

Senate Study Bill 3123 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HEALTH AND HUMAN SERVICES
BILL)

A BILL FOR

1 An Act relating to the elimination of certain required
2 reports by and duties of the department of health and human
3 services, and including effective date and retroactive
4 applicability provisions.

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

1 Section 1. Section 135.16A, subsection 2, paragraph b, Code
2 2024, is amended to read as follows:

3 b. If necessary to implement, administer, and enforce this
4 section, the department, in cooperation with the department
5 of agriculture and land stewardship, shall submit a request
6 to the United States department of agriculture for a waiver
7 or other exception from regulations as deemed feasible by the
8 department. ~~The department shall regularly report the status
9 of such request to the legislative services agency.~~

10 Sec. 2. Section 135.181, subsection 4, Code 2024, is amended
11 by striking the subsection.

12 Sec. 3. Section 139A.26, subsection 5, Code 2024, is amended
13 to read as follows:

14 5. The department shall adopt rules for administration of
15 this section. ~~The department shall review the requirements
16 of [this section](#) at least every five years, and shall submit
17 its recommendations for modification to, or continuation of,
18 [this section](#) based upon new information about the disease
19 or vaccination against the disease in a report that shall
20 be submitted to the general assembly no later than January
21 15, 2010, with subsequent reports developed and submitted by
22 January 15 at least every fifth year thereafter.~~

23 Sec. 4. Section 142A.4, subsection 12, Code 2024, is amended
24 by striking the subsection.

25 Sec. 5. Section 142A.5, subsection 8, Code 2024, is amended
26 to read as follows:

27 8. Provide necessary information to the commission to
28 assist the commission in ~~making its annual report to the joint
29 appropriations subcommittee pursuant to [section 142A.4](#), and in
30 fulfilling other commission~~ the commission's duties pursuant
31 to [section 142A.4](#).

32 Sec. 6. Section 225C.7A, subsection 8, paragraph i, Code
33 2024, is amended by striking the paragraph.

34 Sec. 7. Section 225C.36, Code 2024, is amended to read as
35 follows:

1 **225C.36 Family support subsidy program.**

2 A family support subsidy program is created as specified in
3 this subchapter. The purpose of the family support subsidy
4 program is to keep families together by defraying some of the
5 special costs of caring for a family member at home. The
6 department shall adopt rules to implement the purposes of this
7 section and [sections 225C.37 through 225C.42](#) [225C.41](#) which
8 assure that families retain the greatest possible flexibility
9 in determining appropriate use of the subsidy.

10 Sec. 8. Section 225D.2, subsection 5, paragraph d, Code
11 2024, is amended by striking the paragraph.

12 Sec. 9. Section 231E.4, subsection 3, paragraph h, Code
13 2024, is amended to read as follows:

14 *h.* Maintain statistical data on the local offices including
15 various methods of funding, the types of services provided, and
16 the demographics of the wards and clients, ~~and report to the~~
17 ~~general assembly on or before November 1, annually, regarding~~
18 ~~the local offices and recommend any appropriate legislative~~
19 ~~action.~~

20 Sec. 10. Section 235A.23, Code 2024, is amended to read as
21 follows:

22 **235A.23 Reports.**

23 ~~1.~~ The department may compile statistics, conduct research,
24 and issue reports on child abuse, provided identifying details
25 of the subject of child abuse reports are deleted from any
26 report issued.

27 ~~2.~~ ~~The department shall issue an annual report on its~~
28 ~~administrative operation, including information as to the~~
29 ~~number of requests for child abuse data, the proportion of~~
30 ~~requests attributable to each type of authorized access, the~~
31 ~~frequency and nature of irregularities, and other pertinent~~
32 ~~matters.~~

33 Sec. 11. Section 235B.13, Code 2024, is amended to read as
34 follows:

35 **235B.13 Registry reports.**

1 ~~1.~~ The registry may compile statistics, conduct research,
2 and issue reports on dependent adult abuse, provided
3 identifying details of the subjects of dependent adult abuse
4 reports are deleted from any report issued.

