

House File 2780 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2616)
(SUCCESSOR TO HF 2338)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to persons with mental illness, mental
2 retardation, developmental disabilities, or brain injury by
3 addressing purposes and quality standards for services and
4 other support available for such persons, establishing basic
5 financial eligibility standards, addressing state and county
6 financial responsibility for the cost of the services and
7 other support, changing the name of a departmental division,
8 providing for an increase in the reimbursement of certain
9 service providers, and providing effective and applicability
10 dates.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
12 HF 2780
13 jp/es/25

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1 1 DIVISION I
1 2 PURPOSES AND QUALITY STANDARDS
1 3 Section 1. Section 225C.1, Code 2005, is amended to read
1 4 as follows:
1 5 225C.1 FINDINGS AND PURPOSE.
1 6 1. The general assembly finds that services to persons
1 7 with mental illness, mental retardation, developmental
1 8 disabilities, or brain injury are provided in many parts of
1 9 the state by highly autonomous community-based service
1 10 providers working cooperatively with state and county
1 11 officials. However, the general assembly recognizes that
1 12 heavy reliance on property tax funding for mental health and
1 13 mental retardation services has ~~restricted uniform~~
1 14 ~~availability of this care enabled many counties to exceed~~
1 15 ~~minimum state standards for the services resulting in an~~
1 16 ~~uneven level of services around the state.~~ Consequently,
1 17 greater efforts should be made to assure close coordination
1 18 and continuity of care for those persons receiving publicly
1 19 supported disability services in Iowa. It is the purpose of
1 20 this chapter to continue and to strengthen the services to
1 21 persons with disabilities now available in the state of Iowa,
1 22 to make ~~these disability~~ services conveniently available to
1 23 all persons in this state upon a reasonably uniform financial
1 24 basis, and to assure the continued high quality of these
1 25 services.
1 26 2. It is the intent of the general assembly that the
1 27 service system for persons with disabilities emphasize the
1 28 ability of persons with disabilities to exercise their own
1 29 choices about the amounts and types of services received; that
1 30 all levels of the service system seek to empower persons with
1 31 disabilities to accept responsibility, exercise choices, and
1 32 take risks; ~~that disability services are individualized,~~
1 33 ~~provided to produce results, flexible, and cost-effective;~~ and
1 34 that ~~disability~~ services be provided in a manner which
1 35 supports the ability of persons with disabilities to live,
2 1 learn, work, and recreate in ~~natural~~ communities of their
2 2 choice.
2 3 Sec. 2. Section 225C.2, subsection 6, Code 2005, is
2 4 amended to read as follows:
2 5 6. "Disability services" means services ~~or~~ and other
2 6 ~~assistance support~~ available to a person with mental illness,
2 7 mental retardation or other developmental disability, or brain
2 8 injury.

2 9 Sec. 3. Section 225C.4, subsection 1, paragraph d, Code
2 10 2005, is amended to read as follows:

2 11 d. Encourage and facilitate coordination of disability
2 12 services with the objective of developing and maintaining in
2 13 the state a disability service delivery system to provide
2 14 disability services to all persons in this state who need the
2 15 services, regardless of the place of residence or economic
2 16 circumstances of those persons. The administrator shall work
2 17 with the commission and other state agencies, including but
2 18 not limited to the departments of corrections, education, and
2 19 public health and the state board of regents to develop and
2 20 implement a strategic plan to expand access to qualified
2 21 mental health workers across the state.

2 22 Sec. 4. Section 225C.4, subsection 1, paragraph j, Code
2 23 2005, is amended to read as follows:

2 24 j. Establish and maintain a data collection and management
2 25 information system oriented to the needs of patients,
2 26 providers, the department, and other programs or facilities.
2 27 The administrator shall annually submit to the commission
2 28 information collected by the department indicating the changes
2 29 and trends in the disability services system.

