

House File 825 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 284)

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

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 human services, the department of elder affairs, the Iowa
3 department of public health, the commission of veterans
4 affairs and the Iowa veterans home, and the department of
5 inspections and appeals, providing for fee increases, and
6 including other related provisions and appropriations, and
7 providing effective dates.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1089HV 81
10 pf/cf/24

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1 1 DIVISION I
1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
1 3 ELDER AFFAIRS
1 4 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
1 5 appropriated from the general fund of the state to the
1 6 department of elder affairs for the fiscal year beginning July
1 7 1, 2005, and ending June 30, 2006, the following amount, or so
1 8 much thereof as is necessary, to be used for the purposes
1 9 designated:
1 10 For aging programs for the department of elder affairs and
1 11 area agencies on aging to provide citizens of Iowa who are 60
1 12 years of age and older with case management for the frail
1 13 elderly, the retired and senior volunteer program, resident
1 14 advocate committee coordination, employment, and other
1 15 services which may include, but are not limited to, adult day
1 16 services, respite care, chore services, telephone reassurance,
1 17 information and assistance, and home repair services, and for
1 18 the construction of entrance ramps which make residences
1 19 accessible to the physically handicapped, and for salaries,
1 20 support, administration, maintenance, miscellaneous purposes,
1 21 and for not more than the following full-time equivalent
1 22 positions with the department of elder affairs:
1 23 \$ 2,791,522
1 24 FTEs 27.75
1 25 1. Funds appropriated in this section may be used to
1 26 supplement federal funds under federal regulations. To
1 27 receive funds appropriated in this section, a local area
1 28 agency on aging shall match the funds with moneys from other
1 29 sources according to rules adopted by the department. Funds
1 30 appropriated in this section may be used for elderly services
1 31 not specifically enumerated in this section only if approved
1 32 by an area agency on aging for provision of the service within
1 33 the area.
1 34 2. If the Eighty-first General Assembly enacts legislation
1 35 establishing the Iowa commission on volunteer service, then of
2 1 the funds appropriated in this section, \$174,198 shall be
2 2 transferred to the office of the governor for the Iowa
2 3 commission on volunteer service to be used for the retired and
2 4 senior volunteer program.
2 5 HEALTH
2 6 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
2 7 appropriated from the general fund of the state to the Iowa
2 8 department of public health for the fiscal year beginning July
2 9 1, 2005, and ending June 30, 2006, the following amounts, or
2 10 so much thereof as is necessary, to be used for the purposes
2 11 designated:
2 12 1. ADDICTIVE DISORDERS
2 13 For reducing the prevalence of use of tobacco, alcohol, and

2 14 other drugs, and treating individuals affected by addictive
 2 15 behaviors, including gambling, and for not more than the
 2 16 following full-time equivalent positions:
 2 17 \$ 1,258,710
 2 18 FTEs 7.45
 2 19 The department and any grantee or subgrantee of the
 2 20 department shall not discriminate against a nongovernmental
 2 21 organization that provides substance abuse treatment and
 2 22 prevention services or applies for funding to provide those
 2 23 services on the basis that the organization has a religious
 2 24 character.
 2 25 2. ADULT WELLNESS
 2 26 For maintaining or improving the health status of adults,
 2 27 with target populations between the ages of 18 through 60:
 2 28 \$ 304,067
 2 29 3. CHILD AND ADOLESCENT WELLNESS
 2 30 For promoting the optimum health status for children and
 2 31 adolescents from birth through 21 years of age, and for not
 2 32 more than the following full-time equivalent positions:
 2 33 \$ 915,761
 2 34 FTEs 6.65
 2 35 4. CHRONIC CONDITIONS
 3 1 For serving individuals identified as having chronic
 3 2 conditions or special health care needs, and for not more than
 3 3 the following full-time equivalent positions:
 3 4 \$ 1,265,342
 3 5 FTEs 1.35
 3 6 Of the funds appropriated in this subsection, not more than
 3 7 \$100,000 shall be used to leverage federal funding through the
 3 8 federal Ryan White Care Act, Title II, AIDS drug assistance
 3 9 program supplemental drug treatment grants.
 3 10 5. COMMUNITY CAPACITY
 3 11 For strengthening the health care delivery system at the
 3 12 local level, and for not more than the following full-time
 3 13 equivalent positions:
 3 14 \$ 1,264,299
 3 15 FTEs 9.90
 3 16 Of the funds appropriated in this subsection, \$100,000 is
 3 17 allocated for a child vision screening program implemented
 3 18 through the university of Iowa hospitals and clinics in
 3 19 collaboration with community empowerment areas.
 3 20 6. ELDERLY WELLNESS
 3 21 For optimizing the health of persons 60 years of age and
 3 22 older:
 3 23 \$ 9,233,985
 3 24 7. ENVIRONMENTAL HAZARDS
 3 25 For reducing the public's exposure to hazards in the
 3 26 environment, primarily chemical hazards, and for not more than
 3 27 the following full-time equivalent positions:
 3 28 \$ 401,808
 3 29 FTEs 1.50
 3 30 The amount appropriated in this subsection includes
 3 31 \$150,000 in additional funding for childhood lead poisoning
 3 32 prevention activities, and of this amount, \$100,000 is
 3 33 allocated for counties not receiving federal funding for this
 3 34 purpose and \$50,000 is allocated for a pilot project involving
 3 35 a multicounty effort to address lead poisoning prevention and
 4 1 remediation activities.
 4 2 8. INFECTIOUS DISEASES
 4 3 For reducing the incidence and prevalence of communicable
 4 4 diseases, and for not more than the following full-time
 4 5 equivalent positions:
 4 6 \$ 1,078,039
 4 7 FTEs 5.25
 4 8 9. INJURIES
 4 9 For providing support and protection to victims of abuse or
 4 10 injury, or programs that are designed to prevent abuse or
 4 11 injury, and for not more than the following full-time
 4 12 equivalent positions:
 4 13 \$ 1,044,151
 4 14 FTEs 1.80
 4 15 Of the funds appropriated in this subsection, not more than
 4 16 \$335,107 shall be used for the healthy opportunities to
 4 17 experience success (HOPES) = healthy families Iowa (HFI)
 4 18 program established pursuant to section 135.106.
 4 19 Of the funds appropriated in this subsection, \$643,500
 4 20 shall be credited to the emergency medical services fund
 4 21 created in section 135.25.
 4 22 10. PUBLIC PROTECTION
 4 23 For protecting the health and safety of the public through
 4 24 establishing standards and enforcing regulations, and for not

4 25 more than the following full-time equivalent positions:
4 26 \$ 6,820,423
4 27 FTEs 110.05

4 28 11. RESOURCE MANAGEMENT

4 29 For establishing and sustaining the overall ability of the
4 30 department to deliver services to the public, and for not more
4 31 than the following full-time equivalent positions:

4 32 \$ 994,442
4 33 FTEs 3.00

4 34 12. The university of Iowa hospitals and clinics under the
4 35 control of the state board of regents shall not receive
5 1 indirect costs from the funds appropriated in this section.

5 2 13. A local health care provider or nonprofit health care
5 3 organization seeking grant moneys administered by the Iowa
5 4 department of public health shall provide documentation that
5 5 the provider or organization has coordinated its services with
5 6 other local entities providing similar services.

5 7 14. a. The department shall apply for available federal
5 8 funds for sexual abstinence education programs.

5 9 b. It is the intent of the general assembly to comply with
5 10 the United States Congress' intent to provide education that
5 11 promotes abstinence from sexual activity outside of marriage
5 12 and reduces pregnancies, by focusing efforts on those persons
5 13 most likely to father and bear children out of wedlock.

5 14 c. Any sexual abstinence education program awarded moneys
5 15 under the grant program shall meet the definition of
5 16 abstinence education in the federal law. Grantees shall be
5 17 evaluated based upon the extent to which the abstinence
5 18 program successfully communicates the goals set forth in the
5 19 federal law.

5 20 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION. In lieu
5 21 of the appropriation made in section 135.150, subsection 1,
5 22 there is appropriated from funds available in the gambling
5 23 treatment fund created in section 135.150 to the Iowa
5 24 department of public health for the fiscal year beginning July
5 25 1, 2005, and ending June 30, 2006, the following amount, or so
5 26 much thereof as is necessary, to be used for the purposes
5 27 designated:

5 28 1. ADDICTIVE DISORDERS

5 29 To be utilized for the benefit of persons with addictions:

5 30 \$ 1,690,000

5 31 It is the intent of the general assembly that from the
5 32 moneys appropriated in this subsection, persons with a dual
5 33 diagnosis of substance abuse and gambling addictions shall be
5 34 given priority in treatment services.

5 35 2. GAMBLING TREATMENT PROGRAM

6 1 The funds in the gambling treatment fund after the
6 2 appropriation in subsection 1 is made are appropriated to the
6 3 department to be used for funding of administrative costs and
6 4 to provide programs which may include, but are not limited to,
6 5 outpatient and follow-up treatment for persons affected by
6 6 problem gambling, rehabilitation and residential treatment
6 7 programs, information and referral services, education and
6 8 preventive services, and financial management services. Of
6 9 the amount appropriated in subsection 1, up to \$100,000 may be
6 10 used for the licensing of gambling treatment programs as
6 11 provided in section 135.150.

6 12 COMMISSION OF VETERANS AFFAIRS

6 13 Sec. 4. COMMISSION OF VETERANS AFFAIRS. There is
6 14 appropriated from the general fund of the state to the
6 15 commission of veterans affairs for the fiscal year beginning
6 16 July 1, 2005, and ending June 30, 2006, the following amounts,
6 17 or so much thereof as is necessary, to be used for the
6 18 purposes designated:

6 19 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

6 20 For salaries, support, maintenance, miscellaneous purposes,
6 21 including the war orphans educational aid fund established
6 22 pursuant to chapter 35, and for not more than the following
6 23 full-time equivalent positions:

6 24 \$ 320,717
6 25 FTEs 4.00

6 26 a. Of the funds appropriated in this subsection, \$50,000
6 27 shall be used by the commission to contract with the
6 28 department of elder affairs to utilize local veterans affairs
6 29 commissions and the retired and senior volunteers program to
6 30 increase the utilization by eligible individuals of benefits
6 31 available through the federal department of veterans affairs.

6 32 b. Of the funds appropriated in this subsection, \$75,000
6 33 shall be used for the commission's costs associated with the
6 34 contracts implemented under paragraph "a".

6 35 2. IOWA VETERANS HOME

7 1 For salaries, support, maintenance, miscellaneous purposes,
7 2 and for not more than the following full-time equivalent
7 3 positions:
7 4 \$ 16,309,443
7 5 FTEs 855.22

7 6 HUMAN SERVICES

7 7 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
7 8 GRANT. There is appropriated from the fund created in section
7 9 8.41 to the department of human services for the fiscal year
7 10 beginning July 1, 2005, and ending June 30, 2006, from moneys
7 11 received under the federal temporary assistance for needy
7 12 families (TANF) block grant pursuant to the federal Personal
7 13 Responsibility and Work Opportunity Reconciliation Act of
7 14 1996, Pub. L. No. 104-193, and successor legislation, which
7 15 are federally appropriated for the federal fiscal years
7 16 beginning October 1, 2004, and ending September 30, 2005, and
7 17 beginning October 1, 2005, and ending September 30, 2006, the
7 18 following amounts, or so much thereof as is necessary, to be
7 19 used for the purposes designated:

7 20 1. To be credited to the family investment program account
7 21 and used for assistance under the family investment program
7 22 under chapter 239B:
7 23 \$ 44,277,569

7 24 2. To be credited to the family investment program account
7 25 and used for the job opportunities and basic skills (JOBS)
7 26 program, and implementing family investment agreements, in
7 27 accordance with chapter 239B:
7 28 \$ 13,412,794

7 29 3. For field operations:
7 30 \$ 16,702,033

7 31 4. For general administration:
7 32 \$ 3,730,547

7 33 5. For local administrative costs:
7 34 \$ 2,181,296

7 35 6. For state child care assistance:
8 1 \$ 14,556,560

8 2 a. Of the funds appropriated in this subsection, \$200,000
8 3 shall be used for provision of educational opportunities to
8 4 registered child care home providers in order to improve
8 5 services and programs offered by this category of providers
8 6 and to increase the number of providers. The department may
8 7 contract with institutions of higher education or child care
8 8 resource and referral centers to provide the educational
8 9 opportunities. Allowable administrative costs under the
8 10 contracts shall not exceed 5 percent. The application for a
8 11 grant shall not exceed two pages in length.

8 12 b. The funds appropriated in this subsection shall be
8 13 transferred to the child care and development block grant
8 14 appropriation.

8 15 7. For mental health and developmental disabilities
8 16 community services:
8 17 \$ 4,798,979

8 18 8. For child and family services:
8 19 \$ 31,538,815

8 20 9. For child abuse prevention grants:
8 21 \$ 250,000

8 22 10. For pregnancy prevention grants on the condition that
8 23 family planning services are funded:
8 24 \$ 2,520,037

8 25 a. If the department receives approval of a waiver from
8 26 the centers for Medicare and Medicaid services of the United
8 27 States department of health and human services to provide
8 28 family planning services, of the amount appropriated in this
8 29 subsection, \$533,580 shall be transferred to the appropriation
8 30 in this Act for child and family services.

8 31 b. Pregnancy prevention grants shall be awarded to
8 32 programs in existence on or before July 1, 2005, if the
8 33 programs are comprehensive in scope and have demonstrated
8 34 positive outcomes. Grants shall be awarded to pregnancy
8 35 prevention programs which are developed after July 1, 2005, if
9 1 the programs are comprehensive in scope and are based on
9 2 existing models that have demonstrated positive outcomes.
9 3 Grants shall comply with the requirements provided in 1997
9 4 Iowa Acts, chapter 208, section 14, subsections 1 and 2,
9 5 including the requirement that grant programs must emphasize
9 6 sexual abstinence. Priority in the awarding of grants shall
9 7 be given to programs that serve areas of the state which
9 8 demonstrate the highest percentage of unplanned pregnancies of
9 9 females of childbearing age within the geographic area to be
9 10 served by the grant.

9 11 11. For technology needs and other resources necessary to

9 12 meet federal welfare reform reporting, tracking, and case
 9 13 management requirements:
 9 14 \$ 1,037,186
 9 15 12. For the healthy opportunities for parents to
 9 16 experience success (HOPES) program administered by the Iowa
 9 17 department of public health to target child abuse prevention:
 9 18 \$ 200,000
 9 19 13. To be credited to the state child care assistance
 9 20 appropriation made in this section to be used for funding of
 9 21 community-based early childhood programs targeted to children
 9 22 from birth through five years of age, developed by community
 9 23 empowerment areas as provided in section 28.9, as amended by
 9 24 this Act:
 9 25 \$ 7,350,000
 9 26 The department shall transfer TANF block grant funding
 9 27 appropriated and allocated in this subsection to the child
 9 28 care and development block grant appropriation in accordance
 9 29 with federal law as necessary to comply with the provisions of
 9 30 this subsection.
 9 31 14. For a pilot program to be established in a judicial
 9 32 district, selected by the department and the judicial council,
 9 33 to provide employment and support services to delinquent child
 9 34 support obligors as an alternative to commitment to jail as
 9 35 punishment for contempt of court:
 10 1 \$ 200,000
 10 2 Of the amounts appropriated in this section, \$12,808,841
 10 3 for the fiscal year beginning July 1, 2005, shall be
 10 4 transferred to the appropriation of the federal social
 10 5 services block grant for that fiscal year. If the federal
 10 6 government revises requirements to reduce the amount that may
 10 7 be transferred to the federal social services block grant, it
 10 8 is the intent of the general assembly to act expeditiously
 10 9 during the 2006 legislative session to adjust appropriations
 10 10 or the transfer amount or take other actions to address the
 10 11 reduced amount.
 10 12 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
 10 13 1. Moneys credited to the family investment program (FIP)
 10 14 account for the fiscal year beginning July 1, 2005, and ending
 10 15 June 30, 2006, shall be used to provide assistance in
 10 16 accordance with chapter 239B.
 10 17 2. The department may use a portion of the moneys credited
 10 18 to the FIP account under this section as necessary for
 10 19 salaries, support, maintenance, and miscellaneous purposes and
 10 20 for not more than the following full-time equivalent positions
 10 21 which are in addition to any other full-time equivalent
 10 22 positions authorized in this division of this Act:
 10 23 FTEs 17.33
 10 24 3. Moneys appropriated in this division of this Act and
 10 25 credited to the FIP account for the fiscal year beginning July
 10 26 1, 2005, and ending June 30, 2006, are allocated as follows:
 10 27 a. For the family development and self-sufficiency grant
 10 28 program as provided under section 217.12:
 10 29 \$ 5,133,042
 10 30 (1) Of the funds allocated for the family development and
 10 31 self-sufficiency grant program in this lettered paragraph, not
 10 32 more than 5 percent of the funds shall be used for the
 10 33 administration of the grant program.
 10 34 (2) The department may continue to implement the family
 10 35 development and self-sufficiency grant program statewide
 11 1 during FY 2005=2006.
 11 2 b. For the diversion subaccount of the FIP account:
 11 3 \$ 2,814,000
 11 4 (1) A portion of the moneys allocated for the subaccount
 11 5 may be used for field operations salaries, data management
 11 6 system development, and implementation costs and support
 11 7 deemed necessary by the director of human services in order to
 11 8 administer the FIP diversion program.
 11 9 (2) Of the funds allocated in this lettered paragraph, not
 11 10 more than \$250,000 shall be used to develop or continue
 11 11 community-level parental obligation pilot projects. The
 11 12 requirements established under 2001 Iowa Acts, chapter 191,
 11 13 section 3, subsection 5, paragraph "c", subparagraph (3),
 11 14 shall remain applicable to the parental obligation pilot
 11 15 projects for fiscal year 2005=2006.
 11 16 c. For the food stamp employment and training program:
 11 17 \$ 64,278
 11 18 5. Of the child support collections assigned under FIP, an
 11 19 amount equal to the federal share of support collections shall
 11 20 be credited to the child support recovery appropriation. Of
 11 21 the remainder of the assigned child support collections
 11 22 received by the child support recovery unit, a portion shall

11 23 be credited to the FIP account and a portion may be used to
11 24 increase recoveries.

11 25 6. The department may adopt emergency administrative rules
11 26 for the family investment, food stamp, and medical assistance
11 27 programs, if necessary, to comply with federal requirements.

11 28 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
11 29 appropriated from the general fund of the state to the
11 30 department of human services for the fiscal year beginning
11 31 July 1, 2005, and ending June 30, 2006, the following amount,
11 32 or so much thereof as is necessary, to be used for the purpose
11 33 designated:

11 34 To be credited to the family investment program (FIP)
11 35 account and used for family investment program assistance
12 1 under chapter 239B:

12 2 \$ 40,250,000

12 3 Of the funds appropriated in this section, \$9,274,134 is
12 4 allocated for the JOBS program.

12 5 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
12 6 from the general fund of the state to the department of human
12 7 services for the fiscal year beginning July 1, 2005, and
12 8 ending June 30, 2006, the following amount, or so much thereof
12 9 as is necessary, to be used for the purposes designated:

12 10 For child support recovery, including salaries, support,
12 11 maintenance, and miscellaneous purposes and for not more than
12 12 the following full-time equivalent positions:

12 13 \$ 7,829,317

12 14 FTEs 423.00

12 15 1. The department shall expend up to \$31,000, including
12 16 federal financial participation, for the fiscal year beginning
12 17 July 1, 2005, for a child support public awareness campaign.

