

Senate File 2338 - Introduced

SENATE FILE 2338

BY COMMITTEE ON HEALTH AND HUMAN
SERVICES

(SUCCESSOR TO SSB 3082)

A BILL FOR

1 An Act relating to alignment of delivery of health and human
2 services programs and services, aging and disability services,
3 and volunteer services, and including applicability and
4 effective date provisions.

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

DIVISION I

HEALTH AND HUMAN SERVICES DISTRICTS

Section 1. Section 12.51, subsection 1, Code 2026, is amended to read as follows:

1. As used in this section unless the context otherwise requires:

a. "Administrative services organization" means the same as defined in section 225A.1.

b. "Behavioral health district" means the same as defined in section 225A.1.

c. "Behavioral health district advisory council" means the same as defined in section 225A.1.

~~e.~~ d. "Department" means the department of health and human services.

~~d. "District behavioral health advisory council" means the same as defined in section 225A.1.~~

Sec. 2. Section 12.51, subsection 2, paragraph b, subparagraph (3), subparagraph division (d), subparagraph subdivision (ii), Code 2026, is amended to read as follows:

(ii) Input from each ~~district~~ behavioral health district advisory council regarding disbursements from the fund, intended outcomes, and recommendations for future disbursements from the fund.

Sec. 3. Section 217.1, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 4. "Health and human services district" or "HHS district" means a geographic, multicounty area designated by the department under section 217.1B for statewide program and service delivery.

Sec. 4. NEW SECTION. **217.1B Health and human services districts.**

1. The department shall divide the entirety of the state into designated health and human services districts. The initial HHS districts shall be the same as the behavioral health districts designated pursuant to section 225A.4, Code 2026, and that exist

1 on the effective date of this division of this Act. The
2 department shall review the designated HHS districts at least
3 once every seven consecutive fiscal years.

4 2. a. The department may modify a designated HHS district.
5 When modifying a designated HHS district, the department shall
6 consider all of the following:

7 (1) City and county boundaries.

8 (2) The population size that can be effectively served in a
9 specific area.

10 (3) Areas of high need for services.

11 (4) Patterns various populations exhibit when accessing or
12 receiving services.

13 b. Notwithstanding chapter 17A, the manner in which the
14 modification of an HHS district is made, including the
15 determination of boundaries for a modified HHS district, shall
16 not be subject to judicial review.

17 3. The department shall adopt rules pursuant to chapter 17A
18 to administer this section.

19 Sec. 5. Section 225A.1, Code 2026, is amended to read as
20 follows:

21 **225A.1 Definitions.**

22 As used in this chapter unless the context otherwise requires:

23 1. "Administrative services organization" means an entity
24 designated by the department pursuant to section 225A.4, to
25 develop and perform planning and administrative services in
26 accordance with a ~~district~~ behavioral health service system
27 district plan.

28 2. "Behavioral health condition" means a substantial
29 limitation in major life activities due to a mental, behavioral,
30 or addictive disorder or condition diagnosed in accordance
31 with the criteria provided in the most current edition of the
32 diagnostic and statistical manual of mental disorders, published
33 by the American psychiatric association.

34 3. "Behavioral health district" ~~or "district"~~ means a
35 ~~geographic, multicounty, sub-state area as designated by the~~

1 ~~department under section 225A.4 health and human services~~
2 ~~district utilized for the purpose of administering the behavioral~~
3 ~~health service system.~~

4 4. "Behavioral health district advisory council" means an
5 advisory council established pursuant to section 225A.5.

6 ~~4.~~ 5. "Behavioral health provider" or "provider" means an
7 individual, firm, corporation, association, or institution that,
8 pursuant to this chapter, is providing or has been approved
9 by the department to provide services to an individual with a
10 behavioral health condition.

11 ~~5.~~ 6. "Behavioral health service system" means the
12 behavioral health service system established in section 225A.3.

13 7. "Behavioral health service system district plan" or
14 "behavioral health district plan" means a plan developed by
15 an administrative services organization and approved by the
16 department that outlines the services intended to be provided
17 within the administrative services organization's behavioral
18 health district.

19 8. "Behavioral health service system state plan" means
20 the plan developed by the department that describes the key
21 components of the behavioral health service system.

22 ~~6.~~ 9. "Caregiver" means an adult family member, or other
23 individual, who is providing care to a person outside of a formal
24 program.

25 ~~7.~~ 10. "Community mental health center" means an entity
26 designated by the department to address the mental health needs
27 of one or more counties.