5 ~~2.~~ ~~The registry shall issue an annual report on its~~
6 ~~administrative operation, including information as to the~~
7 ~~number of requests for dependent adult abuse data, the~~
8 ~~proportion of requests attributable to each type of authorized~~
9 ~~access, the frequency and nature of irregularities, and other~~
10 ~~pertinent matters.~~

11 Sec. 12. Section 249A.4, subsection 1, Code 2024, is amended
12 to read as follows:

13 1. Determine the greatest amount, duration, and scope
14 of assistance which may be provided, and the broadest range
15 of eligible individuals to whom assistance may effectively
16 be provided, under **this chapter** within the limitations of
17 available funds. ~~In so doing, the director shall at least~~
18 ~~every six months evaluate the scope of the program currently~~
19 ~~being provided under **this chapter**, project the probable cost~~
20 ~~of continuing a like program, and compare the probable cost~~
21 ~~with the remaining balance of the state appropriation made for~~
22 ~~payment of assistance under **this chapter** during the current~~
23 ~~appropriation period. After each evaluation of the scope of~~
24 ~~the program, the director shall report to the general assembly~~
25 ~~through the legislative council or in another manner as the~~
26 ~~general assembly may by resolution direct.~~

27 Sec. 13. Section 249A.24, subsection 4, Code 2024, is
28 amended by striking the subsection.

29 Sec. 14. Section 514I.5, subsection 6, paragraphs f and j,
30 Code 2024, are amended by striking the paragraphs.

31 Sec. 15. 2013 Iowa Acts, chapter 138, section 52, is amended
32 to read as follows:

33 SEC. 52. PILOT PROJECT — GUARDIANSHIP AND CONSERVATORSHIP
34 MONITORING. The department ~~on aging of health and human~~
35 services shall collaborate with the national health law and

1 policy resource center at the university of Iowa college of
2 law to establish a three-year pilot project to train, recruit,
3 and oversee volunteers to assist the courts in monitoring
4 guardianships and conservatorships and to provide assistance
5 to guardians and conservators. The pilot project shall be
6 implemented initially in the sixth judicial district. The
7 pilot project shall be utilized to establish a basis for
8 an ongoing guardianship and conservatorship monitoring and
9 assistance program administered through the department on
10 aging of health and human services. ~~The department on aging~~
11 ~~shall submit an annual report to the individuals identified~~
12 ~~in this Act for submission of reports. The annual report~~
13 ~~shall include the objectives and results for the pilot project~~
14 ~~year, how the funds allocated were utilized in meeting the~~
15 ~~pilot project's objectives, the number of individuals served,~~
16 ~~the types of services provided, any other sources of funding~~
17 ~~utilized or identified as available for the pilot project, and~~
18 ~~the continuing needs of the pilot project.~~

19 Sec. 16. 2019 Iowa Acts, chapter 85, section 98, subsection
20 5, is amended by striking the subsection.

21 Sec. 17. REPEAL. Sections 142C.17, 217.21, 225C.42, and
22 225C.69, Code 2024, are repealed.

23 Sec. 18. PUBLIC AVAILABILITY OF INFORMATION AND DATA FROM
24 ELIMINATED REQUIRED REPORTING. Information and data otherwise
25 required by the reporting requirements eliminated under this
26 Act relating to federal nutrition program egg sales, the
27 board-certified behavior analyst and board-certified assistant
28 behavior analyst grants program and fund, meningococcal disease
29 vaccination information for postsecondary students, tobacco
30 use prevention and control, the condition of the mental health
31 and disability services region incentive fund, the autism
32 support program, the state office of public guardian, the
33 child abuse registry, the dependent adult abuse registry,
34 evaluation of Medicaid program funding and eligibility, the
35 drug utilization review commission's review of drugs on the

1 prior authorization list, the Hawki program, the guardianship
2 and conservatorship pilot project, nonpublic entity receipt of
3 family planning services' funds, anatomical gifts, the annual
4 program expenditures review of the director of health and
5 human services, the evaluation of the family support subsidy
6 program, and the implementation and availability of core
7 services in each mental health and disability services region
8 shall continue to be publicly available through modernized,
9 interactive displays found on the department of health and
10 human services' internet site or upon request.