2 30 Sec. 5. Section 225C.6, subsection 1, paragraph n, Code
2 31 2005, is amended to read as follows:

2 32 n. Identify ~~basic disability services for planning~~
2 33 ~~purposes disability services outcomes and indicators to~~
2 34 ~~support the ability of eligible persons with a disability to~~
2 35 ~~live, learn, work, and recreate in communities of the persons'~~
3 1 ~~choice. The identification duty includes but is not limited~~
3 2 ~~to responsibility for identifying, collecting, and analyzing~~
3 3 ~~data as necessary to issue reports on outcomes and indicators~~
3 4 ~~at the county and state levels.~~

3 5 Sec. 6. Section 225C.27, Code 2005, is amended to read as
3 6 follows:

3 7 225C.27 PURPOSE.

3 8 Sections 225C.25 through 225C.28B shall be liberally
3 9 construed and applied to promote their purposes and the stated
3 10 rights and service quality standards. The commission, in
3 11 coordination with appropriate agencies, shall adopt rules to
3 12 implement the purposes of section 225C.28B, subsections 3 and
3 13 4, which include, but are not limited to, the following:

3 14 1. Promotion of the human dignity and protection of the
3 15 constitutional and statutory rights of persons with mental
3 16 retardation, developmental disabilities, brain injury, or
3 17 chronic mental illness in the state.

3 18 2. Encouraging the development of the ability and
3 19 potential of each person with mental retardation,
3 20 developmental disabilities, brain injury, or chronic mental
3 21 illness in the state to the fullest extent possible.

3 22 3. Encouraging activities to ensure that recipients of
3 23 services shall not be deprived of any rights, benefits, or
3 24 privileges guaranteed by law, the Constitution of the State of
3 25 Iowa, or the Constitution of the United States solely on
3 26 account of the receipt of the services.

3 27 4. Promoting access by each person in the state with
3 28 mental retardation, developmental disabilities, brain injury,
3 29 or chronic mental illness to effective services and other
3 30 support and treatment essential for living, working, and
3 31 participating fully in the community.

3 32 Sec. 7. Section 225C.28A, Code 2005, is amended to read as
3 33 follows:

3 34 225C.28A SERVICE QUALITY STANDARDS.

3 35 As the state participates more fully in funding services
4 1 and other support to persons with mental retardation,
4 2 developmental disabilities, brain injury, or chronic mental
4 3 illness, it is the intent of the general assembly that the
4 4 state shall seek to attain the following quality standards in
4 5 the provision of the services:

4 6 1. Provide comprehensive evaluation and diagnosis adapted
4 7 to the cultural background, primary language, and ethnic
4 8 origin of the person.

4 9 2. Provide an individual treatment, habilitation, and
4 10 program plan.

4 11 3. Provide ~~individualized~~ treatment, habilitation, and
4 12 program services that are individualized, provided to produce
4 13 results, flexible, and cost-effective, as appropriate.

4 14 4. Provide periodic review of the individual plan.

4 15 5. Provide for the least restrictive environment and age=
4 16 appropriate services.

4 17 6. Provide appropriate training and employment
4 18 opportunities so that the person's ability to contribute to
4 19 and participate in the community is maximized.

4 20 7. Provide an ongoing process to determine the degree of
4 21 access to and the effectiveness of the services and other
4 22 support in achieving the disability services outcomes and
4 23 indicators identified by the commission pursuant to section
4 24 225C.6.

4 25 Sec. 8. Section 331.439, subsection 1, paragraph b,
4 26 subparagraphs (2) and (3), Code Supplement 2005, are amended
4 27 to read as follows:

4 28 (2) For informational purposes, the county shall submit a
4 29 management plan review to the department of human services by
4 30 ~~April~~ December 1 of each year. The annual review shall
4 31 incorporate an analysis of the data associated with the
4 32 services managed during the preceding fiscal year by the
4 33 county or by a managed care entity on behalf of the county.
4 34 The annual review shall also identify measurable outcomes and
4 35 results showing the county's progress in fulfilling the
5 1 purposes listed in paragraph "bb", and in achieving the
5 2 disability services outcomes and indicators identified by the
5 3 commission pursuant to section 225C.6.

