

Senate Study Bill 1171 - Introduced

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

A BILL FOR

1 An Act relating to matters under the purview of the department of
2 health and human services, including administrative services
3 organizations, child foster care, child and dependent adult
4 abuse, internal audit and examination information, and the
5 region incentive fund in the mental health and disability
6 services regional service fund, and making an appropriation
7 and including effective date provisions.
8 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 229.19, 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.

DIVISION II

CHILD FOSTER CARE

Sec. 3. Section 232.78, subsection 8, paragraph a, subparagraph (4), Code 2025, is amended to read as follows:

(4) An individual ~~licensed to provide foster care pursuant to~~ licensee under chapter 237. If the child is placed with ~~a licensed foster care provider~~ an individual licensee, the department shall assign decision-making authority to the ~~foster care provider~~ individual licensee for the purpose of applying the reasonable and prudent parent standard during the child's placement.

Sec. 4. Section 232.95, subsection 2, paragraph c,

1 subparagraph (4), Code 2025, is amended to read as follows:

2 (4) An individual ~~licensed to provide foster care pursuant~~
3 ~~to~~ licensee under chapter 237. If the child is placed with
4 ~~a licensed foster care provider~~ an individual licensee, the
5 department shall assign decision-making authority to the ~~foster~~
6 ~~care provider~~ individual licensee for the purpose of applying
7 the reasonable and prudent parent standard during the child's
8 placement.

9 Sec. 5. Section 232.102, subsection 1, paragraph a,
10 subparagraph (4), Code 2025, is amended to read as follows:

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

18 Sec. 6. Section 234.1, subsection 1, paragraph a,
19 subparagraphs (1) and (2), Code 2025, are amended to read as
20 follows:

21 (1) After reaching eighteen years of age, the person has
22 remained continuously and voluntarily under the care of an
23 individual, ~~as defined in section 237.1, licensed to provide~~
24 ~~foster care pursuant to~~ licensee under chapter 237, or in a
25 supervised apartment living arrangement, in this state.

26 (2) The person aged out of foster care after reaching
27 eighteen years of age and subsequently voluntarily applied for
28 placement with an individual, ~~as defined in section 237.1,~~
29 ~~licensed to provide foster care pursuant to~~ licensee under
30 chapter 237, or for placement in a supervised apartment living
31 arrangement, in this state.

32 Sec. 7. Section 234.39, subsection 2, paragraph b, Code 2025,
33 is amended to read as follows:

34 b. ~~This subsection~~ Paragraph "a" shall not apply when a child
35 is placed with a relative or fictive kin as those terms are

1 defined in section 232.2, ~~who is not licensed under chapter 237~~
2 ~~to provide child foster care unless the relative or fictive kin~~
3 ~~is a licensee under chapter 237.~~

4 Sec. 8. Section 237.1, subsection 3, unnumbered paragraph 1,
5 Code 2025, is amended to read as follows:

6 "*Child foster care*" means the provision of parental nurturing,
7 including but not limited to the furnishing of food, lodging,
8 training, education, supervision, treatment, or other care, to
9 a child on a full-time basis by a person, including a relative
10 or fictive kin of the child if the relative or fictive kin is
11 licensed under this chapter, but not including a guardian of the
12 child. "*Child foster care*" does not include any of the following
13 care situations:

14 Sec. 9. Section 237.1, subsection 3, paragraph f, Code 2025,
15 is amended to read as follows:

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

20 Sec. 10. Section 237.1, Code 2025, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 6A. "*Fictive kin*" means an adult person who
23 is not a relative of a child but who has an emotionally positive
24 significant relationship with the child or the child's family.

25 Sec. 11. Section 237.1, subsections 8 and 9, Code 2025, are
26 amended to read as follows:

27 8. "*Licensee*" means an individual or an agency licensed under
28 this chapter, or an individual who has been approved by the
29 department to provide child foster care.

30 9. "*Reasonable and prudent parent standard*" means the
31 standard characterized by careful and sensible parenting
32 decisions that maintain the health, safety, and best interests
33 of a child, while at the same time encouraging the emotional
34 and developmental growth of a child, that a caregiver shall
35 use when determining whether to allow a child in foster care

1 under the placement, care, or supervision of the department to
2 participate in extracurricular, enrichment, cultural, or social
3 activities. For the purposes of this subsection, "caregiver"
4 means ~~an individual or an agency licensed under this chapter a~~
5 licensee with which a child in foster care has been placed or a
6 juvenile shelter care home approved under chapter 232 in which a
7 child in foster care has been placed.

