

House File 1042 - Introduced

HOUSE FILE 1042
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 1014)
(SUCCESSOR TO HF 757)
(SUCCESSOR TO HSB 215)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of health and human services, including administrative
3 services organizations, child foster care, child and dependent
4 adult abuse, internal audit and examination information,
5 and the region incentive fund in the mental health and
6 disability services regional service fund, health maintenance
7 organization's premium tax, and making appropriations and
8 including effective date and retroactive applicability
9 provisions.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

ADMINISTRATIVE SERVICES ORGANIZATIONS

Section 1. Section 97B.1A, subsection 8, paragraph b, Code 2025, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (10) Employees of an administrative services organization as defined in section 225A.1.

Sec. 2. Section 229.1, Code 2025, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "Behavioral health district" means the same as defined in section 225A.1.

NEW SUBSECTION. 7A. "Disability access point" means an organization designated by the department for a behavioral health district to serve as the primary local access point for individuals with disabilities, and the individuals' caregivers, to provide person-centered assistance that facilitates the coordination of the individuals' services, simplifies service navigation, and improves overall accessibility to disability-related resources.

Sec. 3. Section 229.19, subsection 1, paragraph a, Code 2025, is amended by striking the paragraph and inserting in lieu thereof the following:

a. (1) The board of supervisors of each county shall appoint an individual to act as an advocate representing the interests of patients involuntarily hospitalized by the court in matters relating to a patient's hospitalization or treatment under section 229.14 or 229.15. The individual shall have prior experience advocating for or promoting the welfare and rehabilitation of persons with mental illness.

(2) A person appointed under this section shall not be any of the following:

(a) An officer or employee of the department.

(b) An officer or employee of an administrative services organization.

(c) An officer or employee of an agency or facility providing care or treatment to persons with mental illness.

1 (d) An officer or employee of a disability access point.

2 DIVISION II

3 CHILD FOSTER CARE

4 Sec. 4. Section 232.69, subsection 1, paragraph b,
5 subparagraph (9), Code 2025, is amended to read as follows:

6 (9) An employee or operator of a child foster care facility
7 ~~licensed or approved~~ under chapter 237.

8 Sec. 5. Section 232.78, subsection 8, paragraph a,
9 subparagraph (4), Code 2025, is amended to read as follows:

10 (4) An individual ~~licensed to provide foster care pursuant~~
11 ~~to~~ licensee or an approved kinship caregiver under chapter
12 237. If the child is placed with a ~~licensed foster care~~
13 ~~provider~~ an individual licensee or an approved kinship caregiver,
14 the department shall assign decision-making authority to the
15 ~~foster care provider~~ individual licensee or the approved kinship
16 caregiver for the purpose of applying the reasonable and prudent
17 parent standard during the child's placement.

18 Sec. 6. Section 232.95, subsection 2, paragraph c,
19 subparagraph (4), Code 2025, is amended to read as follows:

20 (4) An individual ~~licensed to provide foster care pursuant~~
21 ~~to~~ licensee or an approved kinship caregiver under chapter 237.
22 If the child is placed with a ~~licensed foster care provider~~
23 an individual licensee or an approved kinship caregiver, the
24 department shall assign decision-making authority to the ~~foster~~
25 ~~care provider~~ individual licensee or approved kinship caregiver
26 for the purpose of applying the reasonable and prudent parent
27 standard during the child's placement.

28 Sec. 7. Section 232.102, subsection 1, paragraph a,
29 subparagraph (4), Code 2025, is amended to read as follows:

30 (4) An individual ~~licensed to provide foster care pursuant~~
31 ~~to~~ licensee or an approved kinship caregiver under chapter 237.
32 If the child is placed with a ~~licensed foster care provider~~
33 an individual licensee or an approved kinship caregiver, the
34 department shall assign decision-making authority to the ~~foster~~
35 ~~care provider~~ individual licensee or approved kinship caregiver

1 for the purpose of applying the reasonable and prudent parent
2 standard during the child's placement.

3 Sec. 8. Section 234.1, subsection 1, paragraph a,
4 subparagraphs (1) and (2), Code 2025, are amended to read as
5 follows:

6 (1) After reaching eighteen years of age, the person has
7 remained continuously and voluntarily under the care of an
8 individual, ~~as defined in section 237.1, licensed to provide~~
9 ~~foster care pursuant to~~ licensee or approved kinship caregiver
10 under chapter 237, or in a supervised apartment living
11 arrangement, in this state.

12 (2) The person aged out of foster care after reaching
13 eighteen years of age and subsequently voluntarily applied for
14 placement with an individual, ~~as defined in section 237.1,~~
15 ~~licensed to provide foster care pursuant to~~ licensee or approved
16 kinship caregiver under chapter 237, or for placement in a
17 supervised apartment living arrangement, in this state.

18 Sec. 9. Section 234.7, subsection 1, Code 2025, is amended to
19 read as follows:

20 1. The department shall comply with the ~~provision associated~~
21 ~~with child foster care licensees provisions~~ under chapter 237
22 ~~that requires that a child's foster parent~~ require an individual
23 licensee or an approved kinship caregiver to be included
24 in, and be provided timely notice of, planning and review
25 activities associated with the child, including but not limited
26 to permanency planning and placement review meetings, which shall
27 include discussion of the child's rehabilitative treatment needs.

28 Sec. 10. Section 234.39, subsection 2, paragraph b, Code
29 2025, is amended to read as follows:

30 b. ~~This subsection~~ An assignment of support under paragraph
31 "a" shall not apply when a child is placed with a relative or
32 fictive kin as those terms are defined in section 232.2, ~~who~~
33 ~~unless the relative or fictive kin is not licensed~~ an individual
34 licensee or an approved kinship caregiver under chapter 237 to
35 ~~provide child foster care.~~

1 Sec. 11. Section 235A.15, subsection 2, paragraph c,
2 subparagraph (2), Code 2025, is amended to read as follows:

3 (2) To an administrator of a ~~child foster care~~ facility
4 ~~licensed under chapter 237~~ as defined in section 237.1 if
5 the data concerns a person employed or being considered for
6 employment by the facility.

7 Sec. 12. Section 237.1, Code 2025, is amended to read as
8 follows:

9 **237.1 Definitions.**

10 As used in this chapter:

11 1. "Agency" means a person ~~which provides child foster care~~
12 ~~and which that~~ does not meet the definition of an individual as
13 ~~defined under this section or a kinship caregiver.~~

14 2. "Agency licensee" means an agency issued a license under
15 this chapter.

16 3. "Approval" means the authorization granted to a kinship
17 caregiver by the department through an expedited process under
18 this chapter to provide child foster care, and allows the kinship
19 caregiver to receive maximum financial support and to obtain the
20 information and resources necessary to meet the needs of a child
21 under a court-ordered placement with the kinship caregiver.

22 4. "Approved kinship caregiver" means a kinship caregiver
23 granted approval under this chapter.

24 5. "Child" means ~~child~~ the same as defined in section 234.1.