5 4 (3) For informational purposes, every three years the
5 5 county shall submit to the department of human services a
5 6 three-year strategic plan. The strategic plan shall describe
5 7 how the county will proceed to attain the plan's goals and
5 8 ~~objectives contained in the strategic plan for the duration of~~
5 9 ~~the plan, and the measurable outcomes and results necessary~~
5 10 ~~for moving the county's service system toward an~~
5 11 individualized, community-based focus in accordance with
5 12 paragraph "bb". The three-year strategic plan shall be
5 13 submitted by April 1, 2000, and by April 1 of every third year
5 14 thereafter.

5 15 Sec. 9. Section 331.439, subsection 1, Code Supplement
5 16 2005, is amended by adding the following new paragraphs:

5 17 NEW PARAGRAPH. bb. The county implements its county
5 18 management plan under paragraph "b" and other service
5 19 management functions in a manner that seeks to achieve all of
5 20 the following purposes identified in section 225C.1 for
5 21 persons who are covered by the plan or are otherwise subject
5 22 to the county's service management functions:

5 23 (1) The service system seeks to empower persons to
5 24 exercise their own choices about the amounts and types of
5 25 services and other support received.

5 26 (2) The service system seeks to empower the persons to
5 27 accept responsibility, exercise choices, and take risks.

5 28 (3) The service system seeks to provide services and other
5 29 support that are individualized, provided to produce results,
5 30 flexible, and cost-effective.

5 31 (4) The services system seeks to provide services and
5 32 other supports in a manner which supports the ability of the
5 33 persons to live, learn, work, and recreate in communities of
5 34 their choice.

5 35 NEW PARAGRAPH. bbb. Commencing with the fiscal year
6 1 beginning July 1, 2007, the county management plan under
6 2 paragraph "bb" shall do both of the following:

6 3 (1) Describe how the county will provide services and
6 4 other support that are individualized, provided to produce
6 5 results, flexible, and cost-effective in accordance with
6 6 paragraph "bb", subparagraph (3).

6 7 (2) Describe how the ability of the individuals covered by
6 8 the plan to live, learn, work, and recreate in communities of
6 9 the individuals' choice will be enhanced as provided in
6 10 paragraph "bb", subparagraph (4).

6 11 Sec. 10. Section 426B.5, Code Supplement 2005, is amended
6 12 by adding the following new subsection:

6 13 NEW SUBSECTION. 3. INCENTIVE POOL.

6 14 a. An incentive pool is created in the property tax relief
6 15 fund. The incentive pool shall consist of the moneys credited
6 16 to the incentive pool by law.

6 17 b. Moneys available in the incentive pool for a fiscal
6 18 year shall be distributed to those counties that either meet
6 19 or show progress toward meeting the purposes described in
6 20 section 331.439, subsection 1, paragraph "bb". The moneys
6 21 received by a county from the incentive pool shall be used to
6 22 build community capacity to support individuals covered by the
6 23 county's management plan approved under section 331.439, in
6 24 meeting such purposes.

6 25 Sec. 11. APPLICABILITY DATE. The section of this division
6 26 of this Act amending section 426B.5 is first applicable for
6 27 allowed growth funding distributed in the fiscal year
6 28 beginning July 1, 2008.

6 31 Sec. 12. Section 225C.6, subsection 1, paragraph m, Code
6 32 2005, is amended to read as follows:

6 33 m. Identify ~~model basic financial eligibility guidelines~~
6 34 ~~standards~~ for disability services. ~~The standards shall~~
6 35 ~~include but are not limited to the following:~~

7 1 (1) ~~A financial eligibility standard providing that a~~
7 2 ~~person with an income equal to or less than one hundred fifty~~
7 3 ~~percent of the federal poverty level, as defined by the most~~
7 4 ~~recently revised poverty income guidelines published by the~~
7 5 ~~United States department of health and human services, is~~
7 6 ~~eligible for disability services paid with public funding.~~
7 7 ~~However, a county may apply a copayment requirement for a~~
7 8 ~~particular disability service to a person with an income equal~~
7 9 ~~to or less than one hundred fifty percent of the federal~~
7 10 ~~poverty level, provided the disability service and the~~
7 11 ~~copayment amount both comply with rules adopted by the~~
7 12 ~~commission applying uniform standards with respect to~~
7 13 ~~copayment requirements. A person with an income above one~~
7 14 ~~hundred fifty percent of the federal poverty level may be~~
7 15 ~~eligible subject to a copayment or other cost-sharing~~
7 16 ~~arrangement subject to limitations adopted in rule by the~~
7 17 ~~commission.~~