8 Sec. 12. Section 237.2, Code 2025, is amended to read as
9 follows:

10 **237.2 Purpose.**

11 It is the policy of this state to provide appropriate
12 protection for children who are separated from the direct
13 personal care of their parents, relatives, fictive kin, or
14 guardians and, as a result, are subject to difficulty in
15 achieving appropriate physical, mental, emotional, educational,
16 or social development. This chapter shall be construed and
17 administered to further that policy by assuring that child
18 foster care is adequately provided by competently staffed and
19 well-equipped child foster care facilities, including but not
20 limited to residential treatment centers, group homes, and foster
21 family homes.

22 Sec. 13. Section 237.3, subsection 10, Code 2025, is amended
23 to read as follows:

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 a child care facility, for
27 purposes of providing respite care to a foster family home, to
28 provide care, supervision, or guidance of a child for a period of
29 twenty-four hours or more who is placed with the ~~licensed~~ foster
30 family home.

31 Sec. 14. Section 237.4, unnumbered paragraph 1, Code 2025, is
32 amended to read as follows:

33 An individual or an agency, ~~as defined in section 237.1,~~
34 shall not provide child foster care unless the individual or
35 agency ~~obtains a license issued under this chapter~~ is a licensee.

1 However, ~~a license is not required of~~ the following are not
2 required to be a licensee:

3 Sec. 15. Section 237.4, subsection 8, Code 2025, is amended
4 to read as follows:

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

8 Sec. 16. Section 237.6, Code 2025, is amended to read as
9 follows:

10 **237.6 Restricted use of facility.**

11 A An agency licensee shall not furnish child foster care in
12 a building or on premises not designated in the license. A
13 licensee shall not furnish child foster care to a greater number
14 of children than is designated in the license, unless authorized
15 by the department. Multiple licenses authorizing separate and
16 distinct parts of a facility to provide different categories of
17 child foster care may be issued.

18 Sec. 17. Section 237.9, Code 2025, is amended to read as
19 follows:

20 **237.9 Confidential information.**

21 A person who receives information from or through the
22 department ~~concerning a child who has received or is receiving~~
23 ~~child foster care, a relative or guardian of the child, a~~
24 ~~single-family, home licensee, or an individual employee of~~
25 ~~a licensee,~~ shall not disclose that information directly or
26 indirectly, except as authorized by section 217.30, or as
27 authorized or required by section 232.69- if the information
28 concerns any of the following:

29 1. A child who has received or is receiving child foster
30 care.

31 2. A relative of a child who has received or is receiving
32 child foster care.

33 3. A guardian of a child who has received or is receiving
34 child foster care.

35 4. A fictive kin of a child who has received or is receiving

1 child foster care.

2 5. An individual licensee.

3 6. An employee of a licensee.

4 Sec. 18. Section 237.11, Code 2025, is amended to read as
5 follows:

6 **237.11 Penalty.**

7 An individual or an agency who provides child foster care
8 without obtaining a license under this chapter, or approval from
9 the department to provide child foster care, or who knowingly
10 violates this chapter or the rules promulgated pursuant to this
11 chapter is guilty of a serious misdemeanor.

12 Sec. 19. Section 237.12, Code 2025, is amended to read as
13 follows:

14 **237.12 Injunctive relief.**

15 An individual or an agency who provides child foster care
16 without obtaining a license under this chapter, or approval from
17 the department to provide child foster care, or who knowingly
18 violates this chapter or the rules promulgated pursuant to this
19 chapter may be temporarily or permanently enjoined by a court in
20 an action brought by the state, a political subdivision of the
21 state or an interested person.

22 Sec. 20. Section 237.13, subsection 1, Code 2025, is amended
23 to read as follows:

24 1. For the purposes of this section, "*foster home*" means an
25 individual, ~~as defined in section 237.1, subsection 7, who is~~
26 ~~licensed to provide child foster care and shall also be known as~~
27 ~~a "licensed foster home" licensee.~~

28 Sec. 21. Section 237.15, subsection 1, paragraph a, Code
29 2025, is amended to read as follows:

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

32 Sec. 22. Section 237.15, subsection 5, Code 2025, is amended
33 by striking the subsection.

34 Sec. 23. Section 237A.3A, subsection 1, paragraph d, Code
35 2025, is amended to read as follows:

1 ~~d. A person who holds a child foster care license licensee~~
2 under chapter 237 shall register as a child development home
3 provider in order to provide child care.