12 18 The department and the office of the attorney general shall
12 19 cooperate in continuation of the campaign. The public
12 20 awareness campaign shall emphasize, through a variety of media
12 21 activities, the importance of maximum involvement of both
12 22 parents in the lives of their children as well as the
12 23 importance of payment of child support obligations.

12 24 2. Federal access and visitation grant moneys shall be
12 25 issued directly to private not-for-profit agencies that
12 26 provide services designed to increase compliance with the
12 27 child access provisions of court orders, including but not
12 28 limited to neutral visitation site and mediation services.

12 29 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from
12 30 the general fund of the state to the department of human
12 31 services for the fiscal year beginning July 1, 2005, and
12 32 ending June 30, 2006, the following amount, or so much thereof
12 33 as is necessary, to be used for the purpose designated:

12 34 For medical assistance reimbursement and associated costs
12 35 as specifically provided in the reimbursement methodologies in
13 1 effect on June 30, 2005, except as otherwise expressly
13 2 authorized by law, including reimbursement for abortion
13 3 services, which shall be available under the medical
13 4 assistance program only for those abortions which are
13 5 medically necessary:

13 6 \$524,800,000

13 7 1. Medically necessary abortions are those performed under
13 8 any of the following conditions:

13 9 a. The attending physician certifies that continuing the
13 10 pregnancy would endanger the life of the pregnant woman.

13 11 b. The attending physician certifies that the fetus is
13 12 physically deformed, mentally deficient, or afflicted with a
13 13 congenital illness.

13 14 c. The pregnancy is the result of a rape which is reported
13 15 within 45 days of the incident to a law enforcement agency or
13 16 public or private health agency which may include a family
13 17 physician.

13 18 d. The pregnancy is the result of incest which is reported
13 19 within 150 days of the incident to a law enforcement agency or
13 20 public or private health agency which may include a family
13 21 physician.

13 22 e. Any spontaneous abortion, commonly known as a
13 23 miscarriage, if not all of the products of conception are
13 24 expelled.

13 25 2. The department shall utilize not more than \$60,000 of
13 26 the funds appropriated in this section to continue the
13 27 AIDS/HIV health insurance premium payment program as
13 28 established in 1992 Iowa Acts, Second Extraordinary Session,
13 29 chapter 1001, section 409, subsection 6. Of the funds
13 30 allocated in this subsection, not more than \$5,000 may be
13 31 expended for administrative purposes.

13 32 3. Of the funds appropriated to the Iowa department of
13 33 public health for addictive disorders, \$950,000 for the fiscal

13 34 year beginning July 1, 2005, shall be transferred to the
13 35 department of human services for an integrated substance abuse
14 1 managed care system.

14 2 4. If the federal centers for Medicare and Medicaid
14 3 services approves a waiver request from the department, the
14 4 department shall provide a period of 12 months of guaranteed
14 5 eligibility for medical assistance family planning services
14 6 only, regardless of the change in circumstances of a woman who
14 7 was a medical assistance recipient when a pregnancy ended.
14 8 The department shall also provide this guaranteed eligibility
14 9 to women of childbearing age with countable income at or below
14 10 200 percent of the federal poverty level.

14 11 5. a. The department shall aggressively pursue options
14 12 for providing medical assistance or other assistance to
14 13 individuals with special needs who become ineligible to
14 14 continue receiving services under the early and periodic
14 15 screening, diagnosis, and treatment program under the medical
14 16 assistance program due to becoming 21 years of age, who have
14 17 been approved for additional assistance through the
14 18 department's exception to policy provisions, but who have
14 19 health care needs in excess of the funding available through
14 20 the exception to policy process.

14 21 b. Of the funds appropriated in this section, \$100,000
14 22 shall be used for participation in one or more pilot projects
14 23 operated by a private provider to allow the individual or
14 24 individuals to receive service in the community in accordance
14 25 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
14 26 (1999), for the purpose of providing medical assistance or
14 27 other assistance to individuals with special needs who become
14 28 ineligible to continue receiving services under the early and
14 29 periodic screening, diagnosis, and treatment program under the
14 30 medical assistance program due to becoming 21 years of age,
14 31 who have been approved for additional assistance through the
14 32 department's exception to policy provisions, but who have
14 33 health care needs in excess of the funding available through
14 34 the exception to the policy provisions.

14 35 6. Of the funds available in this section, up to
15 1 \$3,270,082 may be transferred to the field operations or
15 2 general administration appropriations in this Act for
15 3 implementation and operational costs associated with Part D of
15 4 the federal Medicare Prescription Drug, Improvement, and
15 5 Modernization Act of 2003, Pub. L. No. 108-173.

15 6 7. The department shall expand the health insurance data
15 7 match program as directed pursuant to 2004 Iowa Acts, chapter
15 8 1175, section 119, subsection 1, paragraph "c", to also match
15 9 insureds against a listing of hawk=i program enrollees. The
15 10 information submitted under the expansion shall be used solely
15 11 to identify third=party payors for hawk=i program enrollees
15 12 and shall be kept confidential. The department, in
15 13 consultation with insurance carriers, shall adopt rules to
15 14 implement this subsection. The department may adopt emergency
15 15 rules to implement this subsection and insurance carriers
15 16 shall begin providing the information required upon adoption
15 17 of the rules.

15 18 8. The department shall modify the methodology in effect
15 19 as of June 30, 2005, for calculating the state maximum
15 20 allowable cost reimbursement rates by reducing the sample size
15 21 required for pricing.

15 22 9. It is the intent of the general assembly that the
15 23 department annually collect data on the reimbursement rates
15 24 paid to the providers and by the third=party payors
15 25 participating in the medical assistance program. The
15 26 department shall consult with the division of insurance in
15 27 adopting administrative rules specifying the reporting format
15 28 and guaranteeing the confidentiality of the information
15 29 provided by the providers and third=party payors. The
15 30 department shall annually review the reimbursement rate data
15 31 and make recommendations for reimbursement rate changes to the
15 32 governor and the general assembly annually by January 1. The
15 33 department may adopt emergency rules to implement the
15 34 provisions of this subsection.

15 35 10. The department, consistent with applicable state and
16 1 federal law, shall issue one or more requests for proposals to
16 2 procure medical supplies, including durable medical equipment,
16 3 through statewide bulk purchasing or mail order under the
16 4 medical assistance program, if such procurement is projected
16 5 to reduce the costs of the items to the medical assistance
16 6 program while maintaining appropriate access and quality
16 7 standards.

16 8 11. The department shall provide educational opportunities
16 9 to providers under the medical assistance program to improve

16 10 payment accuracy by avoiding mistakes and overbilling.
 16 11 12. The department shall modify billing practices to allow
 16 12 for collection of rebates from prescription drug manufacturers
 16 13 under the medical assistance program for purchase of
 16 14 injectable drugs administered in physicians' offices.
 16 15 13. The department shall adjust managed care capitation
 16 16 payments from the payment structure in effect as of June 30,
 16 17 2004, to optimize family planning claiming.
 16 18 14. The medical assistance pharmaceutical and therapeutics
 16 19 committee established pursuant to section 249A.20A shall
 16 20 develop options for increasing the savings relative to
 16 21 psychotropic drugs, while maintaining patient care quality.
 16 22 This subsection shall not be construed to amend, modify, or
 16 23 repeal the exception provided pursuant to section 249A.20A
 16 24 relating to drugs prescribed for mental illness. The
 16 25 committee shall submit a report of any options the committee
 16 26 recommends to the general assembly by January 1, 2006. Any
 16 27 options developed or recommended shall not be implemented
 16 28 without an affirmative action enacted by the general assembly.
 16 29 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
 16 30 is appropriated from the general fund of the state to the
 16 31 department of human services for the fiscal year beginning
 16 32 July 1, 2005, and ending June 30, 2006, the following amount,
 16 33 or so much thereof as is necessary, to be used for the purpose
 16 34 designated:
 16 35 For administration of the health insurance premium payment
 17 1 program, including salaries, support, maintenance, and
 17 2 miscellaneous purposes, and for not more than the following
 17 3 full-time equivalent positions:
 17 4 \$ 612,574
 17 5 FTEs 20.95
 17 6 Sec. 11. MEDICAL CONTRACTS. There is appropriated from
 17 7 the general fund of the state to the department of human
 17 8 services for the fiscal year beginning July 1, 2005, and
 17 9 ending June 30, 2006, the following amount, or so much thereof
 17 10 as is necessary, to be used for the purpose designated:
 17 11 For medical contracts, including salaries, support,
 17 12 maintenance, and miscellaneous purposes:
 17 13 \$ 14,711,985
 17 14 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.
 17 15 1. There is appropriated from the general fund of the
 17 16 state to the department of human services for the fiscal year
 17 17 beginning July 1, 2005, and ending June 30, 2006, the
 17 18 following amount, or so much thereof as is necessary, to be
 17 19 used for the purposes designated:
 17 20 For the state supplementary assistance program:
 17 21 \$ 19,810,335
 17 22 2. The department shall increase the personal needs
 17 23 allowance for residents of residential care facilities by the
 17 24 same percentage and at the same time as federal supplemental
 17 25 security income and federal social security benefits are
 17 26 increased due to a recognized increase in the cost of living.
 17 27 The department may adopt emergency rules to implement this
 17 28 subsection.
 17 29 3. If during the fiscal year beginning July 1, 2005, the
 17 30 department projects that state supplementary assistance
 17 31 expenditures for a calendar year will not meet the federal
 17 32 pass-along requirement specified in Title XVI of the federal
 17 33 Social Security Act, section 1618, as codified in 42 U.S.C. }
 17 34 1382g, the department may take actions including but not
 17 35 limited to increasing the personal needs allowance for
 18 1 residential care facility residents and making programmatic
 18 2 adjustments or upward adjustments of the residential care
 18 3 facility or in-home health-related care reimbursement rates
 18 4 prescribed in this division of this Act to ensure that federal
 18 5 requirements are met. In addition, the department may make
 18 6 other programmatic and rate adjustments necessary to remain
 18 7 within the amount appropriated in this section while ensuring
 18 8 compliance with federal requirements. The department may
 18 9 adopt emergency rules to implement the provisions of this
 18 10 subsection.
 18 11 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM. There is
 18 12 appropriated from the general fund of the state to the
 18 13 department of human services for the fiscal year beginning
 18 14 July 1, 2005, and ending June 30, 2006, the following amount,
 18 15 or so much thereof as is necessary, to be used for the purpose
 18 16 designated:
 18 17 For maintenance of the healthy and well kids in Iowa (hawk=
 18 18 i) program pursuant to chapter 514I for receipt of federal
 18 19 financial participation under Title XXI of the federal Social
 18 20 Security Act, which creates the state children's health

18 21 insurance program:
18 22 \$ 16,618,275
18 23 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
18 24 from the general fund of the state to the department of human
18 25 services for the fiscal year beginning July 1, 2005, and
18 26 ending June 30, 2006, the following amount, or so much thereof
18 27 as is necessary, to be used for the purpose designated:
18 28 For child care programs:
18 29 \$ 8,350,752
18 30 1. a. Of the funds appropriated in this section,
18 31 \$7,325,228 shall be used for state child care assistance in
18 32 accordance with section 237A.13.
18 33 b. The department shall adopt rules to increase the upper
18 34 income eligibility requirements under the state child care
18 35 assistance program for families from 140 percent of the
19 1 federal poverty level to 145 percent of the federal poverty
19 2 level and for families with a special needs child from 175
19 3 percent of the federal poverty level to 200 percent of the
19 4 federal poverty level. The department may adopt emergency
19 5 rules to implement this paragraph.
19 6 2. Of the funds appropriated in this section, \$500,000
19 7 shall be used for implementation of a quality rating system
19 8 for child care providers, in accordance with legislation
19 9 enacted to authorize implementation of the rating system.
19 10 3. Nothing in this section shall be construed or is
19 11 intended as, or shall imply, a grant of entitlement for
19 12 services to persons who are eligible for assistance due to an
19 13 income level consistent with the waiting list requirements of
19 14 section 237A.13. Any state obligation to provide services
19 15 pursuant to this section is limited to the extent of the funds
19 16 appropriated in this section.
19 17 4. Of the funds appropriated in this section, \$525,524 is
19 18 allocated for the statewide program for child care resource
19 19 and referral services under section 237A.26.
19 20 5. The department may use any of the funds appropriated in
19 21 this section as a match to obtain federal funds for use in
19 22 expanding child care assistance and related programs. For the
19 23 purpose of expenditures of state and federal child care
19 24 funding, funds shall be considered obligated at the time
19 25 expenditures are projected or are allocated to the
19 26 department's service areas. Projections shall be based on
19 27 current and projected caseload growth, current and projected
19 28 provider rates, staffing requirements for eligibility
19 29 determination and management of program requirements including
19 30 data systems management, staffing requirements for
19 31 administration of the program, contractual and grant
19 32 obligations and any transfers to other state agencies, and
19 33 obligations for decategorization or innovation projects.
19 34 6. A portion of the state match for the federal child care
19 35 and development block grant shall be provided through the
20 1 state general fund appropriation for child development grants
20 2 and other programs for at-risk children in section 279.51.
20 3 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
20 4 from the general fund of the state to the department of human
20 5 services for the fiscal year beginning July 1, 2005, and
20 6 ending June 30, 2006, the following amounts, or so much
20 7 thereof as is necessary, to be used for the purposes
20 8 designated:
20 9 1. For operation of the Iowa juvenile home at Toledo and
20 10 for salaries, support, maintenance, and for not more than the
20 11 following full-time equivalent positions:
20 12 \$ 6,201,283
20 13 FTEs 130.54
20 14 2. For operation of the state training school at Eldora
20 15 and for salaries, support, maintenance, and for not more than
20 16 the following full-time equivalent positions:
20 17 \$ 9,830,692
20 18 FTEs 218.53
20 19 3. A portion of the moneys appropriated in this section
20 20 shall be used by the state training school and by the Iowa
20 21 juvenile home for grants for adolescent pregnancy prevention
20 22 activities at the institutions in the fiscal year beginning
20 23 July 1, 2005.
20 24 Sec. 16. CHILD AND FAMILY SERVICES.
20 25 1. There is appropriated from the general fund of the
20 26 state to the department of human services for the fiscal year
20 27 beginning July 1, 2005, and ending June 30, 2006, the
20 28 following amount, or so much thereof as is necessary, to be
20 29 used for the purpose designated:
20 30 For child and family services:
20 31 \$ 76,400,000

20 32 In order to address a reduction of \$5,200,000 from the
20 33 amount allocated under this appropriation in prior years for
20 34 purposes of juvenile delinquent graduated sanction services,
20 35 up to \$5,200,000 of the amount of federal temporary assistance
21 1 for needy families block grant funding appropriated in this
21 2 division of this Act for child and family services, shall be
21 3 made available for purposes of juvenile delinquent graduated
21 4 sanction services.

21 5 2. The department may transfer funds appropriated in this
21 6 section as necessary to pay the nonfederal costs of services
21 7 reimbursed under the medical assistance program or the family
21 8 investment program which are provided to children who would
21 9 otherwise receive services paid under the appropriation in
21 10 this section. The department may transfer funds appropriated
21 11 in this section to the appropriations in this division of this
21 12 Act for general administration and for field operations for
21 13 resources necessary to implement and operate the services
21 14 funded in this section.

21 15 3. a. Of the funds appropriated in this section, up to
21 16 \$35,883,519 is allocated as the statewide expenditure target
21 17 under section 232.143 for group foster care maintenance and
21 18 services.

21 19 b. If at any time after September 30, 2005, annualization
21 20 of a service area's current expenditures indicates a service
21 21 area is at risk of exceeding its group foster care expenditure
21 22 target under section 232.143 by more than 5 percent, the
21 23 department and juvenile court services shall examine all group
21 24 foster care placements in that service area in order to
21 25 identify those which might be appropriate for termination. In
21 26 addition, any aftercare services believed to be needed for the
21 27 children whose placements may be terminated shall be
21 28 identified. The department and juvenile court services shall
21 29 initiate action to set dispositional review hearings for the
21 30 placements identified. In such a dispositional review
21 31 hearing, the juvenile court shall determine whether needed
21 32 aftercare services are available and whether termination of
21 33 the placement is in the best interest of the child and the
21 34 community.

21 35 c. Of the funds allocated in this subsection, \$1,465,009
22 1 is allocated as the state match funding for 50 highly
22 2 structured juvenile program beds. If the number of beds
22 3 provided for in this lettered paragraph is not utilized, the
22 4 remaining funds allocated may be used for group foster care.

22 5 d. If House File 538 or other legislation is enacted
22 6 during the 2005 session of the general assembly providing for
22 7 submission of an application for federal approval of a waiver
22 8 to provide coverage under the medical assistance program for
22 9 children who need behavioral health care services and qualify
22 10 for the care level provided by a psychiatric medical
22 11 institution for children licensed under chapter 135H and are
22 12 in need of treatment to cure or alleviate serious mental
22 13 illness or disorder, or emotional damage as evidenced by
22 14 severe anxiety, depression, withdrawal, or untoward aggressive
22 15 behavior toward self or others and whose parents, guardians,
22 16 or custodians are unable to provide such treatment, and the
22 17 waiver is approved, the department may transfer funds
22 18 appropriated in this section to the appropriation made in this
22 19 division of this Act for the medical assistance program in
22 20 order to pay the nonfederal share of the costs incurred under
22 21 the waiver.

22 22 4. In accordance with the provisions of section 232.188,
22 23 the department shall continue the program to decategorize
22 24 child welfare services funding. Of the funds appropriated in
22 25 this section, \$2,000,000 is allocated specifically for
22 26 expenditure through the decategorization of child welfare
22 27 funding pools and governance boards established pursuant to
22 28 section 232.188. In addition, up to \$1,000,000 of the amount
22 29 of federal temporary assistance for needy families block grant
22 30 funding appropriated in this division of this Act for child
22 31 and family services shall be made available for purposes of
22 32 decategorization of child welfare services as provided in this
22 33 subsection. Notwithstanding section 8.33, moneys allocated in
22 34 this subsection that remain unencumbered or unobligated at the
22 35 close of the fiscal year shall not revert but shall remain
23 1 available for expenditure for the purposes designated until
23 2 the close of the succeeding fiscal year.

23 3 5. A portion of the funding appropriated in this section
23 4 may be used for emergency family assistance to provide other
23 5 resources required for a family participating in a family
23 6 preservation or reunification project to stay together or to
23 7 be reunified.

23 8 6. Notwithstanding section 234.35, subsection 1, for the
23 9 fiscal year beginning July 1, 2005, state funding for shelter
23 10 care paid pursuant to section 234.35, subsection 1, paragraph
23 11 "h", shall be limited to \$7,252,955.

23 12 7. Federal funds received by the state during the fiscal
23 13 year beginning July 1, 2005, as the result of the expenditure
23 14 of state funds appropriated during a previous state fiscal
23 15 year for a service or activity funded under this section, are
23 16 appropriated to the department to be used as additional
23 17 funding for services and purposes provided for under this
23 18 section. Notwithstanding section 8.33, moneys received in
23 19 accordance with this subsection that remain unencumbered or
23 20 unobligated at the close of the fiscal year shall not revert
23 21 to any fund but shall remain available for the purposes
23 22 designated until the close of the succeeding fiscal year.

23 23 8. Of the moneys appropriated in this section, not more
23 24 than \$442,100 is allocated to provide clinical assessment
23 25 services as necessary to continue funding of children's
23 26 rehabilitation services under medical assistance in accordance
23 27 with federal law and requirements. The funding allocated is
23 28 the amount projected to be necessary for providing the
23 29 clinical assessment services.