7 18 (2) ~~A requirement that a person who is eligible for~~
7 19 ~~federally funded services and other support must apply for the~~
7 20 ~~services and support.~~

7 21 (3) ~~Resource limitations that are derived from the federal~~
7 22 ~~supplemental security income program limitations. A person~~
7 23 ~~with resources above the federal supplemental security income~~
7 24 ~~program limitations may be eligible subject to limitations~~
7 25 ~~adopted in rule by the commission. If a person does not~~
7 26 ~~qualify for federally funded services and other support but~~
7 27 ~~meets income, resource, and functional eligibility~~
7 28 ~~requirements, the following types of resources shall be~~
7 29 ~~disregarded:~~

7 30 (a) ~~A retirement account that is in the accumulation~~
7 31 ~~stage.~~

7 32 (b) ~~A burial, medical savings, or assistive technology~~
7 33 ~~account.~~

7 34 Sec. 13. ALLOWED GROWTH FUNDING STUDY. A study committee
7 35 shall be established by the legislative council for the 2006
8 1 legislative interim to review the formulas used for
8 2 distribution of state mental health, mental retardation, and
8 3 developmental disabilities services allowed growth factor
8 4 funding to counties. The purpose of the review is to
8 5 determine whether the formulas are effective in distributing
8 6 funds to counties in a manner that best serves Iowans with
8 7 disabilities while enabling the state and counties to budget
8 8 effectively for providing the services. The study committee
8 9 shall hear testimony and provide an opportunity for discussion
8 10 with counties, advocates for persons with disabilities, and
8 11 other interested parties. The membership of the study
8 12 committee shall include at least six members of the senate and
8 13 five members of the house of representatives.

8 14 DIVISION III

8 15 CENTRAL POINT OF COORDINATION PROCESS == COUNTY OF RESIDENCE
8 16 RESPONSIBILITIES AND STATE CASES

8 17 Sec. 14. Section 331.440, Code 2005, is amended by adding
8 18 the following new subsection:

8 19 NEW SUBSECTION. 1A. For the purposes of this section,
8 20 unless the context otherwise requires:

8 21 a. "Adult person" means a person who is age eighteen or
8 22 older and is a United States citizen or a qualified alien as
8 23 defined in 8 U.S.C. } 1641.

8 24 b. "County of residence" means the county in this state in
8 25 which, at the time an adult person applies for or receives
8 26 services, the adult person is living and has established an
8 27 ongoing presence with the declared, good faith intention of
8 28 living for a permanent or indefinite period of time. The
8 29 county of residence of an adult person who is a homeless
8 30 person is the county where the homeless person usually sleeps.

8 31 c. "Homeless person" means the same as defined in section
8 32 48A.2.

8 33 d. "State case services and other support" means the
8 34 mental health, mental retardation, and developmental
8 35 disabilities services and other support paid for under the
9 1 rules and requirements in effect prior to July 1, 2007, from
9 2 the annual appropriation made to the department of human
9 3 services for such services and other support provided to
9 4 persons who have no established county of legal settlement or
9 5 the legal settlement is unknown so that the person is deemed
9 6 to be a state case. Such services and other support do not