4 Sec. 24. Section 423.3, subsection 18, paragraph b, Code
5 2025, is amended to read as follows:

6 b. Residential facilities licensed by the department of
7 health and human services pursuant to chapter 237, other than
8 those maintained by individuals as defined in section 237.17
9 ~~subsection 7.~~

10 DIVISION III

11 CHILD AND DEPENDENT ADULT ABUSE

12 Sec. 25. Section 22.7, Code 2025, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 76. Child abuse information as defined in
15 section 235A.13.

16 NEW SUBSECTION. 77. Information obtained in the course of an
17 assessment or evaluation of a report of dependent adult abuse
18 under chapter 235B.

19 Sec. 26. Section 235A.1, subsection 1, paragraph b, Code
20 2025, is amended to read as follows:

21 b. Funds for the programs or projects shall be applied for
22 and received by a community-based ~~volunteer coalition or council~~
23 entity.

24 Sec. 27. Section 235A.15, subsection 1, Code 2025, is amended
25 to read as follows:

26 1. ~~Notwithstanding~~ Subject to chapter 22, the confidentiality
27 of all child abuse information shall be maintained, except as
28 ~~specifically~~ provided by this section.

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

32 (c) Exploitation of a dependent adult ~~which means the act~~
33 ~~or process of taking unfair advantage of a dependent adult~~
34 ~~or the adult's physical or financial resources, without the~~
35 ~~informed consent of the dependent adult, including theft, by~~

1 ~~the use of undue influence, harassment, duress, deception, false~~
2 ~~representation, or false pretenses.~~

3 Sec. 29. Section 235B.2, subsection 5, paragraph a,
4 subparagraphs (3) and (4), Code 2025, are amended to read as
5 follows:

6 (3) ~~(a)~~ Sexual exploitation of a dependent adult by a
7 caretaker.

8 ~~(b) "Sexual exploitation" means any consensual or~~
9 ~~nonconsensual sexual conduct with a dependent adult which~~
10 ~~includes but is not limited to kissing; touching of the clothed~~
11 ~~or unclothed inner thigh, breast, groin, buttock, anus, pubes,~~
12 ~~or genitals; or a sex act, as defined in section 702.17.~~

13 ~~"Sexual exploitation" includes the transmission, display, taking~~
14 ~~of electronic images of the unclothed breast, groin, buttock,~~
15 ~~anus, pubes, or genitals of a dependent adult by a caretaker~~
16 ~~for a purpose not related to treatment or diagnosis or as~~
17 ~~part of an ongoing assessment, evaluation, or investigation.~~
18 ~~Sexual exploitation does not include touching which is part of~~
19 ~~a necessary examination, treatment, or care by a caretaker acting~~
20 ~~within the scope of the practice or employment of the caretaker;~~
21 ~~the exchange of a brief touch or hug between the dependent adult~~
22 ~~and a caretaker for the purpose of reassurance, comfort, or~~
23 ~~casual friendship; or touching between spouses.~~

24 (4) ~~(a)~~ Personal degradation of a dependent adult by a
25 caretaker.

26 ~~(b) (i) "Personal degradation" means a willful act or~~
27 ~~statement by a caretaker intended to shame, degrade, humiliate,~~
28 ~~or otherwise harm the personal dignity of a dependent adult,~~
29 ~~or where the caretaker knew or reasonably should have known the~~
30 ~~act or statement would cause shame, degradation, humiliation, or~~
31 ~~harm to the personal dignity of a reasonable person. "Personal~~
32 ~~degradation" includes the taking, transmission, or display of~~
33 ~~an electronic image of a dependent adult by a caretaker, where~~
34 ~~the caretaker's actions constitute a willful act or statement~~
35 ~~intended to shame, degrade, humiliate, or otherwise harm the~~

~~1 personal dignity of the dependent adult, or where the caretaker
2 knew or reasonably should have known the act would cause shame,
3 degradation, humiliation, or harm to the personal dignity of a
4 reasonable person.~~