23 30 9. Of the funding appropriated in this section, \$3,696,285
23 31 shall be used for protective child care assistance.

23 32 10. Of the moneys appropriated in this section, up to
23 33 \$2,859,851 is allocated for the payment of the expenses of
23 34 court-ordered services provided to juveniles which are a
23 35 charge upon the state pursuant to section 232.141, subsection

24 1 4. Of the amount allocated in this subsection, up to
24 2 \$1,431,597 shall be made available to provide school-based
24 3 supervision of children adjudicated under chapter 232, of
24 4 which not more than \$15,000 may be used for the purpose of
24 5 training. A portion of the cost of each school-based liaison
24 6 officer shall be paid by the school district or other funding
24 7 source as approved by the chief juvenile court officer.

24 8 a. Notwithstanding section 232.141 or any other provision
24 9 of law to the contrary, the amount allocated in this
24 10 subsection shall be distributed to the judicial districts as
24 11 determined by the state court administrator. The state court
24 12 administrator shall make the determination of the distribution
24 13 amounts on or before June 15, 2005.

24 14 b. Notwithstanding chapter 232 or any other provision of
24 15 law to the contrary, a district or juvenile court shall not
24 16 order any service which is a charge upon the state pursuant to
24 17 section 232.141 if there are insufficient court-ordered
24 18 services funds available in the district court distribution
24 19 amount to pay for the service. The chief juvenile court
24 20 officer shall encourage use of the funds allocated in this
24 21 subsection such that there are sufficient funds to pay for all
24 22 court-related services during the entire year. The chief
24 23 juvenile court officers shall attempt to anticipate potential
24 24 surpluses and shortfalls in the distribution amounts and shall
24 25 cooperatively request the state court administrator to
24 26 transfer funds between the districts' distribution amounts as
24 27 prudent.

24 28 c. Notwithstanding any provision of law to the contrary, a
24 29 district or juvenile court shall not order a county to pay for
24 30 any service provided to a juvenile pursuant to an order
24 31 entered under chapter 232 which is a charge upon the state
24 32 under section 232.141, subsection 4.

24 33 d. Of the funding allocated in this subsection, not more
24 34 than \$100,000 may be used by the judicial branch for
24 35 administration of the requirements under this subsection and
25 1 for travel associated with court-ordered placements which are
25 2 a charge upon the state pursuant to section 232.141,
25 3 subsection 4.

25 4 11. Notwithstanding 2000 Iowa Acts, chapter 1228, section
25 5 43, the department may operate a subsidized guardianship
25 6 program if the United States department of health and human
25 7 services approves a waiver under Title IV-E of the federal
25 8 Social Security Act or the federal Social Security Act is
25 9 amended to allow Title IV-E funding to be used for subsidized
25 10 guardianship, and the subsidized guardianship program can be
25 11 operated without loss of Title IV-E funds.

25 12 12. Of the amount appropriated in this section, \$300,000
25 13 shall be transferred to the Iowa department of public health
25 14 to be used for the child protection center grant program in
25 15 accordance with section 135.118.

25 16 13. Of the amount appropriated in this section, \$148,000
25 17 shall be used for funding of one or more child welfare
25 18 diversion and mediation pilot projects as provided in 2004

25 19 Iowa Acts, chapter 1130, section 1.
25 20 14. If the department receives federal approval to
25 21 implement a waiver under Title IV=E of the federal Social
25 22 Security Act to enable providers to serve children who remain
25 23 in the children's families and communities, for purposes of
25 24 eligibility under the medical assistance program children who
25 25 participate in the waiver shall be considered to be placed in
25 26 foster care.

25 27 Sec. 17. ADOPTION SUBSIDY.
25 28 1. There is appropriated from the general fund of the
25 29 state to the department of human services for the fiscal year
25 30 beginning July 1, 2005, and ending June 30, 2006, the
25 31 following amount, or so much thereof as is necessary, to be
25 32 used for the purpose designated:

25 33 For adoption subsidy payments and services:
25 34 \$ 32,250,000

25 35 2. The department may transfer funds appropriated in this
26 1 section to the appropriations in this Act for child and family
26 2 services to be used for adoptive family recruitment and other
26 3 services to achieve adoption.

26 4 3. Federal funds received by the state during the fiscal
26 5 year beginning July 1, 2005, as the result of the expenditure
26 6 of state funds during a previous state fiscal year for a
26 7 service or activity funded under this section, are
26 8 appropriated to the department to be used as additional
26 9 funding for the services and activities funded under this
26 10 section. Notwithstanding section 8.33, moneys received in
26 11 accordance with this subsection that remain unencumbered or
26 12 unobligated at the close of the fiscal year shall not revert
26 13 to any fund but shall remain available for expenditure for the
26 14 purposes designated until the close of the succeeding fiscal
26 15 year.

26 16 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited
26 17 in the juvenile detention home fund created in section 232.142
26 18 during the fiscal year beginning July 1, 2005, and ending June
26 19 30, 2006, are appropriated to the department of human services
26 20 for the fiscal year beginning July 1, 2005, and ending June
26 21 30, 2006, for distribution as follows:

26 22 1. An amount equal to 10 percent of the costs of the
26 23 establishment, improvement, operation, and maintenance of
26 24 county or multicounty juvenile detention homes in the fiscal
26 25 year beginning July 1, 2004. Moneys appropriated for
26 26 distribution in accordance with this subsection shall be
26 27 allocated among eligible detention homes, prorated on the
26 28 basis of an eligible detention home's proportion of the costs
26 29 of all eligible detention homes in the fiscal year beginning
26 30 July 1, 2004. Notwithstanding section 232.142, subsection 3,
26 31 the financial aid payable by the state under that provision
26 32 for the fiscal year beginning July 1, 2005, shall be limited
26 33 to the amount appropriated for the purposes of this
26 34 subsection.

26 35 2. For renewal of a grant to a county with a population
27 1 between 189,000 and 196,000 for implementation of the county's
27 2 runaway treatment plan under section 232.195:

27 3 \$ 80,000

27 4 3. For continuation and expansion of the community
27 5 partnership for child protection sites:
27 6 \$ 318,000

27 7 4. For grants to counties implementing a runaway treatment
27 8 plan under section 232.195.

27 9 5. The remainder for additional allocations to county or
27 10 multicounty juvenile detention homes, in accordance with the
27 11 distribution requirements of subsection 1.

27 12 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM. There is
27 13 appropriated from the general fund of the state to the
27 14 department of human services for the fiscal year beginning
27 15 July 1, 2005, and ending June 30, 2006, the following amount,
27 16 or so much thereof as is necessary, to be used for the purpose
27 17 designated:

27 18 For the family support subsidy program:
27 19 \$ 1,936,434

27 20 1. The department may use up to \$333,312 of the moneys
27 21 appropriated in this section to continue the children-at-home
27 22 program in current counties, of which not more than \$20,000
27 23 shall be used for administrative costs.

27 24 2. Notwithstanding section 225C.38, subsection 1, the
27 25 monthly family support payment amount for the fiscal year
27 26 beginning July 1, 2005, shall remain the same as the payment
27 27 amount in effect on June 30, 2005.

27 28 Sec. 20. CONNER DECREE. There is appropriated from the
27 29 general fund of the state to the department of human services

27 30 for the fiscal year beginning July 1, 2005, and ending June
27 31 30, 2006, the following amount, or so much thereof as is
27 32 necessary, to be used for the purpose designated:

27 33 For building community capacity through the coordination
27 34 and provision of training opportunities in accordance with the
27 35 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
28 1 Iowa, July 14, 1994):

28 2 \$ 42,623

28 3 Sec. 21. MENTAL HEALTH INSTITUTES. There is appropriated
28 4 from the general fund of the state to the department of human
28 5 services for the fiscal year beginning July 1, 2005, and
28 6 ending June 30, 2006, the following amounts, or so much
28 7 thereof as is necessary, to be used for the purposes
28 8 designated:

28 9 1. For the state mental health institute at Cherokee for
28 10 salaries, support, maintenance, and miscellaneous purposes and
28 11 for not more than the following full-time equivalent
28 12 positions:

28 13 \$ 13,074,889
28 14 FTEs 228.00

28 15 2. For the state mental health institute at Clarinda for
28 16 salaries, support, maintenance, and miscellaneous purposes and
28 17 for not more than the following full-time equivalent
28 18 positions:

28 19 \$ 7,439,591
28 20 FTEs 113.15

28 21 3. For the state mental health institute at Independence
28 22 for salaries, support, maintenance, and miscellaneous purposes
28 23 and for not more than the following full-time equivalent
28 24 positions:

28 25 \$ 17,329,091
28 26 FTEs 317.80

28 27 4. For the state mental health institute at Mount Pleasant
28 28 for salaries, support, maintenance, and miscellaneous purposes
28 29 and for not more than the following full-time equivalent
28 30 positions:

28 31 \$ 6,131,181
28 32 FTEs 100.44

28 33 Sec. 22. STATE RESOURCE CENTERS. There is appropriated
28 34 from the general fund of the state to the department of human
28 35 services for the fiscal year beginning July 1, 2005, and
29 1 ending June 30, 2006, the following amounts, or so much
29 2 thereof as is necessary, to be used for the purposes
29 3 designated:

29 4 1. For the state resource center at Glenwood for salaries,
29 5 support, maintenance, and miscellaneous purposes:

29 6 \$ 12,600,000

29 7 2. For the state resource center at Woodward for salaries,
29 8 support, maintenance, and miscellaneous purposes:

29 9 \$ 7,050,000

29 10 3. The department may continue to bill for state resource
29 11 center services utilizing a scope of services approach used
29 12 for private providers of ICFMR services, in a manner which
29 13 does not shift costs between the medical assistance program,
29 14 counties, or other sources of funding for the state resource
29 15 centers.

29 16 4. The state resource centers may expand the time limited
29 17 assessment and respite services during the fiscal year.

29 18 5. If the department's administration and the department
29 19 of management concur with a finding by a state resource
29 20 center's superintendent that projected revenues can reasonably
29 21 be expected to pay the salary and support costs for a new
29 22 employee position, or that such costs for adding a particular
29 23 number of new positions for the fiscal year would be less than
29 24 the overtime costs if new positions would not be added, the
29 25 superintendent may add the new position or positions. If the
29 26 vacant positions available to a resource center do not include
29 27 the position classification desired to be filled, the state
29 28 resource center's superintendent may reclassify any vacant
29 29 position as necessary to fill the desired position. The
29 30 superintendents of the state resource centers may, by mutual
29 31 agreement, pool vacant positions and position classifications
29 32 during the course of the fiscal year in order to assist one
29 33 another in filling necessary positions.

29 34 6. If existing capacity limitations are reached in
29 35 operating units, a waiting list is in effect for a service or
30 1 a special need for which a payment source or other funding is
30 2 available for the service or to address the special need, and
30 3 facilities for the service or to address the special need can
30 4 be provided within the available payment source or other
30 5 funding, the superintendent of a state resource center may

30 6 authorize opening not more than two units or other facilities
30 7 and to begin implementing the service or addressing the
30 8 special need during fiscal year 2005=2006.

30 9 Sec. 23. MI/MR/DD STATE CASES.

30 10 1. There is appropriated from the general fund of the
30 11 state to the department of human services for the fiscal year
30 12 beginning July 1, 2005, and ending June 30, 2006, the
30 13 following amount, or so much thereof as is necessary, to be
30 14 used for the purpose designated:

30 15 For purchase of local services for persons with mental
30 16 illness, mental retardation, and developmental disabilities
30 17 where the client has no established county of legal
30 18 settlement:

30 19 \$ 10,514,619

30 20 2. For the fiscal year beginning July 1, 2005, and ending
30 21 June 30, 2006, \$500,000 is allocated for state cases from the
30 22 amounts appropriated from the fund created in section 8.41 to
30 23 the department of human services from the funds received from
30 24 the federal government under 42 U.S.C., chapter 6A, subchapter
30 25 XVII, relating to the community mental health center block
30 26 grant, for the federal fiscal years beginning October 1, 2003,
30 27 and ending September 30, 2004, beginning October 1, 2004, and
30 28 ending September 30, 2005, and beginning October 1, 2005, and
30 29 ending September 30, 2006. The allocation made in this
30 30 subsection shall be made prior to any other distribution
30 31 allocation of the appropriated federal funds.

30 32 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==

30 33 COMMUNITY SERVICES FUND. There is appropriated from the
30 34 general fund of the state to the mental health and
30 35 developmental disabilities community services fund created in
31 1 section 225C.7 for the fiscal year beginning July 1, 2005, and
31 2 ending June 30, 2006, the following amount, or so much thereof
31 3 as is necessary, to be used for the purpose designated:

31 4 For mental health and developmental disabilities community
31 5 services in accordance with this division of this Act:

31 6 \$ 17,757,890

31 7 1. Of the funds appropriated in this section, \$17,727,890
31 8 shall be allocated to counties for funding of community-based
31 9 mental health and developmental disabilities services. The
31 10 moneys shall be allocated to a county as follows:

31 11 a. Fifty percent based upon the county's proportion of the
31 12 state's population of persons with an annual income which is
31 13 equal to or less than the poverty guideline established by the
31 14 federal office of management and budget.

31 15 b. Fifty percent based upon the county's proportion of the
31 16 state's general population.

31 17 2. a. A county shall utilize the funding the county
31 18 receives pursuant to subsection 1 for services provided to
31 19 persons with a disability, as defined in section 225C.2.
31 20 However, no more than 50 percent of the funding shall be used
31 21 for services provided to any one of the service populations.

31 22 b. A county shall use at least 50 percent of the funding
31 23 the county receives under subsection 1 for contemporary
31 24 services provided to persons with a disability, as described
31 25 in rules adopted by the department.

31 26 3. Of the funds appropriated in this section, \$30,000
31 27 shall be used to support the Iowa compass program providing
31 28 computerized information and referral services for Iowans with
31 29 disabilities and their families.

31 30 4. a. Funding appropriated for purposes of the federal
31 31 social services block grant is allocated for distribution to
31 32 counties for local purchase of services for persons with
31 33 mental illness or mental retardation or other developmental
31 34 disability.

31 35 b. The funds allocated in this subsection shall be
32 1 expended by counties in accordance with the county's approved
32 2 county management plan. A county without an approved county
32 3 management plan shall not receive allocated funds until the
32 4 county's management plan is approved.

32 5 c. The funds provided by this subsection shall be
32 6 allocated to each county as follows:

32 7 (1) Fifty percent based upon the county's proportion of
32 8 the state's population of persons with an annual income which
32 9 is equal to or less than the poverty guideline established by
32 10 the federal office of management and budget.

32 11 (2) Fifty percent based upon the amount provided to the
32 12 county for local purchase of services in the preceding fiscal
32 13 year.

32 14 5. A county is eligible for funds under this section if
32 15 the county qualifies for a state payment as described in
32 16 section 331.439.

32 17 Sec. 25. SEXUALLY VIOLENT PREDATORS.

32 18 1. There is appropriated from the general fund of the
32 19 state to the department of human services for the fiscal year
32 20 beginning July 1, 2005, and ending June 30, 2006, the
32 21 following amount, or so much thereof as is necessary, to be
32 22 used for the purpose designated:

32 23 For costs associated with the commitment and treatment of
32 24 sexually violent predators in the unit located at the state
32 25 mental health institute at Cherokee, including costs of legal
32 26 services and other associated costs, including salaries,
32 27 support, maintenance, miscellaneous purposes, and for not more
32 28 than the following full-time equivalent positions:

32 29 \$ 3,621,338
32 30 FTEs 65.00

32 31 2. Unless specifically prohibited by law, if the amount
32 32 charged provides for recoupment of at least the entire amount
32 33 of direct and indirect costs, the department of human services
32 34 may contract with other states to provide care and treatment
32 35 of persons placed by the other states at the unit for sexually
33 1 violent predators at Cherokee. The moneys received under such
33 2 a contract shall be considered to be repayment receipts and
33 3 used for the purposes of the appropriation made in this
33 4 section.

33 5 Sec. 26. FIELD OPERATIONS. There is appropriated from the
33 6 general fund of the state to the department of human services
33 7 for the fiscal year beginning July 1, 2005, and ending June
33 8 30, 2006, the following amount, or so much thereof as is
33 9 necessary, to be used for the purposes designated:

33 10 For field operations, including salaries, support,
33 11 maintenance, and miscellaneous purposes and for not more than
33 12 the following full-time equivalent positions:

33 13 \$ 53,505,000
33 14 FTEs 1,844.00

33 15 Priority in filling full-time equivalent positions shall be
33 16 given to those positions related to child protection services.

33 17 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
33 18 from the general fund of the state to the department of human
33 19 services for the fiscal year beginning July 1, 2005, and
33 20 ending June 30, 2006, the following amount, or so much thereof
33 21 as is necessary, to be used for the purpose designated:

33 22 For general administration, including salaries, support,
33 23 maintenance, and miscellaneous purposes and for not more than
33 24 the following full-time equivalent positions:

33 25 \$ 13,312,196
33 26 FTEs 292.00

33 27 Of the funds appropriated in this section, \$57,000 is
33 28 allocated for the prevention of disabilities policy council
33 29 established in section 225B.3.

33 30 Sec. 28. VOLUNTEERS. There is appropriated from the
33 31 general fund of the state to the department of human services
33 32 for the fiscal year beginning July 1, 2005, and ending June
33 33 30, 2006, the following amount, or so much thereof as is
33 34 necessary, to be used for the purpose designated:

33 35 For development and coordination of volunteer services:

34 1 \$ 109,568

34 2 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
34 3 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
34 4 DEPARTMENT OF HUMAN SERVICES.

34 5 1. a. (1) For the fiscal year beginning July 1, 2005,
34 6 nursing facilities shall be reimbursed at 100 percent of the
34 7 modified price-based case-mix reimbursement rate. Nursing
34 8 facilities reimbursed under the medical assistance program
34 9 shall submit annual cost reports and additional documentation
34 10 as required by rules adopted by the department.

34 11 (2) For the fiscal year beginning July 1, 2005, the total
34 12 state funding amount for the nursing facility budget shall not
34 13 exceed \$161,600,000. The department, in cooperation with
34 14 nursing facility representatives, shall review projections for
34 15 state funding expenditures for reimbursement of nursing
34 16 facilities on a quarterly basis and the department shall
34 17 determine if an adjustment to the medical assistance
34 18 reimbursement rate is necessary in order to provide
34 19 reimbursement within the state funding amount. Any temporary
34 20 enhanced federal financial participation that may become
34 21 available to the Iowa medical assistance program during the
34 22 fiscal year shall not be used in projecting the nursing
34 23 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
34 24 section 4, subsection 2, paragraph "c", and subsection 3,
34 25 paragraph "a", subparagraph (2), if the state funding
34 26 expenditures for the nursing facility budget for the fiscal
34 27 year beginning July 1, 2005, are projected to exceed the

34 28 amount specified in this subparagraph, the department shall
34 29 adjust the inflation factor of the reimbursement rate
34 30 calculation for only the nursing facilities reimbursed under
34 31 the case-mix reimbursement system to maintain expenditures of
34 32 the nursing facility budget within the specified amount.

34 33 (3) For recalculation of the per diem cost and the
34 34 patient-day-weighted medians used in rate setting for nursing
34 35 facilities effective July 1, 2005, the inflation factor
35 1 applied from the midpoint of the cost report period to the
35 2 first day of the state fiscal year rate period shall be zero
35 3 percent.