11 Sec. 19. EFFECTIVE DATE. This Act, being deemed of
12 immediate importance, takes effect upon enactment.

13 Sec. 20. RETROACTIVE APPLICABILITY. This Act applies
14 retroactively to reports due on or after January 1, 2024.

15 EXPLANATION

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

18 This bill makes changes to the reporting requirements for
19 the department of health and human services (HHS).

20 The bill amends Code section 135.16A(2)(b) relating to
21 vendors participating in federal nutrition program egg sales,
22 by eliminating the requirement that HHS regularly report the
23 status of any request to the United States department of
24 agriculture for a waiver or other exception from regulations as
25 deemed feasible by HHS to the legislative services agency.

26 The bill amends Code section 135.181(4) by striking the
27 subsection which requires HHS to submit an annual report to
28 the governor and the general assembly no later than January 1,
29 based on the immediately preceding fiscal year, relating to the
30 board-certified behavior analyst and board-certified assistant
31 behavior analyst grants program and fund, including the number
32 of applications received, the number of applications approved
33 and the total amount of funding awarded in grants, the cost of
34 administering the program, and recommendations for any changes
35 to the program.

1 The bill amends Code section 139A.26(5) relating to
2 meningococcal disease vaccination information for postsecondary
3 students. The bill retains the portion of the subsection
4 requiring HHS to adopt administrative rules to administer the
5 Code section, but eliminates the requirement that HHS review
6 the requirements of the Code section at least every five years
7 and submit recommendations for modification or continuation
8 of the section based on new information about the disease or
9 vaccination against the disease in a report to the general
10 assembly no later than January 15, 2010, with subsequent
11 reports developed and submitted by January 15 at least every
12 fifth year thereafter.

13 The bill amends Code section 142A.4(12) by striking the
14 subsection which requires the tobacco use prevention and
15 control commission to submit an annual report to the governor
16 and the general assembly regarding the comprehensive tobacco
17 use prevention and control initiative, including demonstrated
18 progress based on performance indicators; and to report
19 more frequently if requested by the joint appropriations
20 subcommittee that makes recommendations concerning the
21 commission's budget.

22 The bill makes a conforming change to Code section 142A.5(8)
23 due to the elimination of the requirement of an annual report
24 under Code section 142A.4(12).

25 The bill amends Code section 225C.7A(8)(i) by striking the
26 paragraph that requires HHS, on or before March 1 and September
27 1 of each fiscal year, to provide the governor's office and
28 the general assembly with a report of the financial condition
29 of the mental health and disability services region incentive
30 fund, which includes an itemization of the funding source's
31 balances, types and amount of revenues credited, and payees
32 and payment amounts for the expenditures made from the funding
33 source during the reporting period.

34 The bill makes a conforming change in Code section 225C.36
35 due to the repeal of Code section 225C.42.

1 The bill amends Code section 225D.2(5)(d), relating to the
2 autism support program and fund, by striking the paragraph
3 which requires HHS to submit an annual report to the governor
4 and the general assembly no later than January 1, based on the
5 immediately preceding fiscal year, that includes the total
6 number of applications received under the program, the number
7 of applications approved and the total amount of funding
8 expended for reimbursements under the program, the cost of
9 administering the program, the number of eligible individuals
10 on a waiting list, if any, the amount of funding necessary to
11 reduce the existing waiting list, and recommendations for any
12 changes to the program.

13 The bill amends Code section 231E.4(3)(h), relating to the
14 state office of public guardian, by amending the paragraph to
15 still require that the state office maintain statistical data
16 on the local offices including various methods of funding, the
17 types of services provided, and the demographics of the wards
18 and clients, but eliminating the requirement that this data be
19 reported to the general assembly annually regarding the local
20 offices and recommending any appropriate legislative action.

21 The bill amends Code section 235A.23(2) by striking
22 the subsection which requires HHS to issue an annual
23 report relating to the child abuse registry including its
24 administrative operation, information as to the number of
25 requests for child abuse data, the proportion of requests
26 attributable to each type of authorized access, the frequency
27 and nature of irregularities, and other pertinent matters.

28 The bill amends Code section 235B.13(2) by striking the
29 subsection which required the dependent adult abuse registry
30 to issue an annual report on its administrative operation,
31 including information on the number of requests for dependent
32 adult abuse data, the proportion of requests attributable to
33 each type of authorized access, the frequency and nature of
34 irregularities, and other pertinent matters.