25 ~~3-~~ 6. "Child foster care" means the provision of parental
26 nurturing, including but not limited to the furnishing of food,
27 lodging, training, education, supervision, treatment, or other
28 care, to a child on a full-time basis by a person, including a
29 relative or fictive kin of the child if the relative or fictive
30 kin is licensed under this chapter an individual licensee or an
31 approved kinship caregiver, but not including a guardian of the
32 child. "Child foster care" does not include any of the following
33 care situations:

34 a. Care furnished by an individual ~~person~~ who receives the
35 child of a personal friend as an occasional and personal guest in

1 the ~~individual person's~~ individual's home, free of charge and not
2 as a business.

3 b. Care furnished by an individual ~~person~~ with whom a child
4 has been placed for lawful adoption, unless that adoption is not
5 completed within two years after placement.

6 c. Care furnished by a private boarding school subject to
7 approval by the state board of education pursuant to section
8 256.11.

9 d. Child care furnished by a child care center, a child
10 development home, or a child care home as those terms are defined
11 in section 237A.1.

12 e. Care furnished in a hospital licensed under chapter 135B
13 or care furnished in a nursing facility licensed under chapter
14 135C.

15 f. Care furnished by a relative or fictive kin of a child
16 ~~or an individual person with a meaningful relationship with the~~
17 ~~child where~~ when the child is not under the placement, care, or
18 supervision of the department.

19 ~~4.~~ 7. "Department" means the department of health and human
20 services.

21 ~~5.~~ 8. "Director" means the director of health and human
22 services.

23 ~~6.~~ 9. "Facility" means the personnel, program, physical
24 plant, and equipment of a licensee or approved kinship caregiver.
25 "Facility" includes a foster family home.

26 ~~7.~~ 10. "Fictive kin" means the same as defined in section
27 232.2.

28 11. "Foster family home" means a single-family home
29 environment in which child foster care is provided.

30 12. "Individual" means ~~an individual~~ a natural person or a
31 married couple ~~who provides child foster care in a single-family~~
32 ~~home environment and which does not meet the definition of an~~
33 ~~agency under this section.~~

34 ~~8.~~ 13. "Individual licensee" means an individual, including
35 an individual who is a relative or fictive kin, issued a license

1 under this chapter.

2 14. "Kinship caregiver" means a relative or fictive kin of a
3 child.

4 15. "License" means the authorization issued to an individual
5 or an agency by the department under this chapter to provide
6 child foster care.

7 16. "Licensee" means an individual or an agency licensed
8 under this chapter.

9 ~~9.~~ 17. "Reasonable and prudent parent standard" means
10 the standard characterized by careful and sensible parenting
11 decisions that maintain the health, safety, and best interests
12 of a child, while at the same time encouraging the emotional and
13 developmental growth of a child, that a caregiver caretaker shall
14 use when determining whether to allow a child in child foster
15 care under the placement, care, or supervision of the department
16 to participate in extracurricular, enrichment, cultural, or
17 social activities. For the purposes of this subsection,
18 "caregiver" "caretaker" means an individual or an agency licensed
19 under this chapter a licensee with which a child in child foster
20 care has been placed, an approved kinship caregiver with whom a
21 child in child foster care has been placed, or a juvenile shelter
22 care home approved under chapter 232 in which a child in child
23 foster care has been placed.

24 18. "Relative" means an individual related to a child within
25 the fourth degree of consanguinity or affinity by marriage or
26 through adoption.

27 Sec. 13. Section 237.2, Code 2025, is amended to read as
28 follows:

29 **237.2 Purpose.**

30 It is the policy of this state to provide appropriate
31 protection for children who are separated from the direct
32 personal care of their parents, relatives, fictive kin, or
33 guardians and, as a result, are subject to difficulty in
34 achieving appropriate physical, mental, emotional, educational,
35 or social development. This chapter shall be construed and

1 administered to further that policy by assuring that child
2 foster care is adequately provided by competently staffed and
3 well-equipped child foster care facilities, including but not
4 limited to residential treatment centers, group homes, and foster
5 family homes.

6 Sec. 14. Section 237.3, Code 2025, is amended to read as
7 follows:

8 **237.3 Rules.**

9 1. Except as otherwise provided by subsections 3 and 4,
10 the department shall adopt and enforce in accordance with
11 chapter 17A, administrative rules necessary to implement this
12 chapter. Formulation of the rules shall include consultation
13 with representatives of child foster care providers and other
14 persons affected by this chapter. The rules shall encourage
15 the provision of child foster care in a ~~single-family, home~~
16 ~~environment, exempting the single-family, home facility foster~~
17 family homes, and shall exempt foster family homes from
18 inappropriate rules.

19 2. Rules ~~applicable~~ relating to individual licensees and
20 agency licensees, as applicable, shall include but are not
21 limited to all of the following:

22 a. Types of facilities which include but are not limited to
23 group foster care facilities and foster family ~~foster-care~~ homes.

24 b. The number, qualifications, character, and parenting
25 ability of personnel necessary to assure the health, safety and
26 welfare of children receiving child foster care.

27 c. Programs for education and in-service training of
28 personnel.

29 d. The physical environment of a facility.

30 e. Policies for intake, assessment, admission and discharge.

31 f. Housing, health, safety, and medical care policies for
32 children receiving child foster care. The medical care policies
33 shall include but are not limited to all of the following:

34 (1) ~~Provision by the department to the foster care provider~~
35 ~~at or before the time of a child's placement of the~~ a child's

1 health records, and any other information possessed or known
2 about the health of the child or about a member of the child's
3 family that pertains to the child's health, from the department
4 to a licensee or an approved kinship caregiver at or before the
5 time of a child's placement with the licensee or approved kinship
6 caregiver.

7 (2) If the health records supplied to the licensee or
8 approved kinship caregiver in accordance with the child's case
9 permanency plan ~~to the foster care provider~~ are incomplete, or
10 the ~~provider~~ licensee or approved kinship caregiver requests
11 specific health information, ~~provision~~ procedures for obtaining
12 additional health information from the child's parent, or other
13 source, and ~~supplying~~ providing the additional information to the
14 ~~foster care provider~~ licensee or approved kinship caregiver.

15 (3) Provision for emergency health coverage of the child
16 while the child is engaged in temporary, out-of-state travel with
17 the ~~child's foster family~~ individual licensee or approved kinship
18 caregiver.

19 g. (1) The adequacy of programs available to children
20 receiving child foster care provided by agencies, including but
21 not limited to:

22 (a) Dietary services.

23 (b) Social services.

24 (c) Activity programs.

25 (d) Behavior management procedures.

26 (e) Educational programs, including, where appropriate,
27 special education as defined in section 256B.2, ~~subsection 1,~~
28 ~~paragraph "b", where appropriate,~~ which are approved by the state
29 board of education.

30 (2) The department shall not ~~promulgate~~ adopt rules which
31 that regulate individual licensees or approved kinship caregivers
32 in the subject areas enumerated in this paragraph "g".

33 h. Policies for involvement of biological parents.

34 i. Records a licensee or approved kinship caregiver is
35 required to keep, and reports a licensee or approved kinship

1 caregiver is required to make to the department.