35 4 b. For the fiscal year beginning July 1, 2005, the
35 5 department shall reimburse pharmacy dispensing fees using a
35 6 single rate of \$4.39 per prescription, or the pharmacy's usual
35 7 and customary fee, whichever is lower.

35 8 c. For the fiscal year beginning July 1, 2005,
35 9 reimbursement rates for inpatient and outpatient hospital
35 10 services shall be increased by 3 percent over the rates in
35 11 effect on June 30, 2005. The department shall continue the
35 12 outpatient hospital reimbursement system based upon ambulatory
35 13 patient groups implemented pursuant to 1994 Iowa Acts, chapter
35 14 1186, section 25, subsection 1, paragraph "f". In addition,
35 15 the department shall continue the revised medical assistance
35 16 payment policy implemented pursuant to that paragraph to
35 17 provide reimbursement for costs of screening and treatment
35 18 provided in the hospital emergency room if made pursuant to
35 19 the prospective payment methodology developed by the
35 20 department for the payment of outpatient services provided
35 21 under the medical assistance program. Any rebasing of
35 22 hospital inpatient or outpatient rates shall not increase
35 23 total payments for inpatient and outpatient services beyond
35 24 the 3 percent increase provided in this paragraph.

35 25 d. For the fiscal year beginning July 1, 2005,
35 26 reimbursement rates for rural health clinics, hospices,
35 27 independent laboratories, and acute mental hospitals shall be
35 28 increased in accordance with increases under the federal
35 29 Medicare program or as supported by their Medicare audited
35 30 costs.

35 31 e. (1) For the fiscal year beginning July 1, 2005,
35 32 reimbursement rates for home health agencies shall be
35 33 increased by 3 percent over the rates in effect on June 30,
35 34 2005, not to exceed a home health agency's actual allowable
35 35 cost.

36 1 (2) The department shall establish a fixed-fee
36 2 reimbursement schedule for home health agencies under the
36 3 medical assistance program beginning July 1, 2006.

36 4 f. For the fiscal year beginning July 1, 2005, federally
36 5 qualified health centers shall receive cost-based
36 6 reimbursement for 100 percent of the reasonable costs for the
36 7 provision of services to recipients of medical assistance.

36 8 g. Beginning July 1, 2005, the reimbursement rates for
36 9 dental services shall be increased by 3 percent over the rates
36 10 in effect on June 30, 2005.

36 11 h. Beginning July 1, 2005, the reimbursement rates for
36 12 community mental health centers shall be increased by 3
36 13 percent over the rates in effect on June 30, 2005.

36 14 i. For the fiscal year beginning July 1, 2005, the maximum
36 15 reimbursement rate for psychiatric medical institutions for
36 16 children shall be increased by 3 percent over the rate in
36 17 effect on June 30, 2005.

36 18 j. For the fiscal year beginning July 1, 2005, unless
36 19 otherwise specified in this Act, all noninstitutional medical
36 20 assistance provider reimbursement rates shall be increased by
36 21 3 percent over the rates in effect on June 30, 2005, except
36 22 for area education agencies, local education agencies, infant
36 23 and toddler services providers, and those providers whose
36 24 rates are required to be determined pursuant to section
36 25 249A.20.

36 26 k. Notwithstanding section 249A.20, for the fiscal year
36 27 beginning July 1, 2005, the average reimbursement rate for
36 28 health care providers eligible for use of the federal Medicare
36 29 resource-based relative value scale reimbursement methodology
36 30 under that section shall be increased by 3 percent over the
36 31 rate in effect on June 30, 2005; however, this rate shall not
36 32 exceed the maximum level authorized by the federal government.

36 33 l. Beginning July 1, 2005, the department shall reimburse
36 34 physicians who administer injectable drugs in the physician's
36 35 office or other appropriate noninstitutional setting in an
37 1 amount that is equal to the invoiced cost paid by the
37 2 physician to the manufacturer, vendor, or other recognized
37 3 supplier from whom the drug was purchased under the medical

37 4 assistance program. A separate payment shall be made for
37 5 administration of the drug.

37 6 2. For the fiscal year beginning July 1, 2005, the
37 7 reimbursement rate for residential care facilities shall not
37 8 be less than the minimum payment level as established by the
37 9 federal government to meet the federally mandated maintenance
37 10 of effort requirement. The flat reimbursement rate for
37 11 facilities electing not to file semiannual cost reports shall
37 12 not be less than the minimum payment level as established by
37 13 the federal government to meet the federally mandated
37 14 maintenance of effort requirement.

37 15 3. For the fiscal year beginning July 1, 2005, the
37 16 reimbursement rate for providers reimbursed under the in=
37 17 home-related care program shall not be less than the minimum
37 18 payment level as established by the federal government to meet
37 19 the federally mandated maintenance of effort requirement.

37 20 4. Unless otherwise directed in this section, when the
37 21 department's reimbursement methodology for any provider
37 22 reimbursed in accordance with this section includes an
37 23 inflation factor, this factor shall not exceed the amount by
37 24 which the consumer price index for all urban consumers
37 25 increased during the calendar year ending December 31, 2002.

37 26 5. Notwithstanding section 234.38, in the fiscal year
37 27 beginning July 1, 2005, the foster family basic daily
37 28 maintenance rate and the maximum adoption subsidy rate for
37 29 children ages 0 through 5 years shall be \$14.91, the rate for
37 30 children ages 6 through 11 years shall be \$15.58, the rate for
37 31 children ages 12 through 15 years shall be \$17.18, and the
37 32 rate for children ages 16 and older shall be \$17.27.

37 33 6. For the fiscal year beginning July 1, 2005, the maximum
37 34 reimbursement rates for social service providers shall be
37 35 increased by 3 percent over the rates in effect on June 30,
38 1 2005, or to the provider's actual and allowable cost plus
38 2 inflation for each service, whichever is less. The rates may
38 3 also be adjusted under any of the following circumstances:

38 4 a. If a new service was added after June 30, 2005, the
38 5 initial reimbursement rate for the service shall be based upon
38 6 actual and allowable costs.

38 7 b. If a social service provider loses a source of income
38 8 used to determine the reimbursement rate for the provider, the
38 9 provider's reimbursement rate may be adjusted to reflect the
38 10 loss of income, provided that the lost income was used to
38 11 support actual and allowable costs of a service purchased
38 12 under a purchase of service contract.

38 13 7. The group foster care reimbursement rates paid for
38 14 placement of children out of state shall be calculated
38 15 according to the same rate-setting principles as those used
38 16 for in-state providers unless the director of human services
38 17 or the director's designee determines that appropriate care
38 18 cannot be provided within the state. The payment of the daily
38 19 rate shall be based on the number of days in the calendar
38 20 month in which service is provided.

38 21 8. For the fiscal year beginning July 1, 2005, the
38 22 reimbursement rates for rehabilitative treatment and support
38 23 services providers shall be increased by 3 percent over the
38 24 rates in effect on June 30, 2005. It is the intent of the
38 25 general assembly that the increase in reimbursement rates
38 26 authorized in this subsection shall be used for the provision
38 27 of direct care with an emphasis on increasing the compensation
38 28 for direct care workers.

38 29 9. a. For the fiscal year beginning July 1, 2005, the
38 30 combined service and maintenance components of the
38 31 reimbursement rate paid for shelter care services purchased
38 32 under a contract shall be based on the financial and
38 33 statistical report submitted to the department. The maximum
38 34 reimbursement rate shall be \$86.20 per day. The department
38 35 shall reimburse a shelter care provider at the provider's
39 1 actual and allowable unit cost, plus inflation, not to exceed
39 2 the maximum reimbursement rate.

39 3 b. Notwithstanding section 232.141, subsection 8, for the
39 4 fiscal year beginning July 1, 2005, the amount of the
39 5 statewide average of the actual and allowable rates for
39 6 reimbursement of juvenile shelter care homes that is utilized
39 7 for the limitation on recovery of unpaid costs shall be
39 8 increased by \$2.51 over the amount in effect for this purpose
39 9 in the preceding fiscal year.

39 10 c. Notwithstanding section 8A.311, commencing during the
39 11 fiscal year beginning July 1, 2005, the department may enter
39 12 into contracts with shelter care providers as necessary to
39 13 maintain the availability of shelter care services for
39 14 children in all areas of the state.

39 15 10. For the fiscal year beginning July 1, 2005, the
39 16 department shall calculate reimbursement rates for
39 17 intermediate care facilities for persons with mental
39 18 retardation at the 80th percentile.

39 19 11. For the fiscal year beginning July 1, 2005, for child
39 20 care providers reimbursed under the state child care
39 21 assistance program, the department shall set provider
39 22 reimbursement rates based on the rate reimbursement survey
39 23 completed in December 1998. The department shall set rates in
39 24 a manner so as to provide incentives for a nonregistered
39 25 provider to become registered. If the federal government
39 26 provides additional funding for child care during the fiscal
39 27 year beginning July 1, 2005, the additional funding shall be
39 28 used to develop and implement an electronic billing and
39 29 payment system for child care providers.

39 30 12. For the fiscal year beginning July 1, 2005,
39 31 reimbursements for providers reimbursed by the department of
39 32 human services may be modified if appropriated funding is
39 33 allocated for that purpose from the senior living trust fund
39 34 created in section 249H.4, or as specified in appropriations
39 35 from the healthy Iowans tobacco trust created in section
40 1 12.65.

40 2 13. Any reimbursement increases provided under this
40 3 section for providers or services under the medical assistance
40 4 program are only applicable to reimbursements to providers or
40 5 for services under the medical assistance fee-for-service
40 6 system.

40 7 14. The department may adopt emergency rules to implement
40 8 this section.

40 9 Sec. 30. 2001 Iowa Acts, chapter 192, section 4,
40 10 subsection 3, paragraphs e and f, as amended by 2004 Iowa
40 11 Acts, chapter 1175, section 154, are amended to read as
40 12 follows:

40 13 e. The department shall calculate the rate ceiling for the
40 14 direct-care cost component at 120 percent of the median of
40 15 case-mix adjusted costs. Nursing facilities with case-mix
40 16 adjusted costs at 95 percent of the median or greater, shall
40 17 receive an amount equal to their costs not to exceed 120
40 18 percent of the median. ~~Nursing facilities with case-mix
40 19 adjusted costs below 95 percent of the median shall receive an
40 20 excess payment allowance by having their payment rate for the
40 21 direct-care cost component calculated as their case-mix
40 22 adjusted cost plus 100 percent of the difference between 95
40 23 percent of the median and their case-mix adjusted cost, not to
40 24 exceed 10 percent of the median of case-mix adjusted costs.
40 25 Beginning July 1, 2004, nursing facilities with case-mix
40 26 adjusted costs below 95 percent of the median shall receive an
40 27 excess payment allowance by having their payment rate for the
40 28 direct-care cost component calculated as their case-mix
40 29 adjusted cost plus 50 percent of the difference between 95
40 30 percent of the median and their case-mix adjusted cost, not to
40 31 exceed 10 percent of the median of case-mix adjusted costs.
40 32 Any excess payment allowance realized from the direct care
40 33 cost component of the modified price-based case-mix
40 34 reimbursement shall be expended to increase the compensation
40 35 of direct care workers or to increase the ratio of direct care
41 1 workers to residents. The department of human services shall
41 2 implement a new monitoring and reporting system to assess
41 3 compliance with the provisions of this paragraph.~~

41 4 f. The department shall calculate the rate ceiling for the
41 5 nondirect care cost component at 110 percent of the median of
41 6 non-case-mix adjusted costs. Nursing facilities with non-
41 7 case-mix adjusted costs at 96 percent of the median or greater
41 8 shall receive an amount equal to their costs not to exceed 110
41 9 percent of the median. ~~Nursing facilities with non-case-mix
41 10 adjusted costs below 96 percent of the median shall receive an
41 11 excess payment allowance that is their costs plus 65 percent
41 12 of the difference between 96 percent of the median and their
41 13 non-case-mix adjusted costs, not to exceed 8 percent of the
41 14 median of non-case-mix adjusted costs. Beginning July 1,
41 15 2004, nursing facilities with non-case-mix adjusted costs
41 16 below 96 percent of the median shall receive an excess payment
41 17 allowance that is their costs plus 32.5 percent of the
41 18 difference between 96 percent of the median and their
41 19 non-case-mix adjusted costs, not to exceed 8 percent of the
41 20 median of non-case-mix adjusted costs. Any excess payment
41 21 allowance realized from the nondirect care cost component of
41 22 the modified price-based case-mix reimbursement shall be used
41 23 to fund quality of life improvements. The department of human
41 24 services shall implement a new monitoring and reporting system
41 25 to assess compliance with the provisions of this paragraph.~~

41 26 Sec. 31. 2004 Iowa Acts, chapter 1175, section 109,
41 27 subsection 2, paragraph g, is amended to read as follows:
41 28 g. Notwithstanding section 8.33, up to ~~\$500,000~~ \$1,000,000
41 29 of the Iowa veterans home revenues that remain unencumbered or
41 30 unobligated at the close of the fiscal year shall not revert
41 31 but shall remain available to be used in the succeeding fiscal
41 32 year.

41 33 Sec. 32. 2004 Iowa Acts, chapter 1175, section 113, is
41 34 amended by adding the following new subsection:
41 35 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
42 1 appropriated in this section that were allocated by the
42 2 department for the purpose of meeting federal food stamp
42 3 electronic benefit transfer requirements that remain
42 4 unencumbered or unobligated at the close of the fiscal year
42 5 shall not revert but shall remain available for expenditure
42 6 for the purpose designated until the close of the succeeding
42 7 fiscal year.

42 8 Sec. 33. 2004 Iowa Acts, chapter 1175, section 134, is
42 9 amended by adding the following new subsection:
42 10 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys
42 11 appropriated in this section that remain unencumbered or
42 12 unobligated at the close of the fiscal year shall not revert
42 13 but shall remain available for expenditure for the purposes
42 14 designated until the close of the succeeding fiscal year.

42 15 Sec. 34. 2004 Iowa Acts, chapter 1175, section 135, is
42 16 amended by adding the following new subsection:
42 17 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys
42 18 appropriated in this section for field operations that remain
42 19 unencumbered or unobligated at the close of the fiscal year
42 20 shall not revert but shall remain available for expenditure
42 21 for the purposes designated with up to fifty percent to be
42 22 used for implementation and operational costs associated with
42 23 Part D of the federal Medicare Prescription Drug, Improvement,
42 24 and Modernization Act of 2003, Pub. L. No. 108=173, until the
42 25 close of the succeeding fiscal year.

42 26 Sec. 35. EMERGENCY RULES. If specifically authorized by a
42 27 provision of this division of this Act, the department of
42 28 human services or the mental health, mental retardation,
42 29 developmental disabilities, and brain injury commission may
42 30 adopt administrative rules under section 17A.4, subsection 2,
42 31 and section 17A.5, subsection 2, paragraph "b", to implement
42 32 the provisions and the rules shall become effective
42 33 immediately upon filing or on a later effective date specified
42 34 in the rules, unless the effective date is delayed by the
42 35 administrative rules review committee. Any rules adopted in
43 1 accordance with this section shall not take effect before the
43 2 rules are reviewed by the administrative rules review
43 3 committee. The delay authority provided to the administrative
43 4 rules review committee under section 17A.4, subsection 5, and
43 5 section 17A.8, subsection 9, shall be applicable to a delay
43 6 imposed under this section, notwithstanding a provision in
43 7 those sections making them inapplicable to section 17A.5,
43 8 subsection 2, paragraph "b". Any rules adopted in accordance
43 9 with the provisions of this section shall also be published as
43 10 notice of intended action as provided in section 17A.4.

43 11 Sec. 36. REPORTS. Any reports or information required to
43 12 be compiled and submitted under this division of this Act
43 13 shall be submitted to the chairpersons and ranking members of
43 14 the joint appropriations subcommittee on health and human
43 15 services, the legislative services agency, and the legislative
43 16 caucus staffs on or before the dates specified for submission
43 17 of the reports or information.

43 18 Sec. 37. EFFECTIVE DATES. The following provisions of
43 19 this division of this Act, being deemed of immediate
43 20 importance, take effect upon enactment:

43 21 1. The provision under the appropriation for child and
43 22 family services, relating to requirements of section 232.143
43 23 for representatives of the department of human services and
43 24 juvenile court services to establish a plan for continuing
43 25 group foster care expenditures for the 2005=2006 fiscal year.

43 26 2. The provision under the appropriation for child and
43 27 family services, relating to the state court administrator
43 28 determining allocation of court=ordered services funding by
43 29 June 15, 2005.

43 30 3. The provision amending 2004 Iowa Acts, chapter 1175,
43 31 section 109.

43 32 4. The provision amending 2004 Iowa Acts, chapter 1175,
43 33 section 113.

43 34 5. The provision amending 2004 Iowa Acts, chapter 1175,
43 35 section 134.

44 1 6. The provision amending 2004 Iowa Acts, chapter 1175,

44 2 section 135.

44 3 DIVISION II

44 4 SENIOR LIVING TRUST FUND, HOSPITAL TRUST
44 5 FUND, AND PHARMACEUTICAL SETTLEMENT ACCOUNT

44 6 Sec. 38. DEPARTMENT OF ELDER AFFAIRS. There is
44 7 appropriated from the senior living trust fund created in
44 8 section 249H.4 to the department of elder affairs for the
44 9 fiscal year beginning July 1, 2005, and ending June 30, 2006,
44 10 the following amount, or so much thereof as is necessary, to
44 11 be used for the purpose designated:

44 12 For the development and implementation of a comprehensive
44 13 senior living program, including program administration and
44 14 costs associated with implementation, salaries, support,
44 15 maintenance, and miscellaneous purposes and for not more than
44 16 the following full-time equivalent positions:

44 17 \$ 8,289,368
44 18 FTEs 3.00

44 19 Notwithstanding section 249H.7, the department of elder
44 20 affairs shall distribute up to \$400,000 of the funds
44 21 appropriated in this section in a manner that will supplement
44 22 and maximize federal funds under the federal Older Americans
44 23 Act and shall not use the amount distributed for any
44 24 administrative purposes of either the department of elder
44 25 affairs or the area agencies on aging.

44 26 Sec. 39. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
44 27 appropriated from the senior living trust fund created in
44 28 section 249H.4 to the department of inspections and appeals
44 29 for the fiscal year beginning July 1, 2005, and ending June
44 30 30, 2006, the following amount, or so much thereof as is
44 31 necessary, to be used for the purpose designated:

44 32 For the inspection and certification of assisted living
44 33 facilities and adult day care services, including program
44 34 administration and costs associated with implementation,
44 35 salaries, support, maintenance, and miscellaneous purposes and
45 1 for not more than the following full-time equivalent
45 2 positions:

45 3 \$ 732,750
45 4 FTEs 5.00

45 5 Sec. 40. DEPARTMENT OF HUMAN SERVICES. There is
45 6 appropriated from the senior living trust fund created in
45 7 section 249H.4 to the department of human services for the
45 8 fiscal year beginning July 1, 2005, and ending June 30, 2006,
45 9 the following amounts, or so much thereof as is necessary, to
45 10 be used for the purposes designated:

45 11 1. To supplement the medical assistance appropriation,
45 12 including program administration and costs associated with
45 13 implementation, salaries, support, maintenance, and
45 14 miscellaneous purposes:
45 15 \$ 50,200,000

45 16 2. To provide reimbursement for health care services to
45 17 eligible persons through the home and community-based services
45 18 waiver and the state supplementary assistance program,
45 19 including program administration and data system costs
45 20 associated with implementation, salaries, support,
45 21 maintenance, and miscellaneous purposes and for not more than
45 22 the following full-time equivalent positions:
45 23 \$ 1,033,406

45 24 FTEs 5.00

45 25 3. To implement nursing facility provider reimbursements
45 26 as provided in 2001 Iowa Acts, chapter 192, section 4,
45 27 subsection 2, paragraph "c":
45 28 \$ 29,950,000

45 29 In order to carry out the purposes of this section, the
45 30 department shall transfer funds appropriated in this section
45 31 to supplement other appropriations made to the department of
45 32 human services.