9 7 include medical assistance program services or services
9 8 provided in a state institution.
9 9 Sec. 15. Section 331.440, subsection 3, Code 2005, is
9 10 amended to read as follows:
9 11 3. An application for services may be made through the
9 12 central point of coordination process of ~~a~~ an adult person's
9 13 county of residence. However, if a Effective July 1, 2007, if
9 14 an adult person who is subject to a central point of
9 15 coordination process has legal settlement in another county,
9 16 or the costs of services or other support provided to the
9 17 person are the financial responsibility of the state, an
9 18 authorization through the central point of coordination
9 19 process shall be coordinated with the person's county of legal
9 20 settlement or with the state, as applicable. The county of
9 21 residence and county of legal settlement of a person subject
9 22 to a central point of coordination process may mutually agree
9 23 that the central point of coordination process functions shall
9 24 be performed by the central point of coordination process of
9 25 the person's county of legal settlement residence in
9 26 accordance with the county of residence's management plan
9 27 approved under section 331.439 and the person's county of
9 28 legal settlement is responsible for the cost of the services
9 29 or other support authorized at the rates reimbursed by the
9 30 county of residence. At the time services or other support
9 31 are authorized, the county of residence shall send the county
9 32 of legal settlement a copy of the authorization notice.

9 33 Sec. 16. Section 331.440, Code 2005, is amended by adding
9 34 the following new subsection:
9 35 NEW SUBSECTION. 3A. Effective July 1, 2007, if an adult
10 1 person has no established county of legal settlement or the
10 2 legal settlement is unknown so that the person is deemed to be
10 3 a state case, the person's eligibility and the authorization
10 4 for state case services and other support shall be determined
10 5 by the adult person's county of residence in accordance with
10 6 that county's management plan approved under section 331.439.
10 7 The costs of the state case services and other support
10 8 provided for the person shall be the responsibility of the
10 9 person's county of legal residence. The funding appropriated
10 10 to the department of human services for purposes of the state
10 11 case services and other support shall be distributed as
10 12 provided in the appropriation to the counties of residence
10 13 responsible for the costs.

10 14 Sec. 17. EFFECTIVE DATE == COST PROJECTIONS == LEGISLATIVE
10 15 INTENT.

10 16 1. Except for this section, this division of this Act
10 17 takes effect July 1, 2007. This section, being deemed of
10 18 immediate importance, takes effect upon enactment.

10 19 2. Unless a more equitable approach is identified, it is
10 20 the intent of the general assembly to distribute the
10 21 appropriation made for state case services and other support,
10 22 as defined in this division of this Act, for the fiscal year
10 23 beginning July 1, 2007, on the basis of the actual amount
10 24 expended for state case services and other support provided to
10 25 persons who resided in each county during the fiscal year
10 26 beginning July 1, 2006, as adjusted for any increase made in
10 27 the appropriation amount. It is further intended that
10 28 warrants distributing the appropriation made for state case
10 29 services and other support will be issued to counties in July
10 30 2007.

10 31 3. Each county that would need to amend the county's
10 32 management plan for services approved under section 331.439 in
10 33 order to implement the provisions of this division of this Act
10 34 on July 1, 2007, shall develop and submit projections of the
10 35 costs to the county to implement the provisions. The
11 1 projections shall identify costs in the initial and succeeding
11 2 fiscal years. The projections shall be submitted on December
11 3 1, 2006, along with the county's expenditure report submitted
11 4 pursuant to section 331.439, subsection 1, paragraph "a". The
11 5 projections, along with any findings and recommendations
11 6 identified by the county, shall be submitted at the same time
11 7 to the department of human services, the mental health, mental
11 8 retardation, developmental disabilities, and brain injury
11 9 commission, and the general assembly.

11 10 3A. The department of human services shall review the
11 11 funding distribution methodology for state case funding
11 12 described in this section and the cost projections, findings,
11 13 and recommendations submitted by counties pursuant to this
11 14 section and provide departmental findings and recommendations
11 15 to resolve the issues identified. The department's findings
11 16 and recommendations shall be submitted to the governor and
11 17 general assembly on or before January 2, 2007.

11 18 4. It is the intent of the general assembly to direct the
11 19 department of human services to renegotiate the contract with
11 20 the contractor providing managed care for mental health
11 21 services under the medical assistance program so that any
11 22 responsibility for the contractor to manage state case
11 23 services and other support, as defined by this division of
11 24 this Act, will end effective June 30, 2007.