2 j. Prior to the licensing of an individual as a foster family
3 home, completion of a required, written social assessment of the
4 quality of the living situation in ~~the home of the individual~~ an
5 individual's prospective foster family home, and completion of a
6 required compilation of personal references for the individual,
7 other than ~~these~~ references given provided by the individual.

8 k. Elements of a foster care placement agreement outlining
9 rights and responsibilities associated with an individual or
10 kinship caregiver providing family child foster care. The rights
11 and responsibilities shall include but are not limited to all of
12 the following:

13 (1) Receiving information prior to the child's placement
14 regarding risk factors concerning the child that are known to the
15 department, including but not limited to notice if the child is
16 required to register under chapter 692A.

17 (2) Having regularly scheduled meetings with each case
18 manager assigned to the child.

19 (3) Receiving access to any reports prepared by a service
20 provider who is working with the child unless the access is
21 prohibited by state or federal law.

22 3. Rules governing fire safety in ~~facilities with~~ a facility
23 in which child foster care is provided by ~~agencies~~ an agency
24 shall be ~~promulgated~~ adopted by the director of the department of
25 inspections, appeals, and licensing pursuant to section 10A.511,
26 after consultation with the director.

27 4. Rules governing sanitation, water, and waste disposal
28 standards for facilities shall be ~~promulgated~~ adopted by the
29 department pursuant to section 135.11, ~~after consultation with~~
30 ~~the director~~.

31 5. In case of a conflict between rules ~~promulgated~~ adopted
32 pursuant to subsections 3 and 4 and local rules ordinances, the
33 more stringent requirement applies shall apply.

34 6. Rules ~~of~~ adopted by the department shall not prohibit
35 the licensing, ~~as foster family homes~~, of individuals who are

1 ~~a~~ departmental ~~employees~~ employee not directly engaged in the
2 administration of the child foster care program pursuant to this
3 chapter, as an individual licensee.

4 7. If an agency is accredited by the joint commission ~~on~~
5 ~~the accreditation of health care organizations~~ under the joint
6 commission's consolidated standards for residential settings, or
7 by the council on accreditation ~~of services for families and~~
8 ~~children~~, the department shall modify the facility licensure
9 standards applied to the agency ~~in order~~ to avoid ~~duplicating~~
10 duplication of standards applied through accreditation.

11 8. The department, in consultation with the judicial branch,
12 residential treatment providers, the foster care provider
13 association, and other parties which may be affected, shall
14 review the licensing rules pertaining to licensing of residential
15 treatment facilities, and ~~examine whether~~ determine if the
16 rules allow ~~the~~ residential treatment facilities to accept and
17 provide effective treatment to juveniles with serious problems
18 who might not otherwise be placed in ~~these~~ residential treatment
19 facilities.

20 9. The department shall adopt rules specifying that specify
21 the elements of a preadoptive care agreement outlining the
22 rights and responsibilities associated with a person providing
23 preadoptive care, as defined in section 232.2.

24 10. The department shall adopt rules to ~~administer the~~
25 ~~exception to the definition of child care in section 237A.1,~~
26 ~~subsection 2, paragraph "l", allowing~~ allow a child care
27 facility, for purposes of providing to provide respite care ~~to in~~
28 a foster family home, ~~to provide care, supervision, or guidance~~
29 ~~of a child~~ for a period of twenty-four hours or more to a child
30 who is placed with ~~the licensed foster family home~~ an individual
31 licensee, as provided in section 237A.1, subsection 2, paragraph
32 "l".

33 11. The department shall adopt rules to require the
34 department or a representative of the department to visit a child
35 placed with an individual licensee or approved kinship caregiver

1 within two weeks of the child being placed with the individual
2 licensee or approved kinship caregiver, and at least once each
3 calendar month thereafter.

4 12. The department shall adopt rules that ~~would~~ allow
5 each individual licensee licensee and each approved kinship
6 caregiver to apply the reasonable and prudent parent standard
7 to create opportunities for a child to participate in age or
8 developmentally appropriate activities.

9 Sec. 15. Section 237.4, unnumbered paragraph 1, Code 2025, is
10 amended to read as follows:

11 An individual or an agency, ~~as defined in section 237.1,~~
12 shall not provide child foster care unless the individual or
13 agency ~~obtains a license issued under this chapter~~ is a licensee.
14 However, a license under this chapter is not required of the
15 following:

16 Sec. 16. Section 237.4, subsection 8, Code 2025, is amended
17 to read as follows:

18 8. An individual providing child care as a babysitter at the
19 request of a parent, guardian, fictive kin, or relative having
20 lawful custody of the child.

21 Sec. 17. Section 237.5A, Code 2025, is amended to read as
22 follows:

23 **237.5A Foster parent training.**

24 1. As a condition for initial licensure, each individual
25 licensee shall complete thirty hours of foster parent training
26 offered or approved by the department. However, if the
27 individual licensee has completed relevant training or has
28 a combination of completed relevant training and experience,
29 and the department deems such training or combination to be
30 an acceptable equivalent to all or a portion of the initial
31 licensure training requirement, or based upon the circumstances
32 of the child and the individual licensee the department finds
33 there is other good cause, the department may waive all or
34 a portion of the training requirement. Prior to renewal
35 of licensure, each individual licensee shall ~~also~~ annually

1 complete six hours of foster parent training. The training
2 shall include but is not limited to physical care, education,
3 learning disabilities, referral to and receipt of necessary
4 professional services, behavioral assessment and modification,
5 self-assessment, self-living skills, and biological parent
6 contact. An individual licensee may complete the training as
7 part of an approved training program offered by a public or
8 private agency with expertise in the provision of child foster
9 care or in related subject areas. The department shall adopt
10 rules to implement and enforce this training requirement.

11 2. A An individual licensee who is unable to complete six
12 hours of foster parent training annually prior to licensure
13 renewal because the individual licensee is engaged in active duty
14 in the military service shall be considered to be in compliance
15 with the training requirement for licensure renewal.

16 3. The department or the department's agent shall notify an
17 individual licensee within a reasonable amount of time of any
18 training the department believes would benefit the individual
19 licensee in the provision of child foster care.

20 Sec. 18. NEW SECTION. **237.5B Approved kinship caregiver.**

21 1. A kinship caregiver shall not provide child foster care
22 unless the kinship caregiver has been granted approval under this
23 section.

24 2. A kinship caregiver shall apply for approval by submitting
25 a completed application to the department on a form furnished by
26 the department.

27 3. The department, after notice and opportunity for an
28 evidentiary hearing, may deny an application for approval or
29 continued approval if the applicant or approved kinship caregiver
30 violates this chapter or rules adopted pursuant to this chapter.

31 Sec. 19. Section 237.6, Code 2025, is amended to read as
32 follows:

33 **237.6 Restricted use of facility.**

34 1. A licensee or approved kinship caregiver shall not furnish
35 child foster care in a building or on premises not designated in

1 the licensee's license or the kinship caregiver's approval.