45 33 4. Notwithstanding sections 249H.4 and 249H.5, the
45 34 department of human services may use moneys from the senior
45 35 living trust fund for cash flow purposes to make payments
46 1 under the nursing facility or hospital upper payment limit
46 2 methodology. The amount of any moneys so used shall be
46 3 refunded to the senior living trust fund within the same
46 4 fiscal year and in a prompt manner.

46 5 Sec. 41. ASSISTED LIVING CONVERSION GRANTS ==
46 6 NONREVERSION. Notwithstanding section 8.33, moneys committed
46 7 from the senior living trust fund to grantees under contract
46 8 to provide for conversion to assisted living programs or for
46 9 development of long-term care alternatives that remain
46 10 unexpended at the close of any fiscal year shall not revert to
46 11 any fund but shall remain available for expenditure for
46 12 purposes of the contract.

46 13 Sec. 42. IOWA FINANCE AUTHORITY. There is appropriated
46 14 from the senior living trust fund created in section 249H.4 to
46 15 the Iowa finance authority for the fiscal year beginning July
46 16 1, 2005, and ending June 30, 2006, the following amount, or so
46 17 much thereof as is necessary, to be used for the purposes
46 18 designated:

46 19 To provide reimbursement for rent expenses to eligible
46 20 persons:

46 21 \$ 700,000

46 22 Participation in the rent subsidy program shall be limited
46 23 to only those persons who are at risk for nursing facility
46 24 care.

46 25 Sec. 43. HOSPITAL TRUST FUND. There is appropriated from
46 26 the hospital trust fund created in section 249I.4 to the
46 27 department of human services for the fiscal year beginning
46 28 July 1, 2005, and ending June 30, 2006, the following amount,
46 29 or so much thereof as is necessary, to be used for the purpose
46 30 designated:

46 31 To supplement the appropriations made for the medical
46 32 assistance program for that fiscal year:

46 33 \$ 22,900,000

46 34 Sec. 44. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
46 35 appropriated from the pharmaceutical settlement account
47 1 created in section 249A.33 to the department of human services
47 2 for the fiscal year beginning July 1, 2005, and ending June
47 3 30, 2006, the following amount, or so much thereof as is
47 4 necessary, to be used for the purpose designated:

47 5 To supplement the appropriations made for medical contracts
47 6 under the medical assistance program:

47 7 \$ 85,000

47 8 Sec. 45. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR
47 9 LIVING TRUST FUND FOR FY 2005=2006. Notwithstanding section
47 10 8.33, if moneys appropriated in this Act for purposes of the
47 11 medical assistance program for the fiscal year beginning July
47 12 1, 2005, and ending June 30, 2006, from the general fund of
47 13 the state, the senior living trust fund, the hospital trust
47 14 fund, or the healthy Iowans tobacco trust fund are in excess
47 15 of actual expenditures for the medical assistance program and
47 16 remain unencumbered or unobligated at the close of the fiscal
47 17 year, the excess moneys shall not revert but shall be
47 18 transferred to the senior living trust fund created in section
47 19 249H.4.

47 20 Sec. 46. EFFECTIVE DATE. The section of this division of
47 21 this Act relating to nonreversion of assisted living
47 22 conversion grant moneys, being deemed of immediate importance,
47 23 takes effect upon enactment.

47 24 DIVISION III
47 25 MENTAL HEALTH, MENTAL RETARDATION,
47 26 DEVELOPMENTAL DISABILITIES,
47 27 AND BRAIN INJURY SERVICES

47 28 Sec. 47. 2004 Iowa Acts, chapter 1175, section 173,
47 29 subsection 2, paragraph c, is amended to read as follows:

~~47 30 c. For deposit in the risk pool created in the property
47 31 tax relief fund and for distribution in accordance with
47 32 section 426B.5, subsection 2 To the department of human
47 33 services for supplementation of the appropriations made for
47 34 the medical assistance program for the fiscal year beginning
47 35 July 1, 2005, and ending June 30, 2006:~~

48 1 \$ 2,000,000

48 2 Sec. 48. 2004 Iowa Acts, chapter 1175, section 173, is
48 3 amended by adding the following new subsections:

48 4 NEW SUBSECTION. 3. The following formula amounts shall be
48 5 utilized only to calculate preliminary distribution amounts
48 6 for fiscal year 2005=2006 under this section by applying the
48 7 indicated formula provisions to the formula amounts and
48 8 producing a preliminary distribution total for each county:

48 9 a. For calculation of an allowed growth factor adjustment
48 10 amount for each county in accordance with the formula in
48 11 section 331.438, subsection 2, paragraph "b":

48 12 \$ 12,000,000

48 13 b. For calculation of a distribution amount for eligible
48 14 counties from the per capita expenditure target pool created
48 15 in the property tax relief fund in accordance with the
48 16 requirements in section 426B.5, subsection 1:

48 17 \$ 14,507,362

48 18 c. For calculation of a distribution amount for counties
48 19 from the mental health and developmental disabilities (MH/DD)
48 20 community services fund in accordance with the formula
48 21 provided in the appropriation made for the MH/DD community
48 22 services fund for the fiscal year beginning July 1, 2005:

48 23 \$ 17,727,890

48 24 NEW SUBSECTION. 4. After applying the applicable
48 25 statutory distribution formulas to the amounts indicated in
48 26 subsection 3 for purposes of producing preliminary
48 27 distribution totals, the department of human services shall
48 28 apply a withholding factor to adjust an eligible individual
48 29 county's preliminary distribution total. An ending balance
48 30 percentage for each county shall be determined by expressing
48 31 the county's ending balance on a modified accrual basis under
48 32 generally accepted accounting principles for the fiscal year
48 33 beginning July 1, 2004, in the county's mental health, mental
48 34 retardation, and developmental disabilities services fund
48 35 created under section 331.424A, as a percentage of the
49 1 county's gross expenditures from that fund for that fiscal
49 2 year. The withholding factor for a county shall be the
49 3 following applicable percent:
49 4 a. For an ending balance percentage of less than 10
49 5 percent, a withholding factor of 0 percent. In addition to
49 6 the county's adjusted distribution total, a county that is
49 7 subject to this paragraph "a" shall receive an inflation
49 8 adjustment equal to 2.6 percent of the gross expenditures
49 9 reported for the county's services fund for that fiscal year.
49 10 b. For an ending balance percentage of 10 through 24
49 11 percent, a withholding factor of 25 percent. However, the
49 12 amount withheld shall be limited to the amount by which the
49 13 county's ending balance was in excess of the ending balance
49 14 percentage of 10 percent.
49 15 c. For an ending balance percentage of 25 percent or more,
49 16 a withholding factor of 100 percent.

49 17 NEW SUBSECTION. 5. The total withholding amounts applied
49 18 pursuant to subsection 4 shall be equal to a withholding
49 19 target amount of \$4,659,749. If the department of human
49 20 services determines that the amount to be withheld in
49 21 accordance with subsection 4 is not equal to the target
49 22 withholding amount, the department shall adjust the
49 23 withholding factors listed in subsection 4 as necessary to
49 24 achieve the withholding target amount. However, in making
49 25 such adjustments to the withholding factors, the department
49 26 shall strive to minimize changes to the withholding factors
49 27 for those ending balance percentage ranges that are lower than
49 28 others and shall not adjust the zero withholding factor or the
49 29 inflation adjustment percentage specified in subsection 4,
49 30 paragraph "a".

49 31 DIVISION IV
49 32 CODE CHANGES

49 33 Sec. 49. Section 28.9, subsection 3, Code 2005, is amended
49 34 to read as follows:

49 35 3. a. An early childhood programs grant account is
50 1 created in the Iowa empowerment fund under the authority of
50 2 the director of human services. Moneys credited to the
50 3 account are appropriated to and shall be distributed by the
50 4 department of human services in the form of grants to
50 5 community empowerment areas pursuant to criteria established
50 6 by the Iowa board in accordance with law. The criteria shall
50 7 include but are not limited to a requirement that a community
50 8 empowerment area must be designated by the Iowa board in
50 9 accordance with section 28.5, in order to be eligible to
50 10 receive an early childhood programs grant.

50 11 b. The maximum funding amount a community empowerment area
50 12 is eligible to receive from the early childhood programs grant
50 13 account for a fiscal year shall be determined by applying the
50 14 area's percentage of the state's average monthly family
50 15 investment program population in the preceding fiscal year to
50 16 the total amount credited to the account for the fiscal year.

50 17 c. A community empowerment area receiving funding from the
50 18 early childhood program grant account shall comply with any
50 19 federal reporting requirements associated with the use of that
50 20 funding and other results and reporting requirements
50 21 established by the Iowa empowerment board. The department of
50 22 human services shall provide technical assistance in
50 23 identifying and meeting the federal requirements. The
50 24 availability of funding provided from the account is subject
50 25 to changes in federal requirements and amendments to Iowa law.

50 26 d. The moneys distributed from the early childhood program
50 27 grant account shall be used by community empowerment areas for
50 28 the purposes of enhancing quality child care capacity in
50 29 support of parent capability to obtain or retain employment.
50 30 The moneys shall be used with a primary emphasis on low-income
50 31 families and children from birth to five years of age. Moneys
50 32 shall be provided in a flexible manner and shall be used to
50 33 implement strategies identified by the community empowerment
50 34 area to achieve such purposes. The department of human

50 35 services may use a portion of the funding appropriated to the
51 1 department under this subsection for provision of technical
51 2 assistance and other support to community empowerment areas
51 3 developing and implementing strategies with grant moneys
51 4 distributed from the account.
51 5 e. Moneys from a federal block grant that are credited to
51 6 the early childhood program grant account but are not
51 7 distributed to a community empowerment area or otherwise
51 8 remain unobligated or unexpended at the end of the fiscal year
51 9 shall revert to the fund created in section 8.41 to be
51 10 available for appropriation by the general assembly in a
51 11 subsequent fiscal year.

51 12 Sec. 50. NEW SECTION. 35D.18 NET GENERAL FUND
51 13 APPROPRIATION == PURPOSE.

51 14 1. The Iowa veterans home shall operate on the basis of a
51 15 net appropriation from the general fund of the state. The
51 16 appropriation amount shall be the net amount of state moneys
51 17 projected to be needed for the Iowa veterans home for the
51 18 fiscal year of the appropriation. The purpose of utilizing a
51 19 net appropriation is to encourage the Iowa veterans home to
51 20 operate with increased self-sufficiency, to improve quality
51 21 and efficiency, and to support collaborative efforts among all
51 22 providers of funding for the services available from the Iowa
51 23 veterans home.

51 24 2. The net appropriation made to the Iowa veterans home
51 25 may be used throughout the fiscal year in the manner necessary
51 26 for purposes of cash flow management, and for cash flow
51 27 management, the Iowa veterans home may temporarily draw more
51 28 than the amount appropriated, provided the amount appropriated
51 29 is not exceeded at the close of the fiscal year.

51 30 3. Revenues received that are attributed to the Iowa
51 31 veterans home during a fiscal year shall be credited to the
51 32 Iowa veterans home account and shall be considered repayment
51 33 receipts as defined in section 8.2, including but not limited
51 34 to all of the following:

51 35 a. Federal veterans administration payments.

52 1 b. Medical assistance program revenue received under
52 2 chapter 249A.

52 3 c. Federal Medicare program payments.

52 4 d. Other revenues generated from current, new, or expanded
52 5 services that the Iowa veterans home is authorized to provide.

52 6 4. For purposes of allocating moneys to the Iowa veterans
52 7 home from the salary adjustment fund created in section 8.43,
52 8 the Iowa veterans home shall be considered to be funded
52 9 entirely with state moneys.

52 10 5. Notwithstanding section 8.33, up to five hundred
52 11 thousand dollars of the Iowa veterans home revenue that remain
52 12 unencumbered or unobligated at the close of the fiscal year
52 13 shall not revert but shall remain available for expenditure
52 14 for purposes of the Iowa veterans home until the close of the
52 15 succeeding fiscal year.

52 16 Sec. 51. Section 84A.6, subsection 2, Code 2005, is
52 17 amended to read as follows:

52 18 2. a. The director of the department of workforce
52 19 development, in cooperation with the department of human
52 20 services, shall provide job placement and training to persons
52 21 referred by the department of human services under the
52 22 promoting independence and self-sufficiency through employment
52 23 job opportunities and basic skills program established
52 24 pursuant to chapter 239B and the food stamp employment and
52 25 training program.

52 26 b. The department of workforce development, in
52 27 consultation with the department of human services, shall
52 28 develop and implement departmental recruitment and employment
52 29 practices that address the needs of former and current
52 30 participants in the family investment program under chapter
52 31 239B.

52 32 Sec. 52. Section 125.2, Code 2005, is amended by adding
52 33 the following new subsection:

52 34 NEW SUBSECTION. A1. "Board" means the state board of
52 35 health created pursuant to chapter 136.

53 1 Sec. 53. Section 125.2, subsection 6, Code 2005, is
53 2 amended by striking the subsection.

53 3 Sec. 54. Section 125.3, Code 2005, is amended to read as
53 4 follows:

53 5 125.3 SUBSTANCE ABUSE PROGRAM AND COMMISSION ESTABLISHED.

53 6 The Iowa department of public health shall ~~include a~~
53 7 ~~program which shall develop, implement, and administer a~~
53 8 ~~comprehensive substance abuse program pursuant to sections~~
53 9 ~~125.1 to 125.43. A commission on substance abuse is created~~
53 10 ~~to establish certain policies governing the performance of the~~

~~53 11 department in the discharge of duties imposed on it by this~~
~~53 12 chapter and advise the department on other policies. The~~
~~53 13 commission shall consist of nine members appointed by the~~
~~53 14 governor. Appointments shall be made on the basis of interest~~
~~53 15 in and knowledge of substance abuse, however two of the~~
~~53 16 members shall be persons who, in their regular work, have~~
~~53 17 direct contact with substance abuse clients. Only eligible~~
~~53 18 electors of the state of Iowa shall be appointed.~~

53 19 Sec. 55. Section 125.7, Code 2005, is amended to read as
53 20 follows:

53 21 125.7 DUTIES OF THE COMMISSION BOARD.

53 22 The commission board shall:

53 23 1. Approve the comprehensive substance abuse program,
53 24 developed by the department pursuant to sections 125.1 to
53 25 125.43.

53 26 2. Advise the department on policies governing the
53 27 performance of the department in the discharge of any duties
53 28 imposed on ~~it~~ the department by law.

53 29 3. Advise or make recommendations to the governor and the
53 30 general assembly relative to substance abuse treatment,
53 31 intervention, ~~and~~ education, ~~and~~ prevention programs in this
53 32 state.

53 33 4. ~~Promulgate~~ Adopt rules for subsections 1 and 6 and
53 34 review other rules necessary to carry out the provisions of
53 35 this chapter, subject to review in accordance with chapter

54 1 17A.

54 2 5. Investigate the work of the department relating to
54 3 substance abuse, and for this purpose ~~it~~ the board shall have
54 4 access at any time to all books, papers, documents, ~~and~~
54 5 records of the department.

54 6 6. Consider and approve or disapprove all applications for
54 7 a license and all cases involving the renewal, denial,
54 8 suspension, ~~or~~ revocation of a license.

54 9 7. Act as the appeal board regarding funding decisions
54 10 made by the department.

54 11 Sec. 56. Section 125.9, subsection 1, Code 2005, is
54 12 amended to read as follows:

54 13 1. Plan, establish and maintain treatment, intervention, ~~and~~
54 14 ~~and~~ education, ~~and~~ prevention programs as necessary or
54 15 desirable in accordance with the comprehensive substance abuse
54 16 program.

54 17 Sec. 57. Section 125.10, subsections 1 and 11, Code 2005,
54 18 are amended to read as follows:

54 19 1. Prepare and submit a state plan subject to approval by
54 20 the commission board and in accordance with the provisions of
54 21 42 U.S.C. sec. 4573. The state plan shall designate the
54 22 department as the sole agency for supervising the
54 23 administration of the plan.

54 24 11. Develop and implement, with the counsel and approval
54 25 of the commission board, ~~a~~ the comprehensive plan for
54 26 treatment of substance abusers, chronic substance abusers, and
54 27 intoxicated persons in accordance with this chapter.

54 28 Sec. 58. Section 125.12, subsection 1, Code 2005, is
54 29 amended to read as follows:

54 30 1. The commission board shall review ~~a~~ the comprehensive
54 31 ~~and co-ordinated~~ substance abuse program implemented by the
54 32 department for the treatment of substance abusers, chronic
54 33 substance abusers, intoxicated persons, and concerned family
54 34 members. Subject to the review of the commission board, the
54 35 director shall divide the state into appropriate regions for
55 1 the conduct of the program and establish standards for the
55 2 development of the program on the regional level. In
55 3 establishing the regions, consideration shall be given to city
55 4 and county lines, population concentrations, and existing
55 5 substance abuse treatment services. ~~In determining the~~
55 6 ~~regions, the director is not required to follow the regional~~
55 7 ~~map as prepared by the former office for planning and~~
55 8 ~~programming.~~

55 9 Sec. 59. Section 125.13, subsection 2, paragraphs a, b, i,
55 10 and j, Code 2005, are amended to read as follows:

55 11 a. A hospital providing care or treatment to substance
55 12 abusers or chronic substance abusers licensed under chapter
55 13 135B which is accredited by the joint commission on the
55 14 accreditation of health care organizations, the commission on
55 15 accreditation of rehabilitation facilities, the American
55 16 osteopathic association, or another recognized organization
55 17 approved by the commission board. All survey reports from the
55 18 accrediting or licensing body must be sent to the department.

55 19 b. Any practitioner of medicine and surgery or osteopathic
55 20 medicine and surgery, in the practitioner's private practice.
55 21 However, a program shall not be exempted from licensing by the

55 22 ~~commission board~~ by virtue of its utilization of the services
55 23 of a medical practitioner in its operation.

55 24 i. A substance abuse treatment program not funded by the
55 25 department which is accredited or licensed by the joint
55 26 commission on the accreditation of health care organizations,
55 27 the commission on the accreditation of rehabilitation
55 28 facilities, the American osteopathic association, or another
55 29 recognized organization approved by the ~~commission board~~. All
55 30 survey reports from the accrediting or licensing body must be
55 31 sent to the department.

55 32 j. A hospital substance abuse treatment program that is
55 33 accredited or licensed by the joint commission on the
55 34 accreditation of health care organizations, the commission on
55 35 the accreditation of rehabilitation facilities, the American
56 1 osteopathic association, or another recognized organization
56 2 approved by the ~~commission board~~. All survey reports for the
56 3 hospital substance abuse treatment program from the
56 4 accrediting or licensing body shall be sent to the department.

56 5 Sec. 60. Section 125.14, Code 2005, is amended to read as
56 6 follows:

56 7 125.14 LICENSES == RENEWAL == FEES.