28 ~~8.~~ 11. "Department" means the department of health and human
29 services.

30 ~~9.~~ 12. "Director" means the director of the department of
31 health and human services.

32 ~~10. "District behavioral health advisory council" or~~
33 ~~"advisory council" means a council established by an~~
34 ~~administrative services organization under section 225A.5, to~~
35 ~~identify opportunities, address challenges, and advise the~~

1 ~~administrative services organization in accordance with section~~
2 ~~225A.5.~~

3 ~~11. "District behavioral health service system plan" or~~
4 ~~"district behavioral health plan" means a plan developed by~~
5 ~~an administrative services organization and approved by the~~
6 ~~department to outline the services intended to be provided within~~
7 ~~the administrative services organization's behavioral health~~
8 ~~district.~~

9 13. "Health and human services district" or "HHS district"
10 means the same as defined in section 217.1.

11 ~~12.~~ 14. "Indicated prevention" means prevention activities
12 designed to prevent the onset of substance use disorders in
13 individuals who do not meet the medical criteria for addiction,
14 but who show early signs of developing a substance use disorder
15 in the future.

16 ~~13.~~ 15. "Selective prevention" means prevention activities
17 designed to target subsets of the total population who are
18 considered at-risk for a substance use disorder by virtue of
19 their membership in a particular segment of the population.
20 Selective prevention targets the entire subgroup, regardless of
21 the degree of risk of any individual within the group.

22 ~~14. "State behavioral health service system plan" or "state~~
23 ~~behavioral health plan" means the plan developed by the~~
24 ~~department that describes the key components of the state's~~
25 ~~behavioral health service system.~~

26 ~~15.~~ 16. "Universal prevention" means prevention activities
27 designed to address an entire population class for the purpose
28 of preventing or delaying the use of alcohol, tobacco, and other
29 drugs. Population classes include but are not limited to the
30 national population, local populations, community populations,
31 school populations, and neighborhood populations.

32 Sec. 6. Section 225A.2, subsection 3, paragraph c, Code 2026,
33 is amended to read as follows:

34 c. Review and approve ~~district~~ behavioral health service
35 system district plans developed in accordance with the ~~state~~

1 behavioral health service system state plan.

2 Sec. 7. Section 225A.3, subsection 2, paragraph a,
3 subparagraph (1), unnumbered paragraph 1, Code 2026, is amended
4 to read as follows:

5 Develop a ~~state~~ behavioral health service system state plan
6 that accomplishes all of the following:

7 Sec. 8. Section 225A.3, subsection 2, paragraph a,
8 subparagraph (1), subparagraph division (d), Code 2026, is
9 amended to read as follows:

10 (d) Is consistent with the department's agency strategic plan
11 adopted pursuant to section ~~8E.206~~ 8E.204.

12 Sec. 9. Section 225A.3, subsection 2, paragraph a,
13 subparagraph (2), unnumbered paragraph 1, Code 2026, is amended
14 to read as follows:

15 The department shall do all of the following when developing
16 the ~~state~~ behavioral health service system state plan:

17 Sec. 10. Section 225A.3, subsection 2, paragraph a,
18 subparagraph (2), subparagraph division (b), Code 2026, is
19 amended to read as follows:

20 (b) Publish the proposed ~~state~~ behavioral health service
21 system state plan on the department's internet site and allow
22 the public to review and comment on the proposed ~~state~~ behavioral
23 health service system state plan prior to the adoption of the
24 proposed ~~state~~ behavioral health service system state plan.

25 Sec. 11. Section 225A.3, subsection 2, paragraph c, Code
26 2026, is amended to read as follows:

27 c. Oversee, provide technical assistance to, and
28 monitor administrative services organizations to ensure the
29 administrative services organizations' compliance with ~~district~~
30 behavioral health district plans.

31 Sec. 12. Section 225A.3, subsection 2, paragraph k,
32 subparagraph (9), Code 2026, is amended to read as follows:

33 (9) Any other requirements the department deems necessary to
34 ensure that an administrative services organization fulfills the
35 administrative services organization's duties as established in

1 this chapter, and as established in the administrative services
2 organization's ~~distriet~~ behavioral health district plan.