2 2. A licensee shall not furnish child foster care to a
3 greater number of children than is designated in the licensee's
4 license, unless authorized by the department. ~~Multiple~~

5 3. The department may issue multiple licenses authorizing
6 separate and distinct parts of a an agency licensee's facility to
7 provide different categories of child foster care ~~may be issued.~~

8 Sec. 20. Section 237.8, Code 2025, is amended to read as
9 follows:

10 **237.8 Personnel.**

11 1. A person shall not be allowed to provide services in a an
12 agency licensee's facility if the person has a disease which is
13 transmissible to other persons through required contact in the
14 workplace, which presents a significant risk of infecting other
15 persons, which presents a substantial possibility of harming
16 other persons, or for which no reasonable accommodation can
17 eliminate the risk of infecting other persons.

18 2. a. (1) If a person is being considered for licensure or
19 approval under this chapter, or if a person is being considered
20 for employment involving by an agency licensee and the employment
21 involves direct responsibility for a child or, is in a facility
22 where children reside, by a licensee under this chapter, or if
23 a requires the person will to reside in a facility utilized by
24 a an agency licensee, and if the person has been convicted of a
25 crime or has a record of founded child abuse, the record check
26 evaluation system of the department, and the agency licensee for
27 an a prospective employee of the agency licensee, shall perform
28 an evaluation to determine whether the crime or founded child
29 abuse warrants prohibition of licensure, approval, employment,
30 or residence in the facility. The record check evaluation
31 system shall conduct criminal and child abuse record checks
32 in this state and may conduct these checks in other states.
33 The evaluation shall be performed in accordance with procedures
34 adopted for this purpose by the department.

35 (2) If the criminal and child abuse record checks conducted

1 in this state under subparagraph (1) for ~~an individual~~ a person
 2 being considered for licensure as an agency licensee under this
 3 chapter, or for employment involving by an agency licensee and
 4 the employment involves direct responsibility for a child ~~or, is~~
 5 in a facility where children reside, ~~by a licensee under this~~
 6 ~~chapter, or for an individual who will~~ requires the person to
 7 reside in a facility utilized by a an agency licensee, have been
 8 completed and the ~~individual~~ person either does not have a record
 9 of crime or founded child abuse or the record check evaluation
 10 system's evaluation of the record has determined that prohibition
 11 of the ~~individual's~~ licensure or employment is not warranted,
 12 the ~~individual~~ person may be provisionally ~~approved for licensure~~
 13 ~~or employment~~ licensed or employed pending the outcome of the
 14 fingerprint-based criminal history check conducted pursuant to
 15 subparagraph (4).

16 (3) ~~An individual~~ A person being considered for licensure
 17 as an agency licensee under this chapter, or a person being
 18 considered for employment involving by an agency licensee if
 19 the employment involves direct responsibility for a child ~~or, is~~
 20 in a facility where children reside, ~~by a licensee under this~~
 21 ~~chapter, or for an individual who will~~ requires the person to
 22 reside in a facility utilized by a an agency licensee, shall not
 23 be granted a license or be employed and an evaluation shall not
 24 be performed under this subsection, if the ~~individual~~ person has
 25 been convicted of any of the following felony offenses:

26 (a) Within the five-year period preceding the application
 27 date, a drug-related offense.

28 (b) Child endangerment or neglect or abandonment of a
 29 dependent person.

30 (c) Domestic abuse.

31 (d) A crime against a child, including but not limited to
 32 sexual exploitation of a minor.

33 (e) A forcible felony.

34 (4) If ~~an individual~~ a person is being considered for
 35 licensure or approval under this chapter, or if a person is being

1 considered for employment involving by an agency licensee and the
 2 employment involves direct responsibility for a child or, is in a
 3 facility where children reside, by a licensee under this chapter,
 4 or if an individual will requires the person to reside in a
 5 facility utilized by a an agency licensee, or if an individual
 6 is subject to licensure under this chapter as a foster parent,
 7 in addition to the record checks conducted under subparagraph
 8 (1), the individual's person's fingerprints shall be provided to
 9 the department of public safety for submission through the state
 10 criminal history repository to the United States department of
 11 justice, federal bureau of investigation for a national criminal
 12 history check. The cost of the criminal history check conducted
 13 under this subparagraph is shall be the responsibility of the
 14 department.

15 (5) If the criminal and child abuse record checks conducted
 16 in this state under subparagraph (1) for an individual a person
 17 being considered for licensure as a foster parent an individual
 18 licensee or for approval as an approved kinship caregiver have
 19 been completed and the individual person either does not have a
 20 record of crime or founded abuse, or the record check evaluation
 21 system's evaluation of the record has determined that prohibition
 22 of the individual's person's licensure or approval is not
 23 warranted, the individual person may be provisionally approved
 24 for licensure licensed or approved pending the outcome of the
 25 fingerprint-based criminal history check conducted pursuant to
 26 subparagraph (4).

27 (6) An applicant for a license as an individual applying
 28 to be a foster parent licensee or for approval as an approved
 29 kinship caregiver shall not be granted a license or approval,
 30 and an evaluation shall not be performed under this subsection,
 31 if the individual applicant has been convicted of any of the
 32 following felony offenses:

33 (a) Within the five-year period preceding the application
 34 date, a drug-related offense.

35 (b) Child endangerment or neglect or abandonment of a

1 dependent person.

2 (c) Domestic abuse.

3 (d) A crime against a child, including but not limited to
4 sexual exploitation of a minor.

5 (e) A forcible felony.

6 b. Except as otherwise provided in paragraph "a", if the
7 record check evaluation system determines that a person has
8 committed a crime or has a record of founded child abuse and is
9 licensed, approved, employed by a an agency licensee, or resides
10 in a licensed facility, the record check evaluation system
11 shall notify the licensee or approved kinship caregiver that an
12 evaluation will be conducted to determine whether prohibition
13 of the person's licensure, approval, employment, or residence is
14 warranted.

15 c. In an evaluation, the record check evaluation system, and
16 the agency licensee for an employee or prospective employee of
17 the agency licensee shall consider the nature and seriousness of
18 the crime or founded child abuse in relation to the position
19 sought or held, the time elapsed since the commission of the
20 crime or founded child abuse, the circumstances under which
21 the crime or founded child abuse was committed, the degree of
22 rehabilitation, the likelihood that the person will commit the
23 crime or founded child abuse again, and the number of crimes
24 or founded child abuses committed by the person involved. The
25 record check evaluation system may permit a person who is
26 evaluated to be licensed, approved, employed, or to reside in a
27 facility, or to continue to be licensed, approved, employed, or
28 to reside in a ~~licensed~~ facility, if the person complies with
29 the record check evaluation system's conditions relating to the
30 person's licensure, approval, employment, or residence, which may
31 include completion of additional training. For an employee or
32 prospective employee of a an agency licensee, these conditional
33 requirements shall be developed with the agency licensee. The
34 record check evaluation system ~~has~~ shall have final authority
35 in determining whether prohibition of the person's licensure,

1 approval, employment, or residence is warranted and in developing
2 any conditional requirements under this paragraph.