56 8 The ~~commission board~~ shall ~~meet to~~ consider all cases
56 9 involving initial issuance, and renewal, denial, suspension,
56 10 or revocation of a license. The department shall issue a
56 11 license to an applicant whom the ~~commission board~~ determines
56 12 meets the licensing requirements of this chapter. Licenses
56 13 shall expire no later than three years from the date of
56 14 issuance and shall be renewed upon timely application made in
56 15 the same manner as for initial issuance of a license unless
56 16 notice of nonrenewal is given to the licensee at least thirty
56 17 days prior to the expiration of the license. The department
56 18 shall not charge a fee for licensing or renewal of programs
56 19 contracting with the department for provision of treatment
56 20 services. A fee may be charged to other licensees.

56 21 Sec. 61. Section 125.15A, subsection 1, paragraph b, Code
56 22 2005, is amended to read as follows:

56 23 b. The ~~commission board~~ has suspended, revoked, or refused
56 24 to renew the existing license of the program.

56 25 Sec. 62. Section 125.16, Code 2005, is amended to read as
56 26 follows:

56 27 125.16 TRANSFER OF LICENSE OR CHANGE OF LOCATION
56 28 PROHIBITED.

56 29 A license issued under this chapter may not be transferred,
56 30 and the location of the physical facilities occupied or
56 31 utilized by any program licensed under this chapter shall not
56 32 be changed without the prior written consent of the ~~commission~~
56 33 ~~board~~.

56 34 Sec. 63. Section 125.17, Code 2005, is amended to read as
56 35 follows:

57 1 125.17 LICENSE SUSPENSION OR REVOCATION.

57 2 Violation of any of the requirements or restrictions of
57 3 this chapter or of any of the rules ~~properly established~~
57 4 ~~adopted~~ pursuant to this chapter is cause for suspension,
57 5 revocation, or refusal to renew a license. The director shall
57 6 at the earliest time feasible notify a licensee whose license
57 7 the ~~commission board~~ is considering suspending or revoking and
57 8 shall inform the licensee what changes must be made in the
57 9 licensee's operation to avoid such action. The licensee shall
57 10 be given a reasonable time for compliance, as determined by
57 11 the director, after receiving such notice or a notice that the
57 12 ~~commission board~~ does not intend to renew the license. When
57 13 the licensee believes compliance has been achieved, or if the
57 14 licensee considers the proposed suspension, revocation, or
57 15 refusal to renew unjustified, the licensee may submit
57 16 pertinent information to the ~~commission who board and the~~
57 17 ~~board~~ shall expeditiously make a decision in the matter and
57 18 notify the licensee of the decision.

57 19 Sec. 64. Section 125.18, Code 2005, is amended to read as
57 20 follows:

57 21 125.18 HEARING BEFORE ~~COMMISSION BOARD~~.

57 22 If a licensee under this chapter makes a written request
57 23 for a hearing within thirty days of suspension, revocation, or
57 24 refusal to renew a license, a hearing before the ~~commission~~
57 25 ~~board~~ shall be expeditiously arranged by the department of
57 26 inspections and appeals whose decision is subject to review by
57 27 the ~~commission board~~. ~~If the role of a commission member is~~
~~57 28 inconsistent with the member's job role or function, or if any~~
~~57 29 commission member feels unable for any reason to~~
~~57 30 disinterestedly weigh the merits of the case before the~~
~~57 31 commission, the member shall not participate in the hearing~~
~~57 32 and shall not be entitled to vote on the case. The commission~~

57 33 board shall issue a written statement of ~~it's~~ the board's
57 34 findings within thirty days after conclusion of the hearing
57 35 upholding or reversing the proposed suspension, revocation, or
58 1 refusal to renew a license. Action involving suspension,
58 2 revocation or refusal to renew a license shall not be taken by
58 3 the commission board unless a quorum is present at the
58 4 meeting. A copy of the board's decision shall be promptly
58 5 transmitted to the affected licensee who may, if aggrieved by
58 6 the decision, seek judicial review of the actions of the
58 7 commission board in accordance with the terms of chapter 17A.

58 8 Sec. 65. Section 125.19, Code 2005, is amended to read as
58 9 follows:

58 10 125.19 REISSUANCE OR REINSTATEMENT.

58 11 After suspension, revocation, or refusal to renew a license
58 12 pursuant to this chapter, the affected licensee shall not have
58 13 the license reissued or reinstated within one year of the
58 14 effective date of the suspension, revocation, or expiration
58 15 upon refusal to renew, unless ~~by order of the commission board~~
58 16 orders otherwise. After that time, proof of compliance with
58 17 the requirements and restrictions of this chapter and the
58 18 rules ~~established~~ adopted pursuant to this chapter must be
58 19 presented to the commission board prior to reinstatement or
58 20 reissuance of a license.

58 21 Sec. 66. Section 125.21, Code 2005, is amended to read as
58 22 follows:

58 23 125.21 CHEMICAL SUBSTITUTES AND ANTAGONISTS PROGRAMS.

58 24 1. The commission board has exclusive power in this state
58 25 to approve and license chemical substitutes and antagonists
58 26 programs, and to monitor chemical substitutes and antagonists
58 27 programs to ensure that the programs are operating within the
58 28 rules ~~established~~ adopted pursuant to this chapter. The
58 29 commission board shall grant approval and license if the
58 30 requirements of the rules are met and ~~no~~ state funding is not
58 31 requested. ~~This section requires approval of The~~ chemical
58 32 substitutes and antagonists programs conducted by persons
58 33 exempt from the licensing requirements of this chapter by
58 34 pursuant to section 125.13, subsection 2, are subject to
58 35 approval and licensure under this section.

59 1 2. The department may do any of the following:

59 2 ~~1. a.~~ Provide advice, consultation, and technical
59 3 assistance to chemical substitutes and antagonists programs.
59 4 ~~2. b. In its discretion, approve~~ Approve local agencies
59 5 or bodies to assist ~~it~~ the department in carrying out the
59 6 provisions of this chapter.

59 7 Sec. 67. Section 125.43A, Code 2005, is amended to read as
59 8 follows:

59 9 125.43A PRESCREENING == EXCEPTION.

59 10 Except in cases of medical emergency or court ordered
59 11 admissions, a person shall be admitted to a state mental
59 12 health institute for substance abuse treatment only after a
59 13 preliminary intake and assessment by a department=licensed
59 14 treatment facility or a hospital providing care or treatment
59 15 for substance abusers licensed under chapter 135B and
59 16 accredited by the joint commission on the accreditation of
59 17 health care organizations, the commission on accreditation of
59 18 rehabilitation facilities, the American osteopathic
59 19 association, or another recognized organization approved by
59 20 the commission board, or by a designee of a department=
59 21 licensed treatment facility or a hospital other than a state
59 22 mental health institute, which confirms that the admission is
59 23 appropriate to the person's substance abuse service needs. A
59 24 county board of supervisors may seek an admission of a patient
59 25 to a state mental health institute who has not been confirmed
59 26 for appropriate admission and the county shall be responsible
59 27 for one hundred percent of the cost of treatment and services
59 28 of the patient.

59 29 Sec. 68. Section 125.58, subsection 1, Code 2005, is
59 30 amended to read as follows:

59 31 1. If the department has probable cause to believe that an
59 32 institution, place, building, or agency not licensed as a
59 33 substance abuse treatment and rehabilitation facility is in
59 34 fact a substance abuse treatment and rehabilitation facility
59 35 as defined by this chapter, and is not exempt from licensing
60 1 by section 125.13, subsection 2, the commission board may
60 2 order an inspection of the institution, place, building, or
60 3 agency. If the inspector upon presenting proper
60 4 identification is denied entry for the purpose of making the
60 5 inspection, the inspector may, with the assistance of the
60 6 county attorney of the county in which the premises are
60 7 located, apply to the district court for an order requiring
60 8 the owner or occupant to permit entry and inspection of the

60 9 premises to determine whether there have been violations of
60 10 this chapter. The investigation may include review of
60 11 records, reports, and documents maintained by the facility and
60 12 interviews with staff members consistent with the
60 13 confidentiality safeguards of state and federal law.
60 14 Sec. 69. NEW SECTION. 135.39C ELDERLY WELLNESS SERVICES
60 15 == PAYOR OF LAST RESORT.
60 16 The department shall implement elderly wellness services in
60 17 a manner that ensures that the services provided are not
60 18 payable by a third-party source.
60 19 Sec. 70. Section 135.150, subsection 2, Code 2005, is
60 20 amended to read as follows:
60 21 2. a. Moneys appropriated to the department under this
60 22 section shall be for the purpose of operating a gambling
60 23 treatment program and shall be used for funding of
60 24 administrative costs and to provide programs which may
60 25 include, but are not limited to, outpatient and follow-up
60 26 treatment for persons affected by problem gambling,
60 27 rehabilitation and residential treatment programs, information
60 28 and referral services, crisis call access, education and
60 29 preventive services, and financial management and credit
60 30 counseling services.
60 31 b. A person shall not maintain or conduct a gambling
60 32 treatment program funded under this section unless the person
60 33 has obtained a license for the program from the department.
60 34 The department shall adopt rules to establish standards for
60 35 the licensing and operation of gambling treatment programs
61 1 under this section. The rules shall specify, but are not
61 2 limited to specifying, the qualifications for persons
61 3 providing gambling treatment services, standards for the
61 4 organization and administration of gambling treatment
61 5 programs, and a mechanism to monitor compliance with this
61 6 section and the rules adopted under this section.
61 7 Sec. 71. Section 136.1, unnumbered paragraph 1, Code 2005,
61 8 is amended to read as follows:
61 9 The state board of health shall consist of the following
61 10 members: Five members learned in health-related disciplines,
61 11 two members who have direct experience with substance abuse
61 12 treatment or prevention, and four members representing the
61 13 general public.
61 14 Sec. 72. Section 136.3, subsection 7, Code 2005, is
61 15 amended to read as follows:
61 16 7. Adopt, promulgate, amend, and repeal rules and
61 17 regulations consistent with law for the protection of the
61 18 public health and prevention of substance abuse, and for the
61 19 guidance of the department. All rules ~~which have been or are~~
61 20 ~~hereafter~~ adopted by the department ~~shall be~~ are subject to
61 21 approval by the board. ~~However, rules adopted by the~~
61 22 ~~commission on substance abuse for section 125.7, subsections 1~~
61 23 ~~and 7, and rules adopted by the department pursuant to section~~
61 24 ~~135.130 are not subject to approval by the state board of~~
61 25 ~~health.~~
61 26 Sec. 73. Section 136.3, Code 2005, is amended by adding
61 27 the following new subsection:
61 28 NEW SUBSECTION. 10. Perform those duties authorized
61 29 pursuant to chapter 125.
61 30 Sec. 74. Section 136C.10, subsection 1, Code 2005, is
61 31 amended to read as follows:
61 32 1. a. The department shall establish and collect fees for
61 33 the licensing and amendment of licenses for radioactive
61 34 materials, the registration of radiation machines, the
61 35 periodic inspection of radiation machines and radioactive
62 1 materials, and the implementation of section 136C.3,
62 2 subsection 2. Fees shall be in amounts sufficient to defray
62 3 the cost of administering this chapter. The license fee may
62 4 include the cost of environmental surveillance activities to
62 5 assess the radiological impact of activities conducted by
62 6 licensees.
62 7 b. Fees collected shall be remitted to the treasurer of
62 8 state who shall deposit the funds in the general fund of the
62 9 state. However, the fees collected from the licensing,
62 10 registration, authorization, accreditation, and inspection of
62 11 radiation machines used for mammographically guided breast
62 12 biopsy, screening, and diagnostic mammography shall be used to
62 13 support the department's administration of this chapter and
62 14 the fees collected shall be considered repayment receipts, as
62 15 defined in section 8.2.
62 16 c. When a registrant or licensee fails to pay the
62 17 applicable fee the department may suspend or revoke the
62 18 registration or license or may issue an appropriate order.
62 19 Fees for the license, amendment of a license, and inspection

62 20 of radioactive material shall not exceed the fees prescribed
62 21 by the United States nuclear regulatory commission.

62 22 Sec. 75. Section 144.13A, subsection 4, paragraph a,
62 23 unnumbered paragraph 2, Code 2005, is amended to read as
62 24 follows:

62 25 ~~Beginning July 1, 2005, ten Ten~~ dollars of each
62 26 registration fee is appropriated and shall be used for primary
62 27 and secondary child abuse prevention programs pursuant to
62 28 section 235A.1, and ten dollars of each registration fee is
62 29 appropriated and shall be used for the center for congenital
62 30 and inherited disorders central registry established pursuant
62 31 to section 136A.6. Notwithstanding section 8.33, moneys
62 32 appropriated in this unnumbered paragraph that remain
62 33 unencumbered or unobligated at the close of the fiscal year
62 34 shall not revert but shall remain available for expenditure
62 35 for the purposes designated until the close of the succeeding
63 1 fiscal year.

63 2 Sec. 76. NEW SECTION. 144.46A VITAL RECORDS FUND.

63 3 1. A vital records fund is created under the control of
63 4 the department. Moneys in the fund shall be used for purposes
63 5 of the purchase and maintenance of an electronic system for
63 6 vital records scanning, data capture, data reporting, storage,
63 7 and retrieval, and for all registration and issuance
63 8 activities. Moneys in the fund may also be used for other
63 9 related purposes including but not limited to the streamlining
63 10 of administrative procedures and electronically linking
63 11 offices of county registrars to state vital records so that
63 12 the records may be issued at the county level.

63 13 2. The department shall adopt rules providing for an
63 14 increase in the fees charged by the state registrar for vital
63 15 records services under section 144.46 in an amount necessary
63 16 to pay for the purposes designated in subsection 1.

63 17 3. Increased fees collected by the state registrar
63 18 pursuant to this section shall be credited to the vital
63 19 records fund. Moneys credited to the fund are appropriated to
63 20 the department to be used for the purposes designated in
63 21 subsection 1. Notwithstanding section 8.33, moneys credited
63 22 to the fund that remain unencumbered or unobligated at the
63 23 close of the fiscal year shall not revert to any fund but
63 24 shall remain available for expenditure for the purposes
63 25 designated.

63 26 Sec. 77. NEW SECTION. 147.28A SCOPE OF PRACTICE REVIEW
63 27 COMMITTEES == FUTURE REPEAL.

63 28 1. The department shall utilize scope of practice review
63 29 committees to evaluate and make recommendations to the general
63 30 assembly and to the appropriate examining boards regarding all
63 31 of the following issues:

63 32 a. Requests from practitioners seeking to become newly
63 33 licensed health professionals or to establish their own
63 34 examining boards.

63 35 b. Requests from health professionals seeking to expand or
64 1 narrow the scope of practice of a health profession.

64 2 c. Unresolved administrative rulemaking disputes between
64 3 examining boards.

64 4 2. A scope of practice review committee established under
64 5 this section shall evaluate the issues specified in subsection
64 6 1 and make recommendations regarding proposed changes to the
64 7 general assembly based on the following standards and
64 8 guidelines:

64 9 a. The proposed change does not pose a significant new
64 10 danger to the public.

64 11 b. Enacting the proposed change will benefit the health,
64 12 safety, or welfare of the public.

64 13 c. The public cannot be effectively protected by other
64 14 more cost-effective means.

64 15 3. A scope of practice review committee shall be limited
64 16 to five members as follows:

64 17 a. One member representing the profession seeking
64 18 licensure, a new examining board, or a change in scope of
64 19 practice.

64 20 b. One member of the health profession directly impacted
64 21 by, or opposed to, the proposed change.

64 22 c. One impartial health professional who is not directly
64 23 or indirectly affected by the proposed change.

64 24 d. Two impartial members of the general public.

64 25 4. The department may contract with a school or college of
64 26 public health to assist in implementing this section.

64 27 5. The department shall submit an annual progress report
64 28 to the governor and the general assembly by January 15 and
64 29 shall include any recommendations for legislative action as a
64 30 result of review committee activities.

64 31 6. The department shall adopt rules in accordance with
64 32 chapter 17A to implement this section.

64 33 7. This section is repealed July 1, 2007.

64 34 Sec. 78. Section 147.80, Code 2005, is amended by adding
64 35 the following new unnumbered paragraph:

65 1 NEW UNNUMBERED PARAGRAPH. The board of medical examiners,
65 2 the board of pharmacy examiners, the board of dental
65 3 examiners, and the board of nursing shall retain individual
65 4 executive officers, but shall make every effort to share
65 5 administrative, clerical, and investigative staffs to the
65 6 greatest extent possible. The department shall annually
65 7 submit a status report to the general assembly in December
65 8 regarding the sharing of staff during the previous fiscal
65 9 year.

65 10 Sec. 79. Section 147.82, Code 2005, is amended to read as
65 11 follows:

65 12 147.82 FEES.

65 13 ~~All Notwithstanding section 12.10, all fees shall be~~
65 14 ~~collected under this chapter by an examining board or the~~
65 15 ~~department and shall be paid to the treasurer of state and~~
65 16 ~~deposited in credited to the general fund of the state, except~~
65 17 ~~as provided in sections 147.94 and 147.102. for the following:~~

65 18 1. The department may retain and expend or encumber a
65 19 portion of fees collected under this chapter for an examining
65 20 board if the expenditure or encumbrance is directly the result
65 21 of an unanticipated litigation expense or an expense
65 22 associated with a scope of practice review committee created
65 23 pursuant to section 147.28A. Before the department retains,
65 24 expends, or encumbers funds for an unanticipated litigation
65 25 expense or a scope of practice review committee, the director
65 26 of the department of management shall approve the expenditure
65 27 or encumbrance. The amount of fees retained pursuant to this
65 28 subsection shall not exceed five percent of the average annual
65 29 fees generated by the affected examining board for the two
65 30 previous fiscal years. The amount of fees retained shall be
65 31 considered repayment receipts as defined in section 8.2.

65 32 2. The department may annually retain and expend not more
65 33 than two hundred ninety-seven thousand nine hundred sixty-one
65 34 dollars for lease and maintenance expenses from fees collected
65 35 pursuant to section 147.80 by the board of dental examiners,
66 1 the board of pharmacy examiners, the board of medical
66 2 examiners, and the board of nursing. Fees retained by the
66 3 department pursuant to this subsection shall be considered
66 4 repayment receipts as defined in section 8.2.

66 5 3. The department may annually retain and expend not more
66 6 than one hundred thousand dollars for reduction of the number
66 7 of days necessary to process medical license requests and for
66 8 reduction of the number of days needed for consideration of
66 9 malpractice cases from fees collected pursuant to section
66 10 147.80 by the board of medical examiners in the fiscal year
66 11 beginning July 1, 2005, and ending June 30, 2006. Fees
66 12 retained by the department pursuant to this subsection shall
66 13 be considered repayment receipts as defined in section 8.2 and
66 14 shall be used for the purposes described in this subsection.

66 15 4. The board of dental examiners may annually retain and
66 16 expend not more than one hundred forty-eight thousand sixty
66 17 dollars from revenues generated pursuant to section 147.80.
66 18 Fees retained by the board pursuant to this subsection shall
66 19 be considered repayment receipts as defined in section 8.2 and
66 20 shall be used for the purposes of regulating dental
66 21 assistants.

66 22 5. The board of nursing may annually retain and expend
66 23 ninety percent of the revenues generated from an increase in
66 24 license and renewal fees established pursuant to section
66 25 147.80 for the practice of nursing, above the license and
66 26 renewal fees in effect as of July 1, 2003. The moneys
66 27 retained shall be used for any of the board's duties,
66 28 including but not limited to the addition of full-time
66 29 equivalent positions for program services and investigations.
66 30 Revenues retained by the board pursuant to this subsection
66 31 shall be considered repayment receipts as defined in section
66 32 8.2, and shall be used for the purposes described in this
66 33 subsection.