3 Sec. 13. Section 225A.4, subsection 1, Code 2026, is amended
4 to read as follows:

5 1. a. The department shall ~~divide the entirety of the~~
6 ~~state into designated behavioral health districts.~~ Behavioral
7 make available behavioral health prevention, education, early
8 intervention, treatment, recovery support, and crisis services
9 related to mental health and addictive disorders, including but
10 not limited to alcohol use, substance use, tobacco use, and
11 problem gambling, ~~shall be made available through~~ in a consistent
12 manner in each behavioral health district ~~in a manner consistent~~
13 ~~with directives each district receives from the department.~~

14 b. ~~For the purpose of providing equitable access to all~~
15 ~~services provided through the behavioral health service system,~~
16 ~~the department shall consider all of the following when~~
17 ~~designating behavioral health districts:~~

18 (1) ~~City and county lines.~~

19 (2) ~~The maximum population size that behavioral health~~
20 ~~services available in an area are able to effectively serve.~~

21 (3) ~~Areas of high need for behavioral health services.~~

22 (4) ~~Patterns various populations exhibit when accessing or~~
23 ~~receiving behavioral health services.~~

24 c. ~~Notwithstanding chapter 17A, the manner in which the~~
25 ~~department designates behavioral health districts including but~~
26 ~~not limited to the determination of the boundaries for each~~
27 ~~district shall not be subject to judicial review.~~

28 Sec. 14. Section 225A.4, subsection 2, paragraph a, Code
29 2026, is amended to read as follows:

30 a. The department shall designate an administrative services
31 organization for each behavioral health district to oversee and
32 organize each behavioral health district and the behavioral
33 health services associated with the behavioral health district.
34 The department shall may issue requests for proposals for
35 administrative services organization candidates.

1 Sec. 15. Section 225A.4, subsection 2, paragraph b,
2 subparagraph (2), Code 2026, is amended to read as follows:

3 (2) A public or private nonprofit agency located in a
4 the behavioral health district for which the agency is being
5 designated an administrative services organization, or any
6 separate organizational unit within ~~the~~ that public or private
7 nonprofit agency, that has the capabilities to engage in the
8 planning or provision of a broad range of behavioral health
9 prevention, education, early intervention, treatment, recovery
10 support, and crisis services related to mental health and
11 addictive disorders, including but not limited to alcohol use,
12 substance use, tobacco use, and problem gambling, only as
13 directed by the department.

14 Sec. 16. Section 225A.4, subsection 2, paragraph c,
15 subparagraph (2), Code 2026, is amended to read as follows:

16 (2) Whether the entity has demonstrated the ability to ensure
17 the delivery of behavioral health services within the behavioral
18 health district as required by the department by rule.

19 Sec. 17. Section 225A.4, subsection 5, Code 2026, is amended
20 to read as follows:

21 5. Each administrative services organization shall perform
22 all of the following duties:

23 a. Develop and administer a ~~district~~ behavioral health
24 district plan in accordance with the standards adopted by the
25 department by rule.

26 b. Coordinate the administration of the ~~district~~ behavioral
27 health district plan with federal, state, and local resources in
28 order to develop a comprehensive and coordinated local behavioral
29 health service system.

30 c. Enter into contracts necessary to provide services under
31 the ~~district~~ behavioral health district plan.

32 d. Oversee, provide technical assistance to, and monitor the
33 compliance of providers contracted by the administrative services
34 organization to provide behavioral health services in accordance
35 with the ~~district~~ behavioral health district plan.

1 e. Establish a ~~district~~ behavioral health district advisory
2 council pursuant to section 225A.5.

3 Sec. 18. Section 225A.5, Code 2026, is amended to read as
4 follows:

5 **225A.5 ~~District behavioral~~ Behavioral health district**
6 **advisory councils.**

7 1. Each administrative services organization shall establish
8 a ~~district~~ behavioral health district advisory council that shall
9 do all of the following:

10 a. Identify opportunities and address challenges based on
11 updates received from the administrative services organization
12 regarding the implementation of the ~~district~~ behavioral health
13 district plan.

14 b. Advise the administrative services organization while the
15 administrative services organization is developing behavioral
16 health policies.

17 c. Advise the administrative services organization on how to
18 best provide access to behavioral health prevention, education,
19 early intervention, treatment, recovery support, and crisis
20 services related to mental health and addictive disorders,
21 including but not limited to alcohol use, substance use, tobacco
22 use, and problem gambling, throughout the behavioral health
23 district as directed by the department.

24 2. ~~An~~ A behavioral health district advisory council shall
25 consist of ten members. Members shall be appointed by the
26 administrative services organization subject to the following
27 requirements:

28 a. Three members shall be local elected public officials
29 currently holding office within the behavioral health district,
30 or the public official's designated representative.