5 (ii) ~~"Personal degradation" does not include any of the
6 following:~~

7 (A) ~~The taking, transmission, or display of an electronic
8 image of a dependent adult for the purpose of reporting dependent
9 adult abuse to law enforcement, the department, or any other
10 regulatory agency that oversees caretakers or enforces abuse or
11 neglect provisions, or for the purpose of treatment or diagnosis
12 or as part of an ongoing investigation.~~

13 (B) ~~The taking, transmission, or display of an electronic
14 image by a caretaker who takes, transmits, or displays the
15 electronic image in accordance with the confidentiality policy
16 and release of information or consent policies of a contractor,
17 employer, or facility or program not covered under section
18 235E.1, subsection 5, paragraph "a", subparagraph (3).~~

19 (C) ~~A statement by a caretaker who is the spouse of
20 a dependent adult that is not intended to shame, degrade,
21 humiliate, or otherwise harm the personal dignity of the
22 dependent adult spouse.~~

23 Sec. 30. Section 235B.2, Code 2025, is amended by adding the
24 following new subsections:

25 NEW SUBSECTION. 7A. *"Exploitation of a dependent adult"*
26 means a fraudulent, illegal, unauthorized, or otherwise improper
27 act or process of an individual, including a caregiver or a
28 fiduciary, that results in any of the following:

29 a. Use of a dependent adult's resources for the financial
30 or personal benefit, profit, or gain of a person other than the
31 dependent adult.

32 b. Deprivation of a dependent adult's rightful access to or
33 use of the dependent adult's benefits, resources, belongings, or
34 assets.

35 NEW SUBSECTION. 12A. *"Personal degradation"* means a willful

1 act or statement by a caretaker intended to shame, degrade,
2 humiliate, or otherwise harm the personal dignity of a dependent
3 adult, or where the caretaker knew or reasonably should have
4 known the act or statement would cause shame, degradation,
5 humiliation, or harm to the personal dignity of a reasonable
6 person.

7 *a. "Personal degradation"* includes the taking, transmission,
8 or display of an electronic image of a dependent adult by a
9 caretaker, where the caretaker's actions constitute a willful act
10 or statement intended to shame, degrade, humiliate, or otherwise
11 harm the personal dignity of the dependent adult, or where the
12 caretaker knew or reasonably should have known the act would
13 cause shame, degradation, humiliation, or harm to the personal
14 dignity of a reasonable person.

15 *b. "Personal degradation"* does not include any of the
16 following:

17 (1) The taking, transmission, or display of an electronic
18 image of a dependent adult for the purpose of reporting dependent
19 adult abuse to law enforcement, the department, or any other
20 regulatory agency that oversees caretakers or enforces abuse or
21 neglect provisions, or for the purpose of treatment or diagnosis
22 or as part of an ongoing investigation.

23 (2) The taking, transmission, or display of an electronic
24 image by a caretaker who takes, transmits, or displays the
25 electronic image in accordance with the confidentiality policy
26 and release of information or consent policies of a facility as
27 defined in section 235E.1.

28 (3) A statement by a caretaker who is the spouse of
29 a dependent adult that is not intended to shame, degrade,
30 humiliate, or otherwise harm the personal dignity of the
31 dependent adult spouse.

32 NEW SUBSECTION. 14A. *a. "Sexual exploitation"* means any
33 consensual or nonconsensual sexual conduct with a dependent adult
34 which includes but is not limited to any of the following:

35 (1) Kissing.

1 (2) Touching of the clothed or unclothed inner thigh, breast,
2 groin, buttock, anus, pubes, or genitals.

3 (3) A sex act, as defined in section 702.17.

4 b. "Sexual exploitation" includes but is not limited to
5 the transmission, display, taking of electronic images of the
6 unclothed breast, groin, buttock, anus, pubes, or genitals of
7 a dependent adult by a caretaker for a purpose not related to
8 treatment or diagnosis or as part of an ongoing assessment,
9 evaluation, or investigation.

10 c. "Sexual exploitation" does not include any of the
11 following:

12 (1) Touching which is part of a necessary examination,
13 treatment, or care by a caretaker acting within the scope of the
14 practice or employment of the caretaker.

15 (2) The exchange of a brief touch or hug between the
16 dependent adult and a caretaker for the purpose of reassurance,
17 comfort, or casual friendship.

