reserved among all separate county accounts under the
32 control of the region's governing board, does not exceed forty
33 percent of the gross expenditures from the combined account or
34 from all separate county accounts under control of the region's
35 governing board for the fiscal year preceding the fiscal year

1 in progress.

2 6. The risk pool board shall review the fiscal year-end
3 financial records for all mental health and disability services
4 regions that are granted risk pool assistance. If the board
5 determines a mental health and disability services region's
6 actual need for risk pool assistance was less than the amount
7 of risk pool assistance granted to the mental health and
8 disability services region, the mental health and disability
9 services region shall refund the difference between the amount
10 of assistance granted and the actual need. The mental health
11 and disability services region shall submit the refund within
12 thirty days of receiving notice from the board. Refunds shall
13 be credited to the risk pool. The mental health and disability
14 services commission shall adopt rules pursuant to chapter 17A
15 providing criteria for the purposes of this subsection and as
16 necessary to implement the other provisions of this section.

17 7. The risk pool board shall determine application
18 requirements to ensure prudent use of risk pool assistance.
19 The board may accept or reject an application for assistance in
20 whole or in part. The decision of the board is final.

21 8. The total amount of risk pool assistance shall be limited
22 to the amount available in the risk pool for a fiscal year. Any
23 unobligated balance in the risk pool at the close of a fiscal
24 year shall remain in the risk pool for distribution in the
25 succeeding fiscal year.

26 9. Risk pool assistance shall only be made available to
27 address one or more of the following:

28 a. Continuing support for mandated services or
29 implementation of mandated services.

30 b. Avoiding the need for reduction or elimination of
31 critical services when the reduction or elimination places
32 consumers' health or safety at risk.

33 c. Avoiding the need for reduction or elimination of a
34 mobile crisis team or other critical emergency services when
35 the reduction or elimination places the public's health or

1 safety at risk.

2 *d.* Avoiding the need for reduction or elimination of
3 the services or other support provided to entire disability
4 populations.

5 *e.* Avoiding the need for reduction or elimination of
6 services or other support that maintain consumers in a
7 community setting, creating a risk that the consumers would be
8 placed in more restrictive, higher cost settings.

9 *f.* Implementing the children's behavioral health core
10 service domains under section 331.397A.

11 10. Subject to the amount available and obligated from
12 the risk pool for a fiscal year, the department of human
13 services shall annually calculate the amount of moneys due
14 to eligible mental health and disability services regions in
15 accordance with the risk pool board's decisions and that amount
16 is appropriated from the risk pool to the department of human
17 services for payment of the moneys due. The department shall
18 authorize the issuance of warrants payable to the mental health
19 and disability services regions for the amounts due and the
20 warrants shall be issued on or before January 1.

21 11. On or before March 1 and September 1 of each fiscal
22 year, the department of human services shall provide the risk
23 pool board with a report of the financial condition of the risk
24 pool.

25 12. If the risk pool board has made its decisions but has
26 determined that there are otherwise qualifying requests for
27 risk pool assistance that are beyond the amount available in
28 the risk pool fund for a fiscal year, the board shall compile
29 a list of such requests and the supporting information for
30 the requests. The list and information shall be submitted
31 to the mental health and disability services commission, the
32 department of human services, and the general assembly.

33 Sec. 2. EMERGENCY RULES. The mental health and disability
34 services commission, in accordance with the consultation
35 requirements of section 426B.4, may adopt emergency rules under

1 section 17A.4, subsection 3, and section 17A.5, subsection 2,
2 paragraph "b", to implement the provisions of this Act and
3 the rules shall be effective immediately upon filing unless
4 a later date is specified in the rules. Any rules adopted
5 in accordance with this section shall also be published as a
6 notice of intended action as provided in section 17A.4.

7 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
8 importance, takes effect upon enactment.

9

EXPLANATION

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

12 This bill establishes a risk pool within the property tax
13 relief fund under Code section 426B.1 to provide funds to
14 mental health and disability services regions with an actual
15 need for risk pool assistance funding to implement or continue
16 specified required mental health and disability services for
17 adults and children. In addition to other moneys credited
18 to the risk pool by law, for each fiscal year beginning on
19 or after July 1, 2020, there is appropriated \$24.2 million
20 annually from the general fund of the state to the department
21 of human services to be credited to the risk pool.

22 The bill creates a risk pool board. The board shall consist
23 of two county supervisors, two county auditors, a member of
24 the mental health and disability services commission who is
25 not a member of a county board of supervisors, a member of the
26 county finance committee who is not an elected official, a
27 representative of a provider of mental health or developmental
28 disabilities services selected from nominees submitted by
29 the Iowa association of community providers, and two staff
30 members of regional administrators of county mental health and
31 disability services regions, all appointed by the governor,
32 and one member appointed by the director of human services.
33 All members appointed by the governor shall be subject to
34 confirmation by the senate. Members shall serve for three-year
35 terms.

1 To receive funding, a regional administrator must apply
2 to the risk pool board for assistance from the risk pool on
3 or before October 31 preceding the fiscal year for which
4 assistance is requested. The purpose of the assistance shall
5 be to provide financial support for services provided by one or
6 more of the counties comprising the regional administrator's
7 mental health and disability services region. The risk pool
8 board shall make its final decisions on or before December
9 15 regarding acceptance or rejection of the applications for
10 assistance and the total amount accepted shall be considered
11 obligated.

12 The bill establishes basic eligibility for risk pool
13 assistance, requires the risk pool board to review the fiscal
14 year-end financial records for all mental health and disability
15 services regions that are granted risk pool assistance, directs
16 the risk pool board to determine application requirements to
17 ensure prudent use of risk pool assistance, and establishes the
18 circumstances under which risk pool assistance is to be made
19 available.

20 The bill authorizes the mental health and disability
21 services commission to adopt emergency rules to implement the
22 provisions of the bill.

23 The bill takes effect upon enactment.