31 b. Three members shall be chosen in accordance with
32 procedures established by the administrative services
33 organization to ensure representation of the populations served
34 within the behavioral health district. At least one member
35 chosen under this paragraph shall represent child and adolescent

1 persons.

2 c. Three members shall be chosen who have experience or
3 education related to core behavioral health functions, essential
4 behavioral health services, behavioral health prevention,
5 behavioral health treatment, population-based behavioral health
6 services, or community-based behavioral health initiatives.

7 d. One member shall be a law enforcement representative from
8 within the behavioral health district.

9 3. ~~An~~ A behavioral health district advisory council shall
10 perform the duties required under this section regardless of
11 whether any seat on the behavioral health district advisory
12 council is vacant.

13 Sec. 19. Section 225A.6, subsection 4, Code 2026, is amended
14 to read as follows:

15 4. Administrative services organizations shall report to the
16 department, in a manner specified by the department, information
17 including but not limited to demographic information, expenditure
18 data, and data concerning the behavioral health services and
19 other support provided to individuals in the administrative
20 service organization's behavioral health district.

21 Sec. 20. Section 225A.7, subsection 2, paragraph a, Code
22 2026, is amended to read as follows:

23 a. Distributions to administrative services organizations to
24 provide services as outlined in the organizations' ~~district~~
25 behavioral health district plan.

26 Sec. 21. Section 225A.8, subsection 2, unnumbered paragraph
27 1, Code 2026, is amended to read as follows:

28 To promote comprehensive tobacco use prevention and control
29 initiatives outlined in the ~~state~~ behavioral health service
30 system state plan, an entity shall not perform any of the
31 following acts:

32 Sec. 22. EFFECTIVE DATE. This division of this Act, being
33 deemed of immediate importance, takes effect upon enactment.

34 DIVISION II

35 AGING AND DISABILITY SERVICES

1 Sec. 23. Section 231.4, subsection 1, Code 2026, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *Ok. "Health and human services district"*
4 means the same as defined in section 217.1.

5 Sec. 24. Section 231.23, subsection 5, Code 2026, is amended
6 by striking the subsection and inserting in lieu thereof the
7 following:

8 5. Divide the state into distinct planning and service areas
9 in accordance with the federal Act and utilizing the health and
10 human services districts.

11 Sec. 25. DEPARTMENT OF HEALTH AND HUMAN SERVICES —
12 TRANSITION OF AGING SERVICES TO HEALTH AND HUMAN SERVICES
13 DISTRICTS.

14 1. For purposes of this section, unless the context otherwise
15 requires:

16 a. "Department" means the department of health and human
17 services.

18 b. "Federal Act" means the same as defined in section 231.4.

19 c. "Health and human services district" means the same as
20 defined in section 217.1, as amended in division I of this Act.

21 d. "Planning and service area" means the same as defined in
22 the federal Act.

23 e. "Transition period" means the period beginning on the
24 date of enactment of this division of this Act and concluding
25 on the date final approval is received by the department from
26 the administration for community living of the United States
27 department of health and human services of the proposed change
28 to planning and service areas.

29 2. The department shall ensure that aging services under
30 chapter 231 are implemented and administered as required under
31 the federal Act during the transition period.

32 3. The department shall ensure that the time between
33 de-designating and re-designating the planning and service area,
34 in accordance with the federal Act, is the shortest possible
35 time with the least disruption to services during the transition

1 period.

2 Sec. 26. EFFECTIVE DATE. This division of this Act, being
3 deemed of immediate importance, takes effect upon enactment.

4 Sec. 27. CONTINGENT APPLICABILITY. Section 231.23,
5 subsection 5, as amended by this division of this Act, shall
6 apply upon the department of health and human services' receipt,
7 from the administration for community living of the United States
8 department of health and human services, of approval of the
9 planning and service areas under section 231.23, subsection 5, as
10 amended by this division of this Act.

11 DIVISION III

12 VOLUNTEER SERVICES

13 Sec. 28. Section 15H.2, subsection 1, Code 2026, is amended
14 to read as follows:

15 1. The Iowa commission on volunteer service is created within
16 the department. The governor shall appoint the commission's
17 members. ~~The director may employ personnel as necessary to carry~~
18 ~~out the duties and responsibilities of the commission.~~

19 Sec. 29. Section 15H.4, Code 2026, is amended to read as
20 follows:

21 **15H.4 Administration — funding.**

22 1. a. The department shall serve as the lead agency for
23 administration of the commission.

24 b. The department may consult with the department of
25 education, the state board of regents, and the department of
26 workforce development for any additional administrative support
27 as necessary to fulfill the duties of the commission.