35 The bill amends Code section 249A.4(1), relating to the

1 duties of the director of HHS, to eliminate the requirement
2 that in determining the greatest amount, duration, and scope
3 of assistance and the broadest range of eligible individuals
4 to whom assistance may be provided under the Medicaid chapter
5 within available funds, the director be required to evaluate
6 the scope of the current program at least every six months,
7 project the probable cost of continuing a like program, compare
8 the probable cost with the remaining balance of the state
9 appropriation for the current appropriation period, and report
10 to the general assembly through the legislative council or
11 in another manner as the general assembly may by resolution
12 direct.

13 The bill amends Code section 249A.24(4), by striking the
14 subsection that requires the Iowa medical assistance drug
15 utilization review commission to submit an annual review of
16 the drugs on the HHS's prior authorization list to HHS and
17 the members of the general assembly's joint appropriations
18 subcommittee on health and human services.

19 The bill amends Code section 514I.5(6)(f) and (j)
20 relating to the Hawki board by eliminating the duty of the
21 board prepare and submit an annual report to the governor,
22 the general assembly, and the council on health and human
23 services concerning the board's activities, findings, and
24 recommendations; and the duty of the Hawki board to establish
25 an advisory committee to make recommendations to the Hawki
26 board and to the general assembly annually concerning the
27 provision of health insurance coverage to children with special
28 health care needs.

29 The bill amends 2013 Iowa Acts, chapter 138, section 52,
30 relating to the guardianship and conservatorship pilot project
31 by eliminating the requirement that the department on aging
32 (now HHS) submit an annual report to the chairpersons and
33 ranking members of the joint appropriations subcommittee on
34 health and human services, the legislative services agency,
35 and the legislative caucus staffs. The portion of the section

1 relating to the pilot project's development and implementation
2 is retained and amended to reflect the realignment of the
3 department on aging into HHS.

4 The bill amends 2019 Iowa Acts, chapter 85, section 98,
5 subsection 5, relating to distribution of federal funds for
6 family planning by striking the subsection which required the
7 director of public health to submit a report to the governor
8 and the general assembly, annually by January 1, listing any
9 nonpublic entities that provide family planning services but
10 do not provide required primary health services that received
11 funds, and the amount and type of funds received by such
12 entities during the preceding calendar year, as well as a
13 detailed explanation of how the department determined that
14 distribution of funds to such an entity, instead of to certain
15 other entities was necessary to prevent severe limitation or
16 elimination of access to family planning services in the region
17 of the state where the entity is located.

18 The bill repeals Code section 142C.17 (annual donation
19 and compliance report), relating to anatomical gifts,
20 which requires HHS, in conjunction with any statewide organ
21 procurement organization in Iowa, to prepare and submit a
22 report to the general assembly on or before January 1 regarding
23 organ donation rates and voluntary compliance efforts with
24 hospital organ and tissue donation protocols by physicians,
25 hospitals, and other health systems organizations, including
26 certain prescribed information.

27 The bill repeals Code section 217.21 (annual report) which
28 requires HHS to make an annual report to the governor and
29 general assembly, covering the prior fiscal year, that includes
30 an itemized statement of HHS's expenditures concerning each
31 program under HHS's administration, adequate and complete
32 statistical reports for the state as a whole concerning all
33 payments made under HHS's administration, recommendations as
34 to changes in laws under HHS's administration as the director
35 may deem necessary, observations and recommendations of the

1 director and the council on health and human services relative
2 to HHS programs, and such other information as the director
3 or council deems advisable, or which may be requested by the
4 governor or by the general assembly.

5 The bill repeals Code section 225C.42 (annual evaluation of
6 program), which requires HHS to conduct an annual evaluation of
7 the family support subsidy program and submit the evaluation
8 report with recommendations to the governor and general
9 assembly, on or before October 30 for the latest completed
10 fiscal year.

11 The bill repeals Code section 225C.69 (annual reports),
12 which requires HHS to annually deliver a report to the general
13 assembly providing a summary of the status of implementing core
14 services in each mental health and disability services region,
15 the accessibility of core services in each region, how each
16 region is using regional services funding, and recommendations
17 for improvements to the mental health and disability services
18 system.

19 The bill also provides that information and data otherwise
20 required by the reporting requirements eliminated under
21 the bill shall continue to be publicly available through
22 modernized, interactive displays found on the HHS internet site
23 or upon request.

24 The bill takes effect upon enactment and applies
25 retroactively to reports due on or after January 1, 2024.