18 (3) Touching between spouses.

19 Sec. 31. Section 235B.3, subsection 7, Code 2025, is amended
20 to read as follows:

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

25 b. Upon a showing of probable cause that ~~a dependent adult~~
26 there has been financially exploited financial exploitation of a
27 dependent adult, a court may authorize a person, also authorized
28 by the department, to make an evaluation, and to gain access to
29 the financial records that the department reasonably believes are
30 related to the financial resources of the dependent adult.

31 Sec. 32. Section 235B.6, subsection 1, Code 2025, is amended
32 to read as follows:

33 1. ~~Notwithstanding~~ Subject to chapter 22, the confidentiality
34 of all dependent adult abuse information shall be maintained,
35 except as ~~specifically~~ provided by subsections 2 and 3.

1 Sec. 33. Section 235B.6, subsection 2, paragraph e,
2 subparagraph (2), Code 2025, is amended to read as follows:

3 (2) Registry or department personnel when necessary to
4 the performance of their official duties, or a person, an
5 instrumentality of the state, or an agency under contract with
6 the department to carry out official duties and functions of the
7 registry.

8 Sec. 34. Section 249A.4, Code 2025, is amended by adding the
9 following new subsection:

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

14 DIVISION IV

15 DEPARTMENT OF HEALTH AND HUMAN SERVICES — CONFIDENTIALITY OF
16 INTERNAL AUDIT AND EXAMINATION INFORMATION

17 Sec. 35. Section 11.41, subsection 4, paragraph a, Code 2025,
18 is amended by adding the following new subparagraph:

19 NEW SUBPARAGRAPH. (10) Information, including workpapers,
20 created or received by the department of health and human
21 services while conducting an internal audit or examination
22 relating to an allegation of misconduct or noncompliance.

23 Sec. 36. Section 22.7, Code 2025, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 24. a. Information, including workpapers,
26 created or received by the department of health and human
27 services while conducting an internal audit or examination
28 relating to an allegation of misconduct or noncompliance.

29 b. The department of health and human services may disclose
30 the information kept confidential under paragraph "a" as
31 necessary to complete an audit or examination, to comply with
32 a state or federal law, or to allow a representative of the
33 department of health and human services to testify in court.

34 c. Information kept confidential under paragraph "a" shall
35 become a public record upon completion of the internal audit or

1 examination to which the information and workpapers pertain.

2 DIVISION V

3 REGION INCENTIVE FUND — DISTRIBUTIONS AND TRANSFERS

4 Sec. 37. DEPARTMENT OF HEALTH AND HUMAN SERVICES —
5 BEHAVIORAL HEALTH SERVICES SYSTEM — REGION INCENTIVE FUND.

6 1. For purposes of this section:

7 a. "Administrative services organization" means the same as
8 defined in 2024 Iowa Acts, chapter 1161, section 1.

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

12 c. "Behavioral health services system" means the behavioral
13 health services system established in 2024 Iowa Acts, chapter
14 1161, section 3, subsection 1.

15 d. "Mental health and disability services system" means the
16 mental health and disability services system described in section
17 225C.6B.

18 2. Notwithstanding any provision of law to the contrary,
19 there is appropriated from the region incentive fund created
20 in section 225C.7A, subsection 8, to the department of health
21 and human services for the fiscal year beginning July 1, 2024,
22 and ending June 30, 2025, an amount necessary to ensure the
23 continuity of care for persons transferring services from the
24 mental health and disability services system to the behavioral
25 health services system, and to establish the behavioral health
26 services system. The department of health and human services
27 may distribute moneys appropriated under this subsection to
28 administrative services organizations to be used for expenses
29 related to the purposes described in this subsection.

30 3. Notwithstanding 2024 Iowa Acts, chapter 1161, section 7,
31 subsection 5, moneys distributed to, and used by, administrative
32 services organizations under subsection 2 shall not count toward
33 an administrative services organization's seven percent limit on
34 administrative costs.

35 4. Moneys in the mental health and disability services

1 regional service fund established in section 225C.7A, subsection
2 1, that remain unencumbered or unobligated on June 30, 2025,
3 shall be transferred to the behavioral health fund.

4 Sec. 38. EFFECTIVE DATE. This division of this Act, being
5 deemed of immediate importance, takes effect upon enactment.