3 d. If the record check evaluation system determines that the
4 person has committed a crime or has a record of founded child
5 abuse ~~which~~ that warrants prohibition of licensure, approval,
6 employment, or residence, the person shall not be licensed or
7 approved under this chapter and shall not be employed by a an
8 agency licensee or reside in a licensed facility.

9 3. In addition to the record checks required under subsection
10 2, the record check evaluation system may conduct dependent adult
11 abuse record checks in this state and ~~may conduct these checks in~~
12 other states, on a random basis. The provisions of subsection 2,
13 relative to an evaluation following a determination that a person
14 has been convicted of a crime or has a record of founded child
15 abuse, shall also apply to a random check conducted under this
16 subsection.

17 4. A An agency licensee shall inform all new applicants
18 for employment of the possibility of the performance of a
19 record check and shall obtain, from the applicant, a signed
20 acknowledgment of the receipt of the information.

21 5. A An agency licensee shall include the following inquiry
22 in an application for employment:

23 Do you have a record of founded child or dependent adult abuse,
24 or have you ever been convicted of a crime, in this state or any
25 other state?

26 Sec. 21. Section 237.9, Code 2025, is amended to read as
27 follows:

28 **237.9 Confidential information.**

29 A person who receives information from or through the
30 department ~~concerning a child who has received or is receiving~~
31 ~~child foster care, a relative or guardian of the child, a~~
32 ~~single-family, home licensee, or an individual employee of~~
33 ~~a licensee,~~ shall not disclose that information directly or
34 indirectly, except as authorized by section 217.30, or as
35 authorized or required by section 232.69- if the information

1 concerns any of the following:

2 1. A child who has received or is receiving child foster
3 care.

4 2. A relative, fictive kin, or guardian of a child who has
5 received or is receiving child foster care.

6 3. An individual licensee.

7 4. An employee of a licensee.

8 5. An approved kinship caregiver.

9 Sec. 22. Section 237.10, Code 2025, is amended to read as
10 follows:

11 **237.10 Child foster care providers Individual licensees and**
12 **approved kinship caregivers.**

13 1. a. The department shall notify an individual licensee or
14 approved kinship caregiver of any appropriate meetings relating
15 to the case permanency plan of a child in the care of the
16 individual licensee or approved kinship caregiver.

17 b. The department shall notify an individual licensee or
18 approved kinship caregiver of any meetings known to the
19 department relating to the individualized education program of a
20 child in the care of the individual licensee or approved kinship
21 caregiver.

22 c. The department shall notify an individual licensee or
23 approved kinship caregiver of any medical appointments required
24 or scheduled in consultation with the department relating to a
25 child in the care of the individual licensee or approved kinship
26 caregiver.

27 2. The department or the department's agent may share
28 otherwise confidential information about a child with an
29 individual licensee or approved kinship caregiver being
30 considered as a possible placement for the child to the extent
31 such disclosure is relevant to the placement decision and the
32 proper care of the child. The department or the department's
33 agent may facilitate sharing the contact information of previous
34 individual licensees and approved kinship caregivers for a child
35 with the next individual licensee or approved kinship caregiver

1 in an effort to support the continuity of care for a child.

2 3. Upon placement of a child with an individual licensee
3 or approved kinship caregiver, the department shall provide
4 the individual licensee or approved kinship caregiver with
5 information that would allow the individual licensee or approved
6 kinship caregiver to contact the department or an agent of the
7 department for assistance relating to child foster care.

8 4. Prior to disclosing an individual licensee's or approved
9 kinship caregiver's private address, work address, or contact
10 information, the department shall evaluate possible safety
11 concerns to determine whether such information may be released
12 without posing a risk to the safety of the individual licensee,
13 the approved kinship caregiver, the child, or any other person.

14 5. The department shall notify an individual licensee or
15 approved kinship caregiver within a reasonable amount of time
16 of any change in a law or ~~regulation~~ rule that would have
17 a substantive impact on the individual licensee's or approved
18 kinship caregiver's obligations and responsibilities relating to
19 child foster care.

20 6. a. The department shall provide written notice to an
21 individual licensee, or an approved kinship caregiver, a minimum
22 of ten days prior to the removal of a child from the care of the
23 individual licensee or approved kinship caregiver. Such notice
24 shall include the reasons for the child's removal.

25 b. This subsection shall not apply if the health or safety
26 of the child or another person is threatened by the child's
27 presence in the child's current placement ~~home~~, if the court
28 orders the removal of a child from the individual licensee or
29 the approved kinship caregiver, if the child is absent from the
30 ~~home~~ placement without authorization, if the child is being moved
31 to the home of a biological parent or legal guardian, or if the
32 individual licensee or approved kinship caregiver is alleged to
33 have committed child abuse or neglect.

34 7. a. An individual licensee or approved kinship caregiver
35 shall provide written notice to the department a minimum of ten

1 days prior to a request to remove a child from the individual
2 licensee's care or the approved kinship caregiver's care.

3 b. This subsection shall not apply to a situation where the
4 health or safety of the child or another person is threatened by
5 the child's presence in the child's current placement home.

6 8. At the conclusion of an investigation conducted by the
7 department that may affect an individual licensee's ability, or
8 an approved kinship caregiver's ability, to provide child foster
9 care in the future, the department shall provide the individual
10 licensee or approved kinship caregiver with a written report that
11 details the conclusions of the investigation.

12 9. a. The department shall require an individual licensee or
13 approved kinship caregiver to attempt, to the extent reasonably
14 possible, to maintain a child's culture and beliefs.

15 b. An individual licensee or an approved kinship caregiver
16 shall be allowed to provide child foster care, according to
17 the individual licensee's or the approved kinship caregiver's
18 own culture and beliefs, if such child foster care does not
19 actively discourage a child to disregard the child's own culture
20 and beliefs and a biological parent whose parental rights have
21 not been terminated or a legal guardian for the child does not
22 object to the practice or activity that is consistent with the
23 individual licensee's or the approved kinship caregiver's own
24 culture and beliefs.

25 10. a. The department or the department's agent shall
26 consider the needs and scheduling demands of a child, the child's
27 parents, the child's siblings, and the individual licensee or
28 approved kinship caregiver caring for the child when scheduling
29 supervised or any other visitation between the child and the
30 child's siblings, family members, or fictive kin.

31 b. The department shall not require an individual licensee
32 or an approved kinship caregiver to conduct, or to be present
33 during, supervised visits scheduled pursuant to paragraph "a".

34 11. The department shall accept information from an
35 individual licensee or approved kinship caregiver relating to

1 medical appointments, treatment needs, educational progress, and
2 educational services for a child placed with the individual
3 licensee or approved kinship caregiver. The department shall
4 consider all such information when developing or modifying a
5 child's case permanency plan, and in the coordination of care and
6 decisions related to services and care necessary for the child.
7 The information the department receives from an individual
8 ~~licensees will~~ licensee or an approved kinship caregiver shall be
9 reviewed and considered as decisions about the child's progress
10 and needs are made.