66 34 6. The board of pharmacy examiners may annually retain and
66 35 expend ninety percent of the revenues generated from an
67 1 increase in license and renewal fees established pursuant to
67 2 sections 124.301 and 147.80, and chapter 155A, for the
67 3 practice of pharmacy, above the license and renewal fees in
67 4 effect as of July 1, 2004. The moneys retained shall be used
67 5 for any of the board's duties, including but not limited to
67 6 the addition of full-time equivalent positions for program

67 7 services and investigations. Revenues retained by the board
67 8 pursuant to this subsection shall be considered repayment
67 9 receipts as defined in section 8.2, and shall be used for the
67 10 purposes described in this subsection.

67 11 7. In addition to the amounts authorized in subsections 1
67 12 through 6, the examining boards listed in section 147.80 may
67 13 retain and expend ninety percent of the revenue generated from
67 14 an increase in license and renewal fees established pursuant
67 15 to section 147.80 for the practice of the licensed profession
67 16 for which an examining board conducts examinations above the
67 17 license and renewal fees in effect as of June 30, 2005. The
67 18 moneys retained by an examining board shall be used for any of
67 19 the board's duties, including but not limited to addition of
67 20 full-time equivalent positions for program services and
67 21 investigations. Revenues retained by an examining board
67 22 pursuant to this subsection shall be considered repayment
67 23 receipts as defined in section 8.2.

67 24 Sec. 80. Section 147.94, Code 2005, is amended to read as
67 25 follows:

67 26 147.94 PHARMACISTS.

67 27 The provisions of this chapter relative to the making of
67 28 application for a license, the issuance of a license, the
67 29 negotiation of reciprocal agreements for recognition of
67 30 foreign licenses, ~~the collection of license and renewal fees,~~
67 31 and the preservation of records shall not apply to the
67 32 licensing of persons to practice pharmacy, but such licensing
67 33 shall be governed by the following ~~regulations~~:

67 34 1. Every application for a license to practice pharmacy
67 35 shall be made ~~direct~~ to the secretary of the board of pharmacy
68 1 examiners.

68 2 2. ~~Such A~~ license and all renewals thereof of a license
68 3 shall be issued by ~~said~~ the board of pharmacy examiners.

68 4 3. Every reciprocal agreement for the recognition of any
68 5 ~~such~~ license issued in another state shall be negotiated by
68 6 ~~said~~ the board of pharmacy examiners.

68 7 4. ~~All license and renewal fees exacted from persons~~
68 8 ~~licensed to practice pharmacy shall be paid to and collected~~
68 9 ~~by the secretary of the pharmacy examiners.~~

68 10 5- ~~4.~~ All records in connection with the licensing of
68 11 pharmacists shall be kept by ~~said~~ the secretary of the board
68 12 of pharmacy examiners.

68 13 Sec. 81. Section 147.102, Code 2005, is amended to read as
68 14 follows:

68 15 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

68 16 Notwithstanding the provisions of this subtitle, every
68 17 application for a license to practice psychology,
68 18 chiropractic, or dentistry shall be made directly to the
68 19 chairperson, executive director, or secretary of the examining
68 20 board of such profession, and every reciprocal agreement for
68 21 the recognition of any such license issued in another state
68 22 shall be negotiated by the examining board for such
68 23 profession. All examination, license, and renewal fees
68 24 received from persons licensed to practice any of such
68 25 professions shall be paid to and collected by the chairperson,
68 26 executive director, or secretary of the examining board of
68 27 such profession, ~~who shall transmit the fees to the treasurer~~
68 28 ~~of state for deposit into the general fund of the state.~~ The
68 29 salary of the secretary shall be established by the governor
68 30 with the approval of the executive council pursuant to section
68 31 8A.413, subsection 2, under the pay plan for exempt positions
68 32 in the executive branch of government.

68 33 Sec. 82. Section 217.13, subsection 1, Code 2005, is
68 34 amended to read as follows:

68 35 1. The department of human services shall establish
69 1 volunteer programs designed to enhance the services provided
69 2 by the department. Roles for volunteers may include but shall
69 3 not be limited to parent aides, friendly visitors, commodity
69 4 distributors, clerical assistants, ~~and~~ medical transporters,
69 5 and other functions to complement and supplement the
69 6 department's work with clients. Roles for volunteers shall
69 7 include conservators and guardians. The department shall
69 8 adopt rules for programs which are established.

69 9 Sec. 83. NEW SECTION. 217.35 FRAUD AND RECOUPMENT
69 10 ACTIVITIES.

69 11 Notwithstanding the requirement for deposit of recovered
69 12 moneys under section 239B.14, recovered moneys generated
69 13 through fraud and recoupment activities are appropriated to
69 14 the department of human services to be used for additional
69 15 fraud and recoupment activities performed by the department of
69 16 human services or the department of inspections and appeals.
69 17 The department of human services may use the recovered moneys

69 18 appropriated to add not more than five full-time equivalent
69 19 positions, in addition to those funded by annual
69 20 appropriations. The appropriation of the recovered moneys is
69 21 subject to both of the following conditions:

69 22 1. The director of human services determines that the
69 23 investment can reasonably be expected to increase recovery of
69 24 assistance paid in error, due to fraudulent or nonfraudulent
69 25 actions, in excess of the amount recovered in the previous
69 26 fiscal year.

69 27 2. The amount expended for the additional fraud and
69 28 recoupment activities shall not exceed the amount of the
69 29 projected increase in assistance recovered.

69 30 Sec. 84. NEW SECTION. 218.6 TRANSFER OF APPROPRIATIONS
69 31 MADE TO INSTITUTIONS.

69 32 Notwithstanding section 8.39, subsection 1, without the
69 33 prior written consent and approval of the governor and the
69 34 director of the department of management, the director of
69 35 human services may transfer funds between the appropriations
70 1 made for the same type of institution, listed as follows:

70 2 1. The state resource centers.

70 3 2. The state mental health institutes.

70 4 3. The state juvenile institutions consisting of the state
70 5 training school and the Iowa juvenile home.

70 6 Sec. 85. NEW SECTION. 222.92 NET GENERAL FUND
70 7 APPROPRIATION == STATE RESOURCE CENTERS.

70 8 1. The department shall operate the state resource centers
70 9 on the basis of net appropriations from the general fund of
70 10 the state. The appropriation amounts shall be the net amounts
70 11 of state moneys projected to be needed for the state resource
70 12 centers for the fiscal year of the appropriations. The
70 13 purpose of utilizing net appropriations is to encourage the
70 14 state resource centers to operate with increased self=
70 15 sufficiency, to improve quality and efficiency, and to support
70 16 collaborative efforts between the state resource centers and
70 17 counties and other providers of funding for the services
70 18 available from the state resource centers. The state resource
70 19 centers shall not be operated under the net appropriations in
70 20 a manner that results in a cost increase to the state or in
70 21 cost shifting between the state, the medical assistance
70 22 program, counties, or other sources of funding for the state
70 23 resource centers.

70 24 2. The net appropriation made for a state resource center
70 25 may be used throughout the fiscal year in the manner necessary
70 26 for purposes of cash flow management, and for purposes of cash
70 27 flow management, a state resource center may temporarily draw
70 28 more than the amount appropriated, provided the amount
70 29 appropriated is not exceeded at the close of the fiscal year.

70 30 3. Subject to the approval of the department, except for
70 31 revenues segregated as provided in section 249A.11, revenues
70 32 received that are attributed to a state resource center for a
70 33 fiscal year shall be credited to the state resource center's
70 34 account and shall be considered repayment receipts as defined
70 35 in section 8.2, including but not limited to all of the

71 1 following:

71 2 a. Moneys received by the state from billings to counties
71 3 under section 222.73.

71 4 b. The federal share of medical assistance program revenue
71 5 received under chapter 249A.

71 6 c. Federal Medicare program payments.

71 7 d. Moneys received from client financial participation.

71 8 e. Other revenues generated from current, new, or expanded
71 9 services that the state resource center is authorized to
71 10 provide.

71 11 4. For purposes of allocating moneys to the state resource
71 12 centers from the salary adjustment fund created in section
71 13 8.43, the state resource centers shall be considered to be
71 14 funded entirely with state moneys.

71 15 5. Notwithstanding section 8.33, up to five hundred
71 16 thousand dollars of a state resource center's revenue that
71 17 remains unencumbered or unobligated at the close of the fiscal
71 18 year shall not revert but shall remain available for
71 19 expenditure for purposes of the state resource center until
71 20 the close of the succeeding fiscal year.

71 21 Sec. 86. NEW SECTION. 226.9B NET GENERAL FUND

71 22 APPROPRIATION == PSYCHIATRIC MEDICAL INSTITUTION FOR CHILDREN.

71 23 1. The psychiatric medical institution for children beds
71 24 operated by the state at the state mental health institute at
71 25 Independence, as authorized in section 135H.6, shall operate
71 26 on the basis of a net appropriation from the general fund of
71 27 the state. The allocation made by the department from the
71 28 annual appropriation to the state mental health institute at

71 29 Independence for the purposes of the beds shall be the net
71 30 amount of state moneys projected to be needed for the beds for
71 31 the fiscal year of the appropriation.

71 32 2. Revenues received that are attributed to the
71 33 psychiatric medical institution for children beds during a
71 34 fiscal year shall be credited to the mental health institute's
71 35 account and shall be considered repayment receipts as defined
72 1 in section 8.2, including but not limited to all of the
72 2 following:

72 3 a. The federal share of medical assistance program revenue
72 4 received under chapter 249A.

72 5 b. Moneys received through client financial participation.

72 6 c. Other revenues directly attributable to the psychiatric
72 7 medical institution for children beds.

72 8 Sec. 87. NEW SECTION. 226.9C NET GENERAL FUND

72 9 APPROPRIATION == DUAL DIAGNOSIS PROGRAM.

72 10 1. The state mental health institute at Mount Pleasant
72 11 shall operate the dual diagnosis mental health and substance
72 12 abuse program on a net budgeting basis in which 50 percent of
72 13 the actual per diem and ancillary services costs are
72 14 chargeable to the patient's county of legal settlement or as a
72 15 state case, as appropriate. Subject to the approval of the
72 16 department, revenues attributable to the dual diagnosis
72 17 program for each fiscal year, shall be deposited in the mental
72 18 health institute's account and are appropriated to the
72 19 department for the dual diagnosis program, including but not
72 20 limited to all of the following revenues:

72 21 a. Moneys received by the state from billings to counties
72 22 under section 230.20.

72 23 b. Moneys received from billings to the Medicare program.

72 24 c. Moneys received from a managed care contractor
72 25 providing services under contract with the department or any
72 26 private third-party payor.

72 27 d. Moneys received through client participation.

72 28 e. Any other revenues directly attributable to the dual
72 29 diagnosis program.

72 30 2. The following additional provisions are applicable in
72 31 regard to the dual diagnosis program:

72 32 a. A county may split the charges between the county's
72 33 mental health, mental retardation, and developmental
72 34 disabilities services fund created pursuant to section
72 35 331.424A and the county's budget for substance abuse
73 1 expenditures.

73 2 b. If an individual is committed to the custody of the
73 3 department of corrections at the time the individual is
73 4 referred for dual diagnosis treatment, the department of
73 5 corrections shall be charged for the costs of treatment.

73 6 c. Prior to an individual's admission for dual diagnosis
73 7 treatment, the individual shall have been screened through a
73 8 county's central point of coordination process implemented
73 9 pursuant to section 331.440 to determine the appropriateness
73 10 of the treatment.

73 11 d. A county shall not be chargeable for the costs of
73 12 treatment for an individual enrolled in and authorized by or
73 13 decertified by a managed behavioral care plan under the
73 14 medical assistance program.

73 15 e. Notwithstanding section 8.33, state mental health
73 16 institute revenues related to the dual diagnosis program that
73 17 remain unencumbered or unobligated at the close of the fiscal
73 18 year shall not revert but shall remain available up to the
73 19 amount which would allow the state mental health institute to
73 20 meet credit obligations owed to counties as a result of year=
73 21 end per diem adjustments for the dual diagnosis program.

73 22 Sec. 88. Section 226.19, Code 2005, is amended to read as
73 23 follows:

73 24 226.19 DISCHARGE == CERTIFICATE.

73 25 1. All patients shall be discharged, by in accordance with
73 26 the procedure prescribed in section 229.3 or section 229.16,
73 27 whichever is applicable, immediately on regaining their the
73 28 patient's good mental health.

73 29 2. If a patient's care is the financial responsibility of
73 30 the state or a county, as part of the patient's discharge
73 31 planning the state mental health institute shall provide
73 32 assistance to the patient in obtaining eligibility for the
73 33 federal state supplemental security income program.

73 34 Sec. 89. Section 229A.12, Code 2005, is amended to read as
73 35 follows:

74 1 229A.12 DIRECTOR OF HUMAN SERVICES == RESPONSIBILITY FOR
74 2 COSTS == REIMBURSEMENT.

74 3 The director of human services shall be responsible for all
74 4 costs relating to the evaluation, treatment, and services

74 5 provided to a person that are incurred after the person is
74 6 committed to the director's custody after the court or jury
74 7 determines that the respondent is a sexually violent predator
74 8 and pursuant to commitment under any provision of this
74 9 chapter. If placement in a transitional release program or
74 10 supervision is ordered, the director shall also be responsible
74 11 for all costs related to the transitional release program or
74 12 to the supervision and treatment of any person. Reimbursement
74 13 may be obtained by the director from the patient and any
74 14 person legally liable or bound by contract for the support of
74 15 the patient for the cost of confinement or of care and
74 16 treatment provided. To the extent allowed by the United
74 17 States social security administration, any benefit payments
74 18 received by the person pursuant to the federal Social Security
74 19 Act shall be used for the costs incurred. As used in this
74 20 section, "any person legally liable" does not include a
74 21 political subdivision.

74 22 Sec. 90. NEW SECTION. 231.34 LIMITATION OF FUNDS USED
74 23 FOR ADMINISTRATIVE PURPOSES.

74 24 Of the state funds appropriated or allocated to the
74 25 department for programs of the area agencies on aging, not
74 26 more than seven and one-half percent of the total amount shall
74 27 be used for area agencies on aging administrative purposes.

74 28 Sec. 91. NEW SECTION. 232.1A FOSTER CARE PLACEMENT ==
74 29 ANNUAL GOAL.

74 30 The annual state goal for children placed in foster care
74 31 that is funded under the federal Social Security Act, Title
74 32 IV=E, is that not more than fifteen percent of the children
74 33 will be in a foster care placement for a period of more than
74 34 twenty-four months.

74 35 Sec. 92. Section 233A.1, Code 2005, is amended by adding
75 1 the following new subsection:

75 2 NEW SUBSECTION. 3. The number of children present at any
75 3 one time at the state training school at Eldora shall not
75 4 exceed the population guidelines established under 1990 Iowa
75 5 Acts, chapter 1239, section 21, as adjusted for subsequent
75 6 changes in the capacity at the training school.

75 7 Sec. 93. Section 233B.1, Code 2005, is amended to read as
75 8 follows:

75 9 233B.1 DEFINITIONS == ~~OBJECTS~~ PURPOSE == POPULATION LIMIT.

75 10 1. For the purpose of this chapter, unless the context
75 11 otherwise requires:

75 12 ~~1-~~ a. "Administrator" or "director" means the director of
75 13 the department of human services.

75 14 ~~2-~~ b. "Home" means the Iowa juvenile home.

75 15 ~~3-~~ c. "Superintendent" means the superintendent of the
75 16 Iowa juvenile home.

75 17 2. The Iowa juvenile home shall be maintained for the
75 18 purpose of providing care, custody and education of ~~such the~~
75 19 children ~~as~~ are committed to the home. ~~Such The~~ children
75 20 shall be wards of the state. ~~Their The children's~~ education
75 21 shall embrace instruction in the common school branches and in
75 22 such other higher branches as may be practical and will enable
75 23 the children to gain useful and self-sustaining employment.
75 24 The administrator and the superintendent of the home shall
75 25 assist all discharged children in securing suitable homes and
75 26 proper employment.

75 27 3. The number of children present at any one time at the
75 28 Iowa juvenile home shall not exceed the population guidelines
75 29 established under 1990 Iowa Acts, chapter 1239, section 21, as
75 30 adjusted for subsequent changes in the capacity at the home.

75 31 Sec. 94. Section 234.12A, subsection 1, unnumbered
75 32 paragraph 1, Code 2005, is amended to read as follows:

75 33 The department of human services ~~may establish~~ shall
75 34 maintain an electronic benefits transfer program utilizing
75 35 electronic funds transfer systems. The program, ~~if~~
76 1 ~~established,~~ shall at a minimum provide for all of the

76 2 following:

76 3 Sec. 95. Section 237A.28, Code 2005, is amended to read as
76 4 follows:

76 5 237A.28 CHILD CARE CREDIT FUND.

76 6 A child care credit fund is created in the state treasury
76 7 under the authority of the department of human services. The
76 8 moneys in the fund shall consist of moneys deposited pursuant
76 9 to section 422.100 and ~~shall be used for child care services~~
76 10 ~~as annually~~ are appropriated by the general assembly to the
76 11 department to be used for the state child care assistance
76 12 program in accordance with section 237A.13.

76 13 Sec. 96. Section 239B.4, Code 2005, is amended by adding
76 14 the following new subsections:

76 15 NEW SUBSECTION. 3A. The department shall continue to work

76 16 with the department of workforce development and local
76 17 community collaborative efforts to provide support services
76 18 for participants. The support services shall be directed to
76 19 those participant families who would benefit from the support
76 20 services and are likely to have success in achieving economic
76 21 independence.

76 22 NEW SUBSECTION. 3B. The department shall continue to work
76 23 with religious organizations and other charitable institutions
76 24 to increase the availability of host homes, referred to as
76 25 second chance homes, or other living arrangements under the
76 26 federal Personal Responsibility and Work Opportunity
76 27 Reconciliation Act of 1996, Pub. L. No. 104-193, } 103, and
76 28 any successor legislation. The purpose of the homes or
76 29 arrangements is to provide a supportive and supervised living
76 30 arrangement for minor parents receiving assistance who may
76 31 receive assistance while living in an alternative setting
76 32 other than with their parent or legal guardian.

76 33 Sec. 97. Section 239B.11, Code 2005, is amended to read as
76 34 follows:

76 35 239B.11 FAMILY INVESTMENT PROGRAM ACCOUNT == DIVERSION
77 1 PROGRAM SUBACCOUNT == DIVERSION PROGRAM.

77 2 1. An account is established in the state treasury to be
77 3 known as the family investment program account under control
77 4 of the department to which shall be credited all funds
77 5 appropriated by the state for the payment of assistance and
77 6 JOBS program expenditures. All other moneys received at any
77 7 time for these purposes, including child support revenues,
77 8 shall be deposited into the account as provided by law. All
77 9 assistance and JOBS program expenditures under this chapter
77 10 shall be paid from the account.

77 11 2. a. A diversion program subaccount is created within
77 12 the family investment program account. The subaccount may be
77 13 used to provide incentives to divert ~~applicants' a family's~~
77 14 participation in the family investment program if the
77 15 ~~applicants meet family meets the department's income~~
77 16 eligibility requirements for assistance the diversion program.
77 17 Incentives may be provided in the form of payment or services
77 18 ~~with a focus on helping applicants to help a family to obtain~~
77 19 or retain employment. The diversion program subaccount may
77 20 also be used for payments to participants as necessary to
77 21 cover the expenses of removing barriers to employment and to
77 22 assist in stabilizing employment. In addition, the diversion
77 23 program subaccount may be used for funding of services and
77 24 payments for persons whose family investment program
77 25 eligibility has ended, in order to help the persons to
77 26 stabilize or improve their employment status.