6 EXPLANATION

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

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

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

15 The bill prohibits an ASO, or an officer or an employee of
16 an ASO, from acting as a county's advocate to represent the
17 interests of patients involuntarily hospitalized by the court in
18 matters relating to a patient's hospitalization or treatment.

19 DIVISION II — CHILD FOSTER CARE. Under current law, a
20 person's periodic support payments pursuant to an order or
21 judgment are deemed assigned to HHS if the person is or has a
22 child receiving foster care services. The assignment does not
23 apply when a child is placed with a relative or fictive kin of
24 the child who is not licensed to provide child foster care. The
25 bill permits the assignment unless the relative or fictive kin is
26 not licensed to provide child foster care and not approved by HHS
27 to provide services as specified by HHS.

28 The bill includes within the Code chapter 237 (child foster
29 care facilities) definition of "licensee", an individual who has
30 been approved by HHS to provide child foster care.

31 The bill makes several changes to Code chapter 237 and to
32 Code sections 232.78 (temporary custody of a child pursuant
33 to ex parte court order), 232.98 (hearing concerning temporary
34 removal), 232.102 (transfer of legal custody of child and
35 placement), 234.1 (child and family services — definitions),

1 234.39 (child and family services — responsibility for costs
2 of services), 237A.3A (child development homes), and 423.3
3 (streamlined sales and use tax Act — exemptions).

4 DIVISION III — CHILD AND DEPENDENT ADULT ABUSE. The bill
5 makes child abuse information and information obtained in the
6 course of an assessment or evaluation of a report of dependent
7 adult abuse confidential records.

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

13 The bill defines "exploitation of a dependent adult" as a
14 fraudulent, illegal, unauthorized, or otherwise improper act or
15 process of an individual, including a caregiver or a fiduciary,
16 that results in the use of a dependent adult's resources for
17 the financial or personal benefit, profit, or gain of a person
18 other than the dependent adult, or the deprivation of a dependent
19 adult's rightful access to or use of the dependent adult's
20 benefits, resources, belongings, or assets.

21 Under current law, upon a showing of probable cause that
22 a dependent adult has been financially exploited a court may
23 authorize a person, who is also authorized by HHS, to gain access
24 to the financial records of the dependent adult. The bill amends
25 the statute so the person authorized by the court and HHS can
26 gain access to financial records that HHS has a reasonable belief
27 are related to the financial resources of the dependent adult.

28 The bill authorizes an instrumentality of the state to access
29 dependent adult abuse records if the instrumentality is under
30 contract with HHS to carry out official duties and functions of
31 the dependent adult abuse registry.

32 The bill requires the director of HHS to require providers
33 under the medical assistance program to share information with
34 HHS as necessary to identify, prevent, or respond to child or
35 dependent adult abuse.

1 The bill makes conforming changes to Code section 235B.6
2 (dependent adult abuse services — authorized access).

3 DIVISION IV — DEPARTMENT OF HEALTH AND HUMAN SERVICES
4 — CONFIDENTIALITY OF INTERNAL AUDIT AND EXAMINATION
5 INFORMATION. The bill makes information, including workpapers,
6 created or received by HHS during an internal audit or
7 examination (information) confidential. HHS may disclose the
8 information as necessary to complete an audit or examination,
9 to comply with a state or federal law, or to allow an
10 HHS representative to testify in court. The information
11 becomes public record upon completion of the internal audit or
12 examination to which the information pertains. The bill also
13 prevents the state auditor from accessing the information except
14 as required to comply with the standards for engagement described
15 in Code section 11.3 (when audits and examinations begin), to
16 comply with state or federal regulations, or in case of alleged
17 or suspected embezzlement or theft.

18 DIVISION V — REGION INCENTIVE FUND — DISTRIBUTIONS AND
19 TRANSFERS. The bill appropriates from the region incentive fund
20 of the mental health and disability services regional service
21 fund to HHS for FY 2024-2025, an amount as necessary to ensure
22 the continuity of care for persons transferring services from the
23 mental health and disability services system to the behavioral
24 health services system (BHSS) and establish the BHSS. The moneys
25 may be distributed to and used by an ASO for expenses related to
26 the purposes described in the bill. The moneys used by an ASO
27 do not count toward the ASO's 7 percent limit on administrative
28 costs.

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

33 This division of the bill is effective upon enactment.