11 12. The department shall maintain a process to allow ~~an~~ each
12 individual licensee and each approved kinship caregiver to file
13 ~~complaints~~ a complaint with the department electronically for an
14 ~~alleged violations~~ violation relating to this section.

15 13. The department shall adopt rules pursuant to chapter 17A
16 to implement this section.

17 Sec. 23. Section 237.13, Code 2025, is amended to read as
18 follows:

19 **237.13 Foster family home insurance fund.**

20 1. ~~For the purposes of this section, "foster home" means an~~
21 ~~individual, as defined in section 237.1, subsection 7, who is~~
22 ~~licensed to provide child foster care and shall also be known as~~
23 ~~a "licensed foster home".~~

24 2. The foster family home insurance fund shall be
25 administered by the department. The fund shall consist of all
26 moneys appropriated by the general assembly for deposit in the
27 fund. The department shall use moneys in the fund to provide
28 home and property coverage for foster parents to cover damages to
29 property resulting from the actions of a foster child residing
30 in a foster family home or to reimburse foster parents for
31 the cost of purchasing foster care liability insurance and to
32 perform the administrative functions necessary to carry out this
33 section. The department may establish limitations of liability
34 for individual claims as deemed reasonable by the department.

35 3. 2. The department shall adopt rules, pursuant to chapter

1 17A, to carry out the provisions of this section.

2 Sec. 24. Section 237.14, Code 2025, is amended to read as
3 follows:

4 **237.14 Enhanced child foster care services.**

5 The department shall provide for enhanced child foster
6 care services by establishing supplemental per diem or
7 performance-based contracts that include payment of costs
8 relating to payments of principal and interest for bonds and
9 notes issued pursuant to section 16.57 with facilities ~~licensed~~
10 ~~under this chapter which~~ that provide special services to
11 children who would otherwise be placed in a state juvenile
12 institution or an out-of-state program. Before completion of
13 the department's budget estimate as required by section 8.23,
14 the department shall determine and include in the estimate the
15 amount which should be appropriated for enhanced child foster
16 care services for the forthcoming fiscal year in order to provide
17 sufficient services.

18 Sec. 25. Section 237.14A, Code 2025, is amended to read as
19 follows:

20 **237.14A Reasonable and prudent parent standard — immunity**
21 **from liability.**

22 The department, or any individual, kinship caregiver, agency,
23 or juvenile shelter care home that applies the reasonable and
24 prudent parent standard reasonably and in good faith in regard to
25 a child in child foster care shall have immunity from civil or
26 criminal liability which might otherwise be incurred or imposed.
27 This section shall not remove or limit any existing liability
28 protection afforded under any other law.

29 Sec. 26. Section 237.15, subsection 1, paragraph a, Code
30 2025, is amended to read as follows:

31 a. The efforts to place the child with a relative or fictive
32 kin.

33 Sec. 27. Section 237.15, subsection 5, Code 2025, is amended
34 by striking the subsection.

35 Sec. 28. Section 237A.1, subsection 2, paragraph 1, Code

1 2025, is amended to read as follows:

2 l. A child care facility providing respite care ~~to a licensed~~
3 in a foster family home for a period of twenty-four hours or more
4 to a child who is placed with ~~that licensed foster family home~~ an
5 individual licensee under chapter 237.

6 Sec. 29. Section 237A.3A, subsection 1, paragraph d, Code
7 2025, is amended to read as follows:

8 d. A ~~person who holds a child foster care license~~ licensee or
9 an approved kinship caregiver under chapter 237 shall register as
10 a child development home provider in order to provide child care.

11 Sec. 30. Section 237C.1, subsection 2, paragraph f, Code
12 2025, is amended to read as follows:

13 f. Care furnished by a child foster care ~~facility licensed~~
14 licensee or approved kinship caregiver under chapter 237.

15 Sec. 31. Section 237C.3, subsection 2, Code 2025, is amended
16 to read as follows:

17 2. Standards established by the department under this chapter
18 shall at a minimum address the basic health and educational needs
19 of children; protection of children from mistreatment, abuse,
20 and neglect; background and records checks of persons providing
21 care to children in facilities certified under this chapter; the
22 use of seclusion, restraint, or other restrictive interventions;
23 health; safety; emergency; and the physical premises on which
24 care is provided by a children's residential facility. The
25 background check requirements shall be substantially equivalent
26 to those applied under chapter 237 for a child foster care
27 ~~facility provider~~ licensee or an approved kinship caregiver.

28 Sec. 32. Section 282.19, subsection 2, Code 2025, is amended
29 to read as follows:

30 2. A child who is living in a ~~licensed individual or~~
31 ~~agency child foster care facility,~~ or with an approved kinship
32 caregiver, as those terms are defined in section 237.1, or in an
33 unlicensed relative foster care placement, shall remain enrolled
34 in and attend an accredited school in the school district in
35 which the child resided and is enrolled at the time of placement,

1 unless it is determined by the juvenile court or the public or
2 private agency of this state that has responsibility for the
3 child's placement that remaining in such school is not in the
4 best interests of the child. If such a determination is made,
5 the child may attend an accredited school located in the school
6 district in which the child is living and not in the school
7 district in which the child resided prior to receiving foster
8 care.

9 Sec. 33. Section 335.25, subsection 2, paragraph c, Code
10 2025, is amended to read as follows:

11 c. "Family home" means a community-based residential home
12 which is licensed as a residential care facility under chapter
13 135C or as a child foster care facility under chapter 237 to
14 provide room and board, personal care, habilitation services, and
15 supervision in a family environment exclusively for not more than
16 eight persons with a developmental disability or brain injury and
17 any necessary support personnel. However, family home does not
18 mean ~~an individual~~ a foster family home ~~licensed~~ under chapter
19 237.

20 Sec. 34. Section 414.22, subsection 2, paragraph c, Code
21 2025, is amended to read as follows:

22 c. "Family home" means a community-based residential home
23 which is licensed as a residential care facility under chapter
24 135C or as a child foster care facility under chapter 237 to
25 provide room and board, personal care, habilitation services, and
26 supervision in a family environment exclusively for not more than
27 eight persons with a developmental disability or brain injury
28 and any necessary support personnel. However, family home does
29 not mean ~~an individual~~ a foster ~~care~~ family home ~~licensed~~ under
30 chapter 237.

31 Sec. 35. Section 423.3, subsection 18, paragraph b, Code
32 2025, is amended to read as follows:

33 b. Residential facilities in which an agency licensed by the
34 department of health and human services provides child foster
35 care pursuant to chapter 237, ~~other than those maintained by~~

1 ~~individuals as defined in section 237.1, subsection 7.~~

2 Sec. 36. Section 709.16, subsection 2, paragraph b,
3 subparagraph (1), Code 2025, is amended to read as follows:

4 (1) A child foster care facility licensed under ~~section 237.4~~
5 chapter 237.

6 Sec. 37. RULES. The department of health and human services
7 shall adopt rules pursuant to chapter 17A to administer this
8 division of this Act, including rules for the approval of
9 relatives or fictive kin to provide child foster care.