77 27 b. The diversion program shall be implemented statewide in
77 28 a manner that preserves local flexibility in program design.
77 29 The department shall assess and screen individuals who would
77 30 most likely benefit from diversion program assistance. The
77 31 department may adopt additional eligibility criteria for the
77 32 diversion program as necessary for compliance with federal law
77 33 and for screening those families who would be most likely to
77 34 become eligible for the family investment program if diversion
77 35 program incentives would not be provided to the families.

78 1 Sec. 98. Section 249.3, subsection 4, paragraphs e and g,
78 2 Code 2005, are amended to read as follows:

78 3 e. Receive full medical assistance benefits under chapter
78 4 249A and are not required to meet a spend-down or pay a
78 5 premium to be eligible for such benefits.

78 6 g. Have income ~~exceeding of at least one hundred thirty-~~
78 7 ~~five~~ twenty percent of the federal poverty level but not
78 8 exceeding the medical assistance income limit for the
78 9 eligibility group for the individual person's living
78 10 arrangement.

78 11 Sec. 99. Section 249A.12, subsection 6, paragraph c, Code
78 12 2005, is amended to read as follows:

78 13 c. The person's county of legal settlement shall pay for
78 14 the nonfederal share of the cost of services provided under
78 15 the waiver, and the state shall pay for the nonfederal share
78 16 of such costs if the person ~~does not have a county of~~ has no
78 17 legal settlement or the legal settlement is unknown so that
78 18 the person is deemed to be a state case.

78 19 Sec. 100. Section 249A.12, subsection 6, Code 2005, is
78 20 amended by adding the following new paragraph:

78 21 NEW PARAGRAPH. d. The county of legal settlement shall
78 22 pay for one hundred percent of the nonfederal share of the
78 23 costs of care provided for adults which is reimbursed under a
78 24 home and community-based services waiver that would otherwise
78 25 be approved for provision in an intermediate care facility for
78 26 persons with mental retardation provided under the medical

78 27 assistance program.
78 28 Sec. 101. Section 249A.12, Code 2005, is amended by adding
78 29 the following new subsection:
78 30 NEW SUBSECTION. 7. When paying the necessary and legal
78 31 expenses for intermediate care facility for persons with
78 32 mental retardation services, the cost requirements of section
78 33 222.60 shall be considered fulfilled when payment is made in
78 34 accordance with the medical assistance payment rates
78 35 established by the department for intermediate care facilities
79 1 for persons with mental retardation, and the state or a county
79 2 of legal settlement shall not be obligated for any amount in
79 3 excess of the rates.
79 4 Sec. 102. Section 249A.24, Code 2005, is amended by adding
79 5 the following new subsection:
79 6 NEW SUBSECTION. 3. The commission shall submit an annual
79 7 review, including facts and findings, of the drugs on the
79 8 department's prior authorization list to the department and to
79 9 the members of the general assembly's joint appropriations
79 10 subcommittee on health and human services.
79 11 Sec. 103. Section 249A.26, Code 2005, is amended to read
79 12 as follows:
79 13 249A.26 STATE AND COUNTY PARTICIPATION IN FUNDING FOR
79 14 SERVICES TO PERSONS WITH DISABILITIES == CASE MANAGEMENT.
79 15 1. The state shall pay for one hundred percent of the
79 16 nonfederal share of the services paid for under any prepaid
79 17 mental health services plan for medical assistance implemented
79 18 by the department as authorized by law.
79 19 2. a. The Except as provided for disallowed costs in
79 20 section 249A.27, the county of legal settlement shall pay for
79 21 fifty percent of the nonfederal share of the cost and the
79 22 state shall have responsibility for the remaining fifty
79 23 percent of the nonfederal share of the cost of case management
79 24 provided to adults, day treatment, and partial hospitalization
79 25 provided under the medical assistance program for persons with
79 26 mental retardation, a developmental disability, or chronic
79 27 mental illness. For purposes of this section, persons with
79 28 mental disorders resulting from Alzheimer's disease or
79 29 substance abuse shall not be considered chronically mentally
79 30 ill. To the maximum extent allowed under federal law and
79 31 regulations, the department shall consult with and inform a
79 32 county of legal settlement's central point of coordination
79 33 process, as defined in section 331.440, regarding the
79 34 necessity for and the provision of any service for which the
79 35 county is required to provide reimbursement under this
80 1 subsection.
80 2 b. The state shall pay for one hundred percent of the
80 3 nonfederal share of the costs of case management provided for
80 4 adults, day treatment, partial hospitalization, and the home
80 5 and community-based services waiver services for persons who
80 6 have no legal settlement or the legal settlement is unknown so
80 7 that the persons are deemed to be state cases.
80 8 c. The case management services specified in this
80 9 subsection shall be paid for by a county only if the services
80 10 are provided outside of a managed care contract.
80 11 3. To the maximum extent allowed under federal law and
80 12 regulations, a person with mental illness or mental
80 13 retardation shall not be eligible for any service which is
80 14 funded in whole or in part by a county share of the nonfederal
80 15 portion of medical assistance funds unless the person is
80 16 referred through the central point of coordination process, as
80 17 defined in section 331.440. However, to the extent federal
80 18 law allows referral of a medical assistance recipient to a
80 19 service without approval of the central point of coordination
80 20 process, the county of legal settlement shall be billed for
80 21 the nonfederal share of costs for any adult person for whom
80 22 the county would otherwise be responsible.
80 23 4. The county of legal settlement shall pay for one
80 24 hundred percent of the nonfederal share of the cost of
80 25 services provided to persons with chronic mental illness
80 26 implemented under the adult rehabilitation option of the state
80 27 medical assistance plan. The state shall pay for one hundred
80 28 percent of the nonfederal share of the cost of such services
80 29 provided to such persons without a county of who have no legal
80 30 settlement or the legal settlement is unknown so that the
80 31 persons are deemed to be state cases.
80 32 5. The state shall pay for the entire nonfederal share of
80 33 the costs for case management services provided to persons
80 34 seventeen years of age or younger who are served in a home and
80 35 community-based services waiver program under the medical
81 1 assistance program for persons with mental retardation.
81 2 6. Funding under the medical assistance program shall be

81 3 provided for case management services for eligible persons
81 4 seventeen years of age or younger residing in counties with
81 5 child welfare decategorization projects implemented in
81 6 accordance with section 232.188, provided these projects have
81 7 included these persons in the service plan and the
81 8 decategorization project county is willing to provide the
81 9 nonfederal share of the costs.
81 10 7. Unless a county has paid or is paying for the
81 11 nonfederal share of the costs of a person's home and
81 12 community-based waiver services or placement in an
81 13 intermediate care facility for persons with mental retardation
81 14 under the county's mental health, mental retardation, and
81 15 developmental disabilities services fund, or unless a county
81 16 of legal settlement would become liable for the costs of
81 17 services for a person at the level of care provided in an
81 18 intermediate care facility for persons with mental retardation
81 19 due to the person reaching the age of majority, the state
81 20 shall pay for the nonfederal share of the costs of an eligible
81 21 person's services under the home and community-based services
81 22 waiver for persons with brain injury.

81 23 5- 8. If a dispute arises between different counties or
81 24 between the department and a county as to the legal settlement
81 25 of a person who receives medical assistance for which the
81 26 nonfederal share is payable in whole or in part by a county of
81 27 legal settlement, and cannot be resolved by the parties, the
81 28 dispute shall be resolved as provided in section 225C.8.

81 29 9. Notwithstanding section 8.39, the department may
81 30 transfer funds appropriated for the medical assistance program
81 31 to a separate account established in the department's case
81 32 management unit in an amount necessary to pay for expenditures
81 33 required to provide case management for mental health, mental
81 34 retardation, and developmental disabilities services under the
81 35 medical assistance program which are jointly funded by the
82 1 state and county, pending final settlement of the
82 2 expenditures. Funds received by the case management unit in
82 3 settlement of the expenditures shall be used to replace the
82 4 transferred funds and are available for the purposes for which
82 5 the funds were originally appropriated.

82 6 Sec. 104. Section 249A.26A, Code 2005, is amended to read
82 7 as follows:

82 8 249A.26A STATE AND COUNTY PARTICIPATION IN FUNDING FOR
82 9 REHABILITATION SERVICES FOR PERSONS WITH CHRONIC MENTAL
82 10 ILLNESS.

82 11 The county of legal settlement shall pay for the nonfederal
82 12 share of the cost of rehabilitation services provided under
82 13 the medical assistance program for persons with chronic mental
82 14 illness, except that the state shall pay for the nonfederal
82 15 share of such costs if the person ~~does not have a county of~~
82 16 ~~has no legal settlement or the legal settlement is unknown so~~
82 17 ~~that the person is deemed to be a state case.~~

82 18 Sec. 105. NEW SECTION. 249A.32A HOME AND COMMUNITY-BASED
82 19 SERVICES WAIVERS == LIMITATIONS.

82 20 In administering a home and community-based services
82 21 waiver, the total number of openings at any one time shall be
82 22 limited to the number approved for the waiver by the secretary
82 23 of the United States department of health and human services.
82 24 The openings shall be available on a first-come, first-served
82 25 basis.

82 26 Sec. 106. NEW SECTION. 249A.32B EARLY AND PERIODIC
82 27 SCREENING, DIAGNOSIS, AND TREATMENT FUNDING.

82 28 The department of human services, in consultation with the
82 29 Iowa department of public health and the department of
82 30 education, shall continue the program to utilize the early and
82 31 periodic screening, diagnosis, and treatment program funding
82 32 under the medical assistance program, to the extent possible,
82 33 to implement the screening component of the early and periodic
82 34 screening, diagnosis, and treatment program through the
82 35 schools. The department may enter into contracts to utilize
83 1 maternal and child health centers, the public health nursing
83 2 program, or school nurses in implementing this section.

83 3 Sec. 107. Section 252B.4, subsection 3, Code 2005, is
83 4 amended to read as follows:

83 5 3. Fees collected pursuant to this section shall be
83 6 ~~retained by the department for use by~~ considered repayment
83 7 receipts, as defined in section 8.2, and shall be used for the
83 8 purposes of the unit. The director or a designee shall keep
83 9 an accurate record of ~~funds so retained~~ the fees collected and
83 10 expended.

83 11 Sec. 108. Section 252B.23, subsection 11, Code 2005, is
83 12 amended to read as follows:

83 13 11. All surcharge payments shall be received and disbursed

83 14 by the collection services center. The surcharge payments
83 15 received by the collection services center shall be considered
83 16 repayment receipts as defined in section 8.2 and shall be used
83 17 to pay the costs of any contracts with a collection entity.

83 18 Sec. 109. NEW SECTION. 252B.25 USE OF FUNDING FOR
83 19 ADDITIONAL POSITIONS.

83 20 1. The director, within the limitations of the amount
83 21 appropriated for the unit, or moneys transferred for this
83 22 purpose from the family investment program account created in
83 23 section 239B.11, may establish new positions and add employees
83 24 to the unit if the director determines that both the current
83 25 and additional employees together can reasonably be expected
83 26 to maintain or increase net state revenue at or beyond the
83 27 budgeted level for the fiscal year.

83 28 2. a. The director may establish new positions and add
83 29 state employees to the unit or contract for delivery of
83 30 services if the director determines the employees are
83 31 necessary to replace county-funded positions eliminated due to
83 32 termination, reduction, or nonrenewal of a chapter 28E
83 33 contract. However, the director must also determine that the
83 34 resulting increase in the state share of child support
83 35 recovery incentives exceeds the cost of the positions or
84 1 contract, the positions or contract are necessary to ensure
84 2 continued federal funding of the unit, or the new positions or
84 3 contract can reasonably be expected to recover at least twice
84 4 the amount of money necessary to pay the salaries and support
84 5 for the new positions or the contract will generate at least
84 6 two hundred percent of the cost of the contract.

84 7 b. Employees in full-time positions that transition from
84 8 county government to state government employment under this
84 9 subsection are exempt from testing, selection, and appointment
84 10 provisions of chapter 19A and from the provisions of
84 11 collective bargaining agreements relating to the filling of
84 12 vacant positions.

84 13 Sec. 110. Section 321J.25, subsection 1, paragraph b, Code
84 14 2005, is amended to read as follows:

84 15 b. "Program" means a substance abuse awareness program
84 16 provided under a contract entered into between the provider
84 17 and the ~~commission on substance abuse of the~~ Iowa department
84 18 of public health under chapter 125.

84 19 Sec. 111. Section 321J.25, subsection 2, unnumbered
84 20 paragraph 1, Code 2005, is amended to read as follows:

84 21 A substance abuse awareness program is established in each
84 22 of the regions established by the ~~commission on substance~~
84 23 ~~abuse~~ director of public health pursuant to section 125.12.

84 24 The program shall consist of an insight class and a substance
84 25 abuse evaluation, which shall be attended by the participant,
84 26 to discuss issues related to the potential consequences of
84 27 substance abuse. The parent or parents of the participant
84 28 shall also be encouraged to participate in the program. The
84 29 program provider shall consult with the participant or the
84 30 parents of the participant in the program to determine the
84 31 timing and appropriate level of participation for the
84 32 participant and any participation by the participant's
84 33 parents. The program may also include a supervised
84 34 educational tour by the participant to any or all of the
84 35 following:

85 1 Sec. 112. Section 505.25, Code 2005, is amended to read as
85 2 follows:

85 3 505.25 INFORMATION PROVIDED TO MEDICAL ASSISTANCE PROGRAM
85 4 AND HAWK=I PROGRAMS.

85 5 A carrier, as defined in section 514C.13, shall enter into
85 6 a health insurance data match program with the department of
85 7 human services for the sole purpose of comparing the names of
85 8 the carrier's insureds with the names of recipients of the
85 9 medical assistance program under chapter 249A or enrollees of
85 10 the hawk=i program under chapter 514I.

85 11 Sec. 113. Section 514I.11, subsection 2, Code 2005, is
85 12 amended to read as follows:

85 13 2. The trust fund shall be separate from the general fund
85 14 of the state and shall not be considered part of the general
85 15 fund of the state. The moneys in the trust fund are not
85 16 subject to section 8.33 and shall not be transferred, used,
85 17 obligated, appropriated, or otherwise encumbered, except to
85 18 provide for the purposes of this chapter and except as
85 19 provided in subsection 4. Notwithstanding section 12C.7,
85 20 subsection 2, interest or earnings on moneys deposited in the
85 21 trust fund shall be credited to the trust fund.

85 22 Sec. 114. Section 514I.11, Code 2005, is amended by adding
85 23 the following new subsections:

85 24 NEW SUBSECTION. 3. Moneys in the fund are appropriated to

85 25 the department and shall be used to offset any program costs.
85 26 NEW SUBSECTION. 4. The department may transfer moneys
85 27 appropriated from the fund to be used for the purpose of
85 28 expanding health care coverage to children under the medical
85 29 assistance program.

85 30 NEW SUBSECTION. 5. The department shall provide periodic
85 31 updates to the general assembly regarding expenditures from
85 32 the fund.

85 33 Sec. 115. Section 600.17, Code 2005, is amended by adding
85 34 the following new subsection:

85 35 NEW SUBSECTION. 3. The department of human services shall
86 1 make adoption presubsidy and adoption subsidy payments to
86 2 adoptive parents at the beginning of the month for the current
86 3 month.

86 4 Sec. 116. COMMISSION ON SUBSTANCE ABUSE == RULES. The
86 5 administrative rules adopted by the commission on substance
86 6 abuse that are in effect as of June 30, 2005, shall remain in
86 7 effect until modified or rescinded by the state board of
86 8 health.

86 9 Sec. 117. Sections 125.4, 125.5, and 125.6, Code 2005, are
86 10 repealed.

86 11 Sec. 118. EFFECTIVE DATE. The amendment in this Act to
86 12 section 144A.13A, being deemed of immediate importance, takes
86 13 effect upon enactment.

86 14 DIVISION V

86 15 SUPPLEMENTAL APPROPRIATIONS

86 16 Sec. 119. 2004 Iowa Acts, chapter 1175, section 116,
86 17 unnumbered paragraph 2, is amended to read as follows:

86 18 For medical assistance reimbursement and associated costs
86 19 as specifically provided in the reimbursement methodologies in
86 20 effect on June 30, 2004, except as otherwise expressly
86 21 authorized by law, including reimbursement for abortion
86 22 services, which shall be available under the medical
86 23 assistance program only for those abortions which are
86 24 medically necessary:

86 25 \$352,794,101
86 26 422,794,101

86 27 Sec. 120. 2004 Iowa Acts, chapter 1175, section 118,
86 28 unnumbered paragraph 2, is amended to read as follows:

86 29 For medical contracts, including salaries, support,
86 30 maintenance, and miscellaneous purposes, and for not more than
86 31 the following full-time equivalent position:

86 32 \$ 9,725,035
86 33 10,725,035
86 34 FTEs 1.00

86 35 Of the amount appropriated in this section, \$1,000,000 is
87 1 allocated for implementation costs for the Iowa Medicaid
87 2 enterprise initiative.

87 3 Sec. 121. 2004 Iowa Acts, chapter 1175, section 130,
87 4 subsections 1 and 2, are amended to read as follows:

87 5 1. For the state resource center at Glenwood for salaries,
87 6 support, maintenance, and miscellaneous purposes:

87 7 \$ 8,550,280
87 8 9,550,280

87 9 2. For the state resource center at Woodward for salaries,
87 10 support, maintenance, and miscellaneous purposes:

87 11 \$ 4,520,459
87 12 5,520,459

87 13 Sec. 122. 2004 Iowa Acts, chapter 1175, section 131, is
87 14 amended to read as follows:

87 15 SEC. 131. MI/MR/DD STATE CASES. There is appropriated
87 16 from the general fund of the state to the department of human
87 17 services for the fiscal year beginning July 1, 2004, and
87 18 ending June 30, 2005, the following amount, or so much thereof
87 19 as is necessary, to be used for the purpose designated:

87 20 For purchase of local services for persons with mental
87 21 illness, mental retardation, and developmental disabilities
87 22 where the client has no established county of legal
87 23 settlement:

87 24 \$ 11,014,619
87 25 11,264,619

87 26 The general assembly encourages the department to continue
87 27 discussions with the Iowa state association of counties and
87 28 administrators of county central point of coordination offices
87 29 regarding proposals for moving state cases to county budgets.

87 30 Notwithstanding section 8.33, moneys appropriated in this
87 31 section that remain unencumbered or unobligated at the close
87 32 of the fiscal year shall not revert but shall remain available
87 33 for expenditure for the purposes designated until the close of
87 34 the succeeding fiscal year.

87 35 Sec. 123. 2004 Iowa Acts, chapter 1175, section 134,

88 1 subsection 1, unnumbered paragraph 2, is amended to read as
88 2 follows:

88 3 For costs associated with the commitment and treatment of
88 4 sexually violent predators in the unit located at the state
88 5 mental health institute at Cherokee, including costs of legal
88 6 services and other associated costs, including salaries,
88 7 support, maintenance, and miscellaneous purposes:

88 8 \$ ~~2,833,646~~
88 9 3,608,646

88 10 Sec. 124. EFFECTIVE DATE. This division of this Act,
88 11 being deemed of immediate importance, takes effect upon
88 12 enactment.

88 13 HF 825
88 14 pf:jp/es/25