28 c. All ~~other~~ state agencies, at the request of the
29 department, shall provide assistance to the commission to ensure
30 a fully coordinated state effort for promoting national and
31 community service.

32 d. The commission may delegate the administration of
33 nonpolicymaking duties, in compliance with 42 U.S.C. §12638,
34 to the executive director and the personnel of the department
35 subunit for volunteerism created in section 217.13.

1 2. The commission may accept funds and in-kind services from
2 other state, federal, and private entities.

3 Sec. 30. Section 217.13, Code 2026, is amended by striking
4 the section and inserting in lieu thereof the following:

5 **217.13 Department subunit for volunteerism — volunteer**
6 **liability.**

7 1. A subunit for volunteerism is created within the
8 department under the department's administrative authority to
9 establish volunteer programs designed to enhance the services
10 provided by the department and to provide administrative support
11 for the nonpolicymaking duties of the Iowa commission on
12 volunteer service as delegated pursuant to section 15H.4.

13 2. a. The director shall appoint an executive director
14 to oversee the administration of the department subunit for
15 volunteerism and to carry out the nonpolicymaking duties of the
16 Iowa commission on volunteer service as delegated pursuant to
17 section 15H.4.

18 b. The department may employ personnel for the subunit for
19 volunteerism as necessary to carry out the duties of the subunit
20 for volunteerism and the nonpolicymaking duties of the Iowa
21 commission on volunteer service as delegated pursuant to section
22 15H.4.

23 3. All volunteers registered with programs administered under
24 this section and in compliance with rules adopted by the
25 department pursuant to chapter 17A shall be considered employees
26 of the state for purposes of chapter 669. However, this section
27 does not exempt a volunteer guardian from an action brought under
28 section 658.1A, or a volunteer guardian or volunteer conservator
29 from an action brought under section 658.3. This section shall
30 not be construed to relieve a volunteer guardian or conservator
31 from duties under chapter 633.

32 4. The department shall adopt rules pursuant to chapter 17A
33 to administer this section.

34 Sec. 31. EFFECTIVE DATE. This division of this Act, being
35 deemed of immediate importance, takes effect upon enactment.

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 activities, programs, and services under the purview of the department of health and human services (HHS).

DIVISION I — HEALTH AND HUMAN SERVICES DISTRICTS. The bill directs HHS to divide the state into health and human services districts (districts), as defined in the bill, to be used by HHS in the delivery of programs and services. The initial districts shall be the same as the behavioral health districts designated in Code section 225A.4, Code 2026, as the behavioral health districts exist on the effective date of this division of the bill. The bill provides factors HHS must consider when modifying the districts. The manner in which HHS modifies a district is not subject to judicial review.

The bill changes Code chapter 225A (HHS — behavioral health service system) so that behavioral health services are provided through the health and human services districts instead of behavioral health districts.

The bill makes conforming changes to Code section 12.51.

This division of the bill takes effect upon enactment.

DIVISION II — AGING AND DISABILITY SERVICES. Under current law, HHS is required to divide the state into distinct planning and service areas (service areas) in accordance with federal law and utilizing districts.

The bill requires HHS to ensure that aging services are implemented and administered as required under federal law during a transition period as that term is defined in the bill. HHS must ensure that the transition period is as short as possible with the least amount of disruption to services as possible.

This division of the bill takes effect upon enactment and applies upon HHS's receipt, from the administration for community living of the United States department of health and human services, of approval of the planning and service areas as amended in the bill.

1 DIVISION III — VOLUNTEER SERVICES. The bill creates a
2 subunit for volunteerism (subunit) within HHS. The subunit shall
3 establish volunteer programs designed to enhance the services
4 provided by HHS and provide administrative support for the
5 nonpolicymaking duties of the Iowa commission on volunteer
6 service (commission). The director of HHS shall appoint an
7 executive director to oversee the administration of the subunit
8 and to carry out nonpolicymaking duties delegated to the subunit
9 by the commission. HHS may employ personnel for the subunit to
10 carry out the duties of the subunit and the duties delegated
11 to the executive director and personnel of the subunit by the
12 commission. All volunteers registered with programs administered
13 by the subunit are considered employees of the state; however,
14 this does not exempt a volunteer conservator or guardian from
15 the conservator's or guardian's duties and does not limit the
16 conservator's or guardian's civil liability for performing the
17 conservator's or guardian's duties. The bill requires HHS to
18 adopt rules to administer this division of the bill.
19 This division of the bill takes effect upon enactment.