10 DIVISION III

11 CHILD AND DEPENDENT ADULT ABUSE

12 Sec. 38. Section 135.118, Code 2025, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 5. The department shall adopt rules pursuant
15 to chapter 17A to administer this section.

16 Sec. 39. Section 235A.1, subsection 1, paragraph b, Code
17 2025, is amended to read as follows:

18 b. Funds for the programs or projects shall be applied for
19 and received by a community-based ~~volunteer coalition or council~~
20 entity.

21 Sec. 40. Section 235A.15, subsection 1, Code 2025, is amended
22 to read as follows:

23 1. ~~Notwithstanding chapter 22, the~~ Child abuse information
24 shall be confidential and shall not be a public record under
25 chapter 22. The confidentiality of all child abuse information
26 shall be maintained, except as specifically provided by this
27 section.

28 Sec. 41. Section 235B.2, subsection 5, paragraph a,
29 subparagraph (1), subparagraph division (c), Code 2025, is
30 amended to read as follows:

31 (c) Exploitation of a dependent adult which means ~~the~~
32 a fraudulent or otherwise illegal, unauthorized, or improper
33 attempt, act, or process of taking unfair advantage by a
34 caretaker or fiduciary to use the physical or financial resources
35 of a dependent adult or the adult's physical or financial

1 ~~resources, without the informed consent of the dependent adult,~~
2 ~~including theft, by the use of undue influence, harassment,~~
3 ~~duress, deception, false representation, or false pretenses for~~
4 any of the following purposes:

5 (i) Monetary or personal benefit, profit, or gain.

6 (ii) To deprive the dependent adult of the use of the
7 dependent adult's physical or financial resources, including any
8 benefits, belongings, or assets.

9 Sec. 42. Section 235B.3, subsection 7, Code 2025, is amended
10 to read as follows:

11 7. a. Upon a showing of probable cause that a dependent
12 adult has been abused, a court may authorize a person, also
13 authorized by the department, to make an evaluation, to enter the
14 residence of, and to examine the dependent adult.

15 b. Upon a showing of probable cause that there has been
16 exploitation of a dependent adult has been financially exploited,
17 a court may authorize a person, also authorized by the
18 department, to make an evaluation, and to gain access to the
19 financial records that the department reasonably believes are
20 related to the resources of the dependent adult.

21 Sec. 43. Section 235B.6, subsection 1, Code 2025, is amended
22 to read as follows:

23 1. ~~Notwithstanding chapter 22, the~~ Dependent adult abuse
24 information shall be confidential and shall not be a public
25 record under chapter 22. The confidentiality of all dependent
26 adult abuse information shall be maintained, except as
27 specifically provided by subsections 2 and 3.

28 Sec. 44. Section 235B.6, subsection 2, paragraph e,
29 subparagraph (2), Code 2025, is amended to read as follows:

30 (2) Registry or department personnel when necessary to
31 the performance of their official duties, or a person, an
32 instrumentality of the state, or an agency under contract with
33 the department to carry out official duties and functions of the
34 registry.

35 Sec. 45. Section 249A.4, Code 2025, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 16. Require providers to share information
3 with the department as necessary to identify, prevent, or respond
4 to child abuse as defined in section 232.68, and dependent adult
5 abuse as defined in section 235B.2.

6 DIVISION IV
7 DEPARTMENT OF HEALTH AND HUMAN SERVICES — INTERNAL AUDITS AND
8 EXAMINATIONS

9 Sec. 46. NEW SECTION. **217.31A Internal audits and**
10 **examinations.**

11 1. An internal audit or examination conducted by or on behalf
12 of the department shall be conducted in accordance with the most
13 recent global internal audit standards published by the institute
14 of internal auditors.

15 2. Information created or received by the department in
16 the course of an internal audit or examination conducted by
17 or on behalf of the department, including any allegations
18 of misconduct or noncompliance, and all internal audit or
19 examination workpapers, shall be treated as confidential.

20 3. Subsection 2 shall not be construed to limit the auditor
21 of state's access to information the auditor of state is
22 authorized to access under section 11.41. Any information
23 treated as confidential under subsection 2 and shared by the
24 department with the auditor of state shall not be disclosed
25 by the auditor of state unless any of the following conditions
26 apply:

27 a. The director authorizes such disclosure in writing.

28 b. The information is contained in the department's final
29 report for the internal audit or examination.

30 DIVISION V
31 REGION INCENTIVE FUND — DISTRIBUTIONS AND TRANSFERS
32 Sec. 47. DEPARTMENT OF HEALTH AND HUMAN SERVICES —
33 BEHAVIORAL HEALTH SERVICES SYSTEM — REGION INCENTIVE FUND.

34 1. For purposes of this section:

35 a. "Administrative services organization" means the same as

1 defined in 2024 Iowa Acts, chapter 1161, section 1.

2 b. "Behavioral health fund" means the behavioral health
3 fund established in 2024 Iowa Acts, chapter 1161, section 7,
4 subsection 2.

5 c. "Behavioral health services system" means the behavioral
6 health services system established in 2024 Iowa Acts, chapter
7 1161, section 3, subsection 1.

8 d. "Mental health and disability services system" means the
9 mental health and disability services system described in section
10 225C.6B.

11 2. Notwithstanding any provision of law to the contrary,
12 there is appropriated from the region incentive fund created
13 in section 225C.7A, subsection 8, to the department of health
14 and human services for the fiscal year beginning July 1, 2024,
15 and ending June 30, 2025, an amount necessary to ensure the
16 continuity of care for persons transferring from the mental
17 health and disability services system to the behavioral health
18 services system, and for distribution to administrative services
19 organizations to be used for expenses related to the duties of
20 the administrative services organizations under the behavioral
21 health services system.

22 3. Moneys distributed to and used by an administrative
23 services organization pursuant to subsection 1, shall not be
24 considered in the computation of any limit on the administrative
25 costs of an administrative services organization including those
26 prescribed in 2024 Iowa Acts, chapter 1161, section 7, subsection
27 5.

28 4. Moneys in the mental health and disability services
29 regional service fund established in section 225C.7A, subsection
30 1, that remain unencumbered or unobligated on June 30, 2025,
31 shall be transferred to the behavioral health fund.

32 Sec. 48. EFFECTIVE DATE. This division of this Act, being
33 deemed of immediate importance, takes effect upon enactment.

34 Sec. 49. RETROACTIVE APPLICABILITY. This division of this
35 Act applies retroactively to July 1, 2024.

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DIVISION VI

HEALTH MAINTENANCE ORGANIZATION — APPLICABLE PERCENTAGE FOR
PREMIUM TAX

Sec. 50. Section 432.1, subsection 2, unnumbered paragraph 1, Code 2025, is amended to read as follows:

The "applicable percent" for purposes of subsection 1 of this section, section 432.1B, and section 432.2 is the following:

Sec. 51. Section 432.1B, subsection 1, Code 2025, is amended to read as follows:

1. Pursuant to section 514B.31, subsection 3, a health maintenance organization contracting with the department of health and human services to administer the medical assistance program under chapter 249A, shall pay as taxes to the director of the department of revenue for deposit in the Medicaid managed care organization premiums fund created in section 249A.13, an amount equal to ~~two and one-half~~ the applicable percent, as provided in section 432.1, subsection 2, of the premiums received and taxable under section 514B.31, subsection 3.