11 25 DIVISION IV

11 26 DIVISION NAME CHANGE

11 27 Sec. 18. Section 135C.25, subsection 1, Code 2005, is
11 28 amended to read as follows:

11 29 1. Each health care facility shall have a resident
11 30 advocate committee whose members shall be appointed by the
11 31 director of the department of elder affairs or the director's
11 32 designee. A person shall not be appointed a member of a
11 33 resident advocate committee for a health care facility unless
11 34 the person is a resident of the service area where the
11 35 facility is located. The resident advocate committee for any
12 1 facility caring primarily for persons with mental illness,
12 2 mental retardation, or a developmental disability shall only
12 3 be appointed after consultation with the administrator of the
12 4 division of mental health and ~~developmental disabilities~~
12 5 disability services of the department of human services on the
12 6 proposed appointments. Recommendations to the director or the
12 7 director's designee for membership on resident advocate
12 8 committees are encouraged from any agency, organization, or
12 9 individual. The administrator of the facility shall not be
12 10 appointed to the resident advocate committee and shall not be
12 11 present at committee meetings except upon request of the
12 12 committee.

12 13 Sec. 19. Section 217.6, unnumbered paragraph 2, Code 2005,
12 14 is amended to read as follows:

12 15 The department of human services may be initially divided
12 16 into the following divisions of responsibility: the division
12 17 of child and family services, the division of mental health
12 18 and ~~developmental disabilities~~ disability services, the
12 19 division of administration, and the division of planning,
12 20 research and statistics.

12 21 Sec. 20. Section 217.10, Code 2005, is amended to read as
12 22 follows:

12 23 217.10 ADMINISTRATOR OF DIVISION OF MENTAL HEALTH AND
12 24 ~~DEVELOPMENTAL DISABILITIES~~ DISABILITY SERVICES.

12 25 The administrator of the division of mental health and
12 26 ~~developmental disabilities~~ disability services shall be
12 27 qualified as provided in section 225C.3, subsection 3. The
12 28 administrator's duties are enumerated in section 225C.4.

12 29 Sec. 21. Section 221.2, Code 2005, is amended to read as
12 30 follows:

12 31 221.2 ADMINISTRATOR.

12 32 Pursuant to the compact, the administrator of the division
12 33 of mental health and ~~developmental disabilities~~ disability
12 34 services of the department of human services shall be the
12 35 compact administrator. The compact administrator may
13 1 cooperate with all departments, agencies, and officers of this
13 2 state and its subdivisions in facilitating the proper
13 3 administration of the compact and of any supplementary
13 4 agreement entered into by this state under the compact.

13 5 Sec. 22. Section 225C.2, subsections 1 and 7, Code 2005,
13 6 is amended to read as follows:

13 7 1. "Administrator" means the administrator of the division
13 8 of ~~mental health and developmental disabilities of the~~
13 9 ~~department of human services.~~

13 10 7. "Division" means the division of mental health and
13 11 ~~developmental disabilities~~ disability services of the
13 12 ~~department of human services.~~

13 13 Sec. 23. Section 225C.13, subsection 2, Code Supplement
13 14 2005, is amended to read as follows:

13 15 2. The ~~division~~ administrator of the ~~division of mental~~
13 16 ~~health and developmental disabilities~~ may work with the
13 17 appropriate administrator of the department's institutions to
13 18 establish mental health and mental retardation services for
13 19 all institutions under the control of the director of human
13 20 services and to establish an autism unit, following mutual
13 21 planning and consultation with the medical director of the
13 22 state psychiatric hospital, at an institution or a facility
13 23 administered by the department to provide psychiatric and
13 24 related services and other specific programs to meet the needs
13 25 of autistic persons, and to furnish appropriate diagnostic
13 26 evaluation services.

13 27 Sec. 24. Section 230A.1, Code 2005, is amended to read as
13 28 follows:

13 29 230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY MENTAL
13 30 HEALTH CENTERS.

13 31 A county or affiliated counties, by action of the board or
13 32 boards of supervisors, with approval of the administrator of
13 33 the division of mental health and ~~developmental disabilities~~
13 34 disability services of the department of human services, may
13 35 establish a community mental health center under this chapter
14 1 to serve the county or counties. This section does not limit
14 2 the authority of the board or boards of supervisors of any
14 3 county or group of counties to continue to expend money to
14 4 support operation of the center, and to form agreements with
14 5 the board of supervisors of any additional county for that
14 6 county to join in supporting and receiving services from or
14 7 through the center.

14 8 Sec. 25. Section 230A.13, unnumbered paragraph 2, Code
14 9 2005, is amended to read as follows:

14 10 Release of administrative and diagnostic information, as
14 11 defined in section 228.1, ~~subsections 1 and 3~~, and demographic
14 12 information necessary for aggregated reporting to meet the
14 13 data requirements established by the department of human
14 14 services, division of mental health and ~~developmental~~
14 15 ~~disabilities~~ disability services, relating to an individual
14 16 who receives services from a community mental health center
14 17 through the applicable central point of coordination process,
14 18 may be made a condition of support of that center by any
14 19 county under this section.

14 20 Sec. 26. Section 230A.16, unnumbered paragraph 1, Code
14 21 2005, is amended to read as follows:

14 22 The administrator of the division of mental health and
14 23 ~~developmental disabilities~~ disability services of the
14 24 department of human services shall recommend and the mental
14 25 health, mental retardation, developmental disabilities, and
14 26 brain injury commission shall adopt standards for community
14 27 mental health centers and comprehensive community mental
14 28 health programs, with the overall objective of ensuring that
14 29 each center and each affiliate providing services under
14 30 contract with a center furnishes high quality mental health
14 31 services within a framework of accountability to the community
14 32 it serves. The standards shall be in substantial conformity
14 33 with those of the psychiatric committee of the joint
14 34 commission on accreditation of health care organizations and
14 35 other recognized national standards for evaluation of
15 1 psychiatric facilities unless in the judgment of the
15 2 administrator of the division of mental health and
15 3 ~~developmental disabilities~~ disability services, with approval
15 4 of the mental health, mental retardation, developmental
15 5 disabilities, and brain injury commission, there are sound
15 6 reasons for departing from the standards. When recommending
15 7 standards under this section, the administrator of the
15 8 division shall designate an advisory committee representing
15 9 boards of directors and professional staff of community mental
15 10 health centers to assist in the formulation or revision of
15 11 standards. At least a simple majority of the members of the
15 12 advisory committee shall be lay representatives of community
15 13 mental health center boards of directors. At least one member
15 14 of the advisory committee shall be a member of a county board
15 15 of supervisors. The standards recommended under this section
15 16 shall include requirements that each community mental health
15 17 center established or operating as authorized by section
15 18 230A.1 shall:

15 19 Sec. 27. Section 230A.16, subsection 3, Code 2005, is
15 20 amended to read as follows:

15 21 3. Arrange for the financial condition and transactions of
15 22 the community mental health center to be audited once each
15 23 year by the auditor of state. However, in lieu of an audit by
15 24 state accountants, the local governing body of a community
15 25 mental health center organized under this chapter may contract
15 26 with or employ certified public accountants to conduct the
15 27 audit, pursuant to the applicable terms and conditions
15 28 prescribed by sections 11.6 and 11.19 and audit format
15 29 prescribed by the auditor of state. Copies of each audit
15 30 shall be furnished by the accountant to the administrator of
15 31 the division of mental health and ~~developmental disabilities~~,
15 32 disability services and the board of supervisors supporting
15 33 the audited community mental health center.

15 34 Sec. 28. Section 230A.17, Code 2005, is amended to read as
15 35 follows:

16 1 230A.17 REVIEW AND EVALUATION.

16 2 The administrator of the division of mental health and
16 3 ~~developmental disabilities~~ disability services of the
16 4 department of human services may review and evaluate any

16 5 community mental health center upon the recommendation of the
16 6 mental health, mental retardation, developmental disabilities,
16 7 and brain injury commission, and shall do so upon the written
16 8 request of the center's board of directors, its chief medical
16 9 or administrative officer, or the board of supervisors of any
16 10 county from which the center receives public funds. The cost
16 11 of the review shall be paid by the division.