Sec. 52. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 53. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2024.

EXPLANATION

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

This bill relates to matters under the purview of the department of health and human services (HHS).

DIVISION I — ADMINISTRATIVE SERVICES ORGANIZATIONS. The bill excludes persons employed by an administrative services organization (ASO) from the definition of an employee for the purposes of the Iowa public employees' retirement system.

The bill defines "behavioral health district" and "disability access point".

The bill prohibits an ASO, an officer or an employee of an ASO, or an officer or an employee of a disability access point

1 from acting as a county's advocate to represent the interests
2 of patients involuntarily hospitalized by the court in matters
3 relating to a patient's hospitalization or treatment.

4 DIVISION II — CHILD FOSTER CARE. Under current law, a
5 person's periodic support payments pursuant to an order or
6 judgment are deemed assigned to HHS if the person is or has a
7 child receiving foster care services. The assignment does not
8 apply when a child is placed with a relative or fictive kin of
9 the child who is not licensed to provide child foster care. The
10 bill permits the assignment unless the relative or fictive kin is
11 not licensed to provide child foster care and is not an approved
12 kinship caregiver.

13 The bill defines "approval" as the authorization granted to a
14 kinship caregiver by HHS through an expedited process under Code
15 chapter 237 to receive maximum financial support and to obtain
16 the information and resources necessary to meet the needs of a
17 child under a court-ordered placement with the kinship caregiver.

18 The bill defines "fictive kin" as an adult person who is
19 not a relative of a child but who has an emotionally positive
20 significant relationship with the child or the child's family.

21 The bill defines "foster family home" as a licensed
22 single-family home environment in which child foster care is
23 provided.

24 The bill defines "individual" as a natural person or a married
25 couple.

26 The bill defines "kinship caregiver" as a relative or fictive
27 kin of a child.

28 The bill defines "license" as the authorization issued to an
29 individual or an agency by HHS to provide child foster care.

30 The bill defines "relative" as an individual related to a
31 child within the fourth degree of consanguinity or affinity by
32 marriage or through adoption.

33 The bill also defines "agency licensee", "approved kinship
34 caregiver", and "individual licensee".

35 The bill makes several changes to Code chapter 237 and to

1 Code sections 232.78 (temporary custody of a child pursuant
2 to ex parte court order), 232.98 (hearing concerning temporary
3 removal), 232.102 (transfer of legal custody of child and
4 placement), 234.1 (child and family services — definitions),
5 234.39 (child and family services — responsibility for costs of
6 services), 237A.1 (child care facilities — definitions), 237A.3A
7 (child development homes), and 423.3 (streamlined sales and use
8 tax Act — exemptions).

9 DIVISION III — CHILD AND DEPENDENT ADULT ABUSE. The bill
10 requires HHS to adopt rules to administer the child protection
11 center grant program.

12 The bill allows a community-based entity to apply for and
13 receive funds appropriated to HHS by the general assembly
14 for child abuse prevention. Under current law, only a
15 community-based volunteer coalition or council can apply for and
16 receive such funds.

17 The bill makes child abuse information, and information
18 obtained in the course of an assessment or evaluation of a report
19 of dependent adult abuse, confidential records.

20 The bill defines "exploitation of a dependent adult" as
21 a fraudulent or otherwise illegal, unauthorized, or improper
22 attempt, act, or process by a caretaker or fiduciary to use
23 the physical or financial resources of a dependent adult for
24 the purpose of monetary or personal benefit, profit, or gain,
25 or to deprive the dependent adult of the use of the dependent
26 adult's physical or financial resources, including any benefits,
27 belongings, or assets.

28 Under current law, upon a showing of probable cause that
29 a dependent adult has been financially exploited a court may
30 authorize a person, who is also authorized by HHS, to gain access
31 to the financial records of the dependent adult. The bill amends
32 the statute so the person authorized by the court and HHS can
33 gain access to financial records that HHS has a reasonable belief
34 are related to the financial resources of the dependent adult.

35 The bill authorizes an instrumentality of the state to access

1 dependent adult abuse records.

2 The bill requires the director of HHS to require providers
3 under the medical assistance program to share information with
4 HHS as necessary to identify, prevent, or respond to child or
5 dependent adult abuse.

6 DIVISION IV — DEPARTMENT OF HEALTH AND HUMAN SERVICES —
7 INTERNAL AUDITS AND EXAMINATIONS. The bill requires an internal
8 audit or examination conducted by or on behalf of HHS to be
9 conducted in accordance with the most recent global internal
10 audit standards published by the institute of internal auditors.

11 The bill requires information created or received by HHS in
12 the course of an internal audit or examination conducted by
13 or on behalf of HHS, including allegations of misconduct or
14 noncompliance, and all internal audit or examination workpapers,
15 to be treated as confidential. Such confidentiality shall not
16 be construed to limit the auditor of state's (auditor) access
17 to information the auditor is authorized to access by Code
18 section 11.41. Information shared with the auditor may not be
19 disclosed by the auditor unless the director of HHS authorizes
20 the disclosure in writing or the information is contained in
21 HHS's final report for the internal audit or examination.

22 DIVISION V — REGION INCENTIVE FUND — DISTRIBUTIONS AND
23 TRANSFERS. The bill appropriates from the region incentive fund
24 of the mental health and disability services regional service
25 fund to HHS for FY 2024-2025, an amount as necessary to ensure
26 the continuity of care for persons transferring services from the
27 mental health and disability services system to the behavioral
28 health services system (BHSS) and for distribution to ASOs to
29 be used for expenses related to the duties of the ASO under the
30 BHSS. The moneys used by an ASO do not count toward any limit on
31 the ASO's administrative costs.

32 The bill requires any unobligated and unencumbered moneys
33 remaining in the mental health and disability services regional
34 service fund on June 30, 2025, to be transferred to the
35 behavioral health fund.

1 This division of the bill is effective upon enactment and
2 applies retroactively to July 1, 2024.

3 DIVISION VI — HEALTH MAINTENANCE ORGANIZATION — APPLICABLE
4 PERCENTAGE FOR PREMIUM TAX. Under current law, a health
5 maintenance organization contracting with HHS to administer the
6 medical assistance program must pay taxes to the director of the
7 department of revenue for deposit in the Medicaid managed care
8 organization premiums fund, an amount equal to 2.5 percent of the
9 premiums received and taxable. The bill changes such amount to
10 the applicable percent of the premiums received and taxable. The
11 "applicable percent" is defined in Code section 432.1(2) (tax on
12 gross premiums — exclusions), and is .95 percent for the 2025
13 calendar year, .925 percent for the 2026 calendar year, and .9
14 percent for the 2027 calendar year and all subsequent calendar
15 years.

16 This division of the bill is effective upon enactment and
17 applies retroactively to January 1, 2024.