16 12 Sec. 29. Section 262.70, Code 2005, is amended to read as
16 13 follows:

16 14 262.70 EDUCATION, PREVENTION, AND RESEARCH PROGRAMS IN
16 15 MENTAL HEALTH AND ~~MENTAL RETARDATION DISABILITY SERVICES.~~

16 16 The division of mental health and ~~developmental~~
16 17 ~~disabilities disability services~~ of the department of human
16 18 services may contract with the board of regents or any
16 19 institution under the board's jurisdiction to establish and
16 20 maintain programs of education, prevention, and research in
16 21 the fields of mental health, ~~and mental retardation,~~
16 22 ~~developmental disabilities, and brain injury.~~ The board may
16 23 delegate responsibility for these programs to the state
16 24 psychiatric hospital, the university hospital, or any other
16 25 appropriate entity under the board's jurisdiction.

16 26 Sec. 30. Section 331.440A, subsection 7, paragraph a,
16 27 subparagraph (3), Code 2005, is amended to read as follows:

16 28 (3) One individual designated by the division of medical
16 29 services of the department of human services and one
16 30 individual designated by the division of mental health and
16 31 ~~developmental disabilities disability services~~ of the
16 32 department of human services.

16 33 Sec. 31. Section 331.756, subsection 45, Code Supplement
16 34 2005, is amended to read as follows:

16 35 45. Appear on behalf of the administrator of the division
17 1 of mental health and ~~developmental disabilities disability~~
17 2 ~~services~~ of the department of human services in support of an
17 3 application to transfer a person with mental illness who
17 4 becomes incorrigible and dangerous from a state hospital for
17 5 persons with mental illness to the Iowa medical and
17 6 classification center as provided in section 226.30.

17 7 Sec. 32. CODE EDITOR == NAME CHANGE DIRECTIVE. The Code
17 8 editor shall revise the headnote to section 225C.3 to reflect
17 9 the change in the name of the division of mental health and
17 10 developmental disabilities to the division of mental health
17 11 and disability services made pursuant to this division of this
17 12 Act.

17 13 Sec. 33. REQUIREMENT TO REESTABLISH DIVISION. The general
17 14 assembly finds that the scope and importance of the department
17 15 of human services' duties under law involving mental health,
17 16 mental retardation, developmental disabilities, and brain
17 17 injury services justifies assigning those duties to a separate
17 18 division in place of the current practice in which the duties
17 19 are assigned to a division serving many disparate populations.
17 20 Therefore, during the fiscal year beginning July 1, 2006,
17 21 contingent upon the appropriation of funding for this purpose,
17 22 the director of human services shall reestablish a separate
17 23 division, to be known as the division of mental health and
17 24 disability services, and shall appropriately assign to that
17 25 division the department's duties under law involving such
17 26 services.

17 27 DIVISION V

17 28 REIMBURSEMENT PROVISIONS

17 29 Sec. 34. FY 2006=2007 MEDICAL ASSISTANCE PROGRAM
17 30 REIMBURSEMENT OF INPATIENT MENTAL HEALTH SERVICES, COMMUNITY
17 31 MENTAL HEALTH CENTERS, AND PSYCHIATRISTS.

17 32 In combination with any other reimbursement increases
17 33 authorized by law for the indicated providers, the department
17 34 of human services shall seek federal approval to amend the
17 35 medical assistance program state plan and shall amend the
18 1 contract with the department's managed care contractor for
18 2 mental health services under the program, in order to increase
18 3 medical assistance program reimbursement rates beginning
18 4 October 1, 2006, to not more than the maximum amounts
18 5 indicated, for all of the following providers:

18 6 1. Inpatient mental health services provided at hospitals
18 7 at the cost of the services, subject to Medicaid program upper
18 8 payment limit rules.

18 9 2. Community mental health centers at 100 percent of the
18 10 reasonable costs for the provision of services to recipients
18 11 of medical assistance.

18 12 3. Psychiatrists at the medical assistance program fee for
18 13 service rate.

18 14 Implementation of the provisions of this section is
18 15 contingent upon receipt of federal approval and limited to the

