

**Senate File 542 - Reprinted**

SENATE FILE 542  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1218)

(As Amended and Passed by the Senate June 22, 2011)

**A BILL FOR**

1 An Act relating to and making appropriations for health and  
2 human services and including other related provisions,  
3 providing penalties, and including effective, retroactive,  
4 and applicability date provisions.

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

DIVISION I

DEPARTMENT ON AGING — FY 2011-2012

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Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for frail elders, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day services, respite care, chore services, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 10,302,577	
.....	FTEs	35.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. The amount appropriated in this section includes additional funding of \$450,000 for delivery of long-term care services to seniors with low or moderate incomes.

3. Of the funds appropriated in this section, \$179,946 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the

1 retired and senior volunteer program.

2 4. a. The department on aging shall establish and enforce  
3 procedures relating to expenditure of state and federal funds  
4 by area agencies on aging that require compliance with both  
5 state and federal laws, rules, and regulations, including but  
6 not limited to all of the following:

7 (1) Requiring that expenditures are incurred only for goods  
8 or services received or performed prior to the end of the  
9 fiscal period designated for use of the funds.

10 (2) Prohibiting prepayment for goods or services not  
11 received or performed prior to the end of the fiscal period  
12 designated for use of the funds.

13 (3) Prohibiting the prepayment for goods or services  
14 not defined specifically by good or service, time period, or  
15 recipient.

16 (4) Prohibiting the establishment of accounts from which  
17 future goods or services which are not defined specifically by  
18 good or service, time period, or recipient, may be purchased.

19 b. The procedures shall provide that if any funds are  
20 expended in a manner that is not in compliance with the  
21 procedures and applicable federal and state laws, rules, and  
22 regulations, and are subsequently subject to repayment, the  
23 area agency on aging expending such funds in contravention of  
24 such procedures, laws, rules and regulations, not the state,  
25 shall be liable for such repayment.

26 DIVISION II

27 DEPARTMENT OF PUBLIC HEALTH — FY 2011-2012

28 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is appropriated  
29 from the general fund of the state to the department of public  
30 health for the fiscal year beginning July 1, 2011, and ending  
31 June 30, 2012, the following amounts, or so much thereof as is  
32 necessary, to be used for the purposes designated:

33 1. ADDICTIVE DISORDERS

34 For reducing the prevalence of use of tobacco, alcohol, and  
35 other drugs, and treating individuals affected by addictive

1 behaviors, including gambling, and for not more than the  
2 following full-time equivalent positions:

3 ..... \$ 24,603,190  
4 ..... FTEs 13.00

5 a. (1) Of the funds appropriated in this subsection,  
6 \$4,353,830 shall be used for the tobacco use prevention and  
7 control initiative, including efforts at the state and local  
8 levels, as provided in chapter 142A.

9 (2) Of the funds allocated in this paragraph "a", \$453,830  
10 shall be transferred to the alcoholic beverages division of  
11 the department of commerce for enforcement of tobacco laws,  
12 regulations, and ordinances in accordance with 2011 Iowa Acts,  
13 House File 467, as enacted.

14 b. Of the funds appropriated in this subsection,  
15 \$20,249,360 shall be used for problem gambling and substance  
16 abuse prevention, treatment, and recovery services, including a  
17 24-hour helpline, public information resources, professional  
18 training, and program evaluation.

19 (1) Of the funds allocated in this paragraph "b",  
20 \$17,132,508 shall be used for substance abuse prevention and  
21 treatment.

22 (a) Of the funds allocated in this subparagraph (1),  
23 \$899,300 shall be used for the public purpose of a grant  
24 program to provide substance abuse prevention programming for  
25 children.

26 (i) Of the funds allocated in this subparagraph division  
27 (a), \$427,539 shall be used for grant funding for organizations  
28 that provide programming for children by utilizing mentors.  
29 Programs approved for such grants shall be certified or will  
30 be certified within six months of receiving the grant award  
31 by the Iowa commission on volunteer services as utilizing the  
32 standards for effective practice for mentoring programs.

33 (ii) Of the funds allocated in this subparagraph division  
34 (a), \$426,839 shall be used for grant funding for organizations  
35 that provide programming that includes youth development and

1 leadership. The programs shall also be recognized as being  
2 programs that are scientifically based with evidence of their  
3 effectiveness in reducing substance abuse in children.

4 (iii) The department of public health shall utilize a  
5 request for proposals process to implement the grant program.

6 (iv) All grant recipients shall participate in a program  
7 evaluation as a requirement for receiving grant funds.

8 (v) Of the funds allocated in this subparagraph division  
9 (a), up to \$44,922 may be used to administer substance abuse  
10 prevention grants and for program evaluations.

11 (b) Of the funds allocated in this subparagraph (1),  
12 \$273,062 shall be used for culturally competent substance abuse  
13 treatment pilot projects.

14 (i) The department shall utilize the amount allocated  
15 in this subparagraph division (b) for at least three pilot  
16 projects to provide culturally competent substance abuse  
17 treatment in various areas of the state. Each pilot project  
18 shall target a particular ethnic minority population. The  
19 populations targeted shall include but are not limited to  
20 African American, Asian, and Latino.

21 (ii) The pilot project requirements shall provide for  
22 documentation or other means to ensure access to the cultural  
23 competence approach used by a pilot project so that such  
24 approach can be replicated and improved upon in successor  
25 programs.

26 (2) Of the funds allocated in this paragraph "b", up  
27 to \$3,116,852 may be used for problem gambling prevention,  
28 treatment, and recovery services.

29 (a) Of the funds allocated in this subparagraph (2),  
30 \$2,579,000 shall be used for problem gambling prevention and  
31 treatment.

32 (b) Of the funds allocated in this subparagraph (2), up to  
33 \$437,852 may be used for a 24-hour helpline, public information  
34 resources, professional training, and program evaluation.

35 (c) Of the funds allocated in this subparagraph (2), up

1 to \$100,000 may be used for the licensing of problem gambling  
2 treatment programs.

3 (3) It is the intent of the general assembly that from the  
4 moneys allocated in this paragraph "b", persons with a dual  
5 diagnosis of substance abuse and gambling addictions shall be  
6 given priority in treatment services.

7 c. Notwithstanding any provision of law to the contrary,  
8 to standardize the availability, delivery, cost of delivery,  
9 and accountability of problem gambling and substance abuse  
10 treatment services statewide, the department shall continue  
11 implementation of a process to create a system for delivery  
12 of treatment services in accordance with the requirements  
13 specified in 2008 Iowa Acts, chapter 1187, section 3,  
14 subsection 4. To ensure the system provides a continuum of  
15 treatment services that best meets the needs of Iowans, the  
16 problem gambling and substance abuse treatment services in any  
17 area may be provided either by a single agency or by separate  
18 agencies submitting a joint proposal.

19 (1) The system for delivery of substance abuse and  
20 problem gambling treatment shall include problem gambling  
21 prevention by July 1, 2012. The department shall submit a  
22 proposed legislative bill in accordance with section 2.16, for  
23 consideration during the 2012 legislative session, addressing  
24 any statutory revisions necessary for full implementation of  
25 the system.

26 (2) The system for delivery of substance abuse and problem  
27 gambling treatment shall include substance abuse prevention by  
28 July 1, 2014.

29 (3) Of the funds allocated in paragraph "b", the department  
30 may use up to \$100,000 for administrative costs to continue  
31 developing and implementing the process in accordance with this  
32 paragraph "c".

33 d. The requirement of section 123.53, subsection 5, is met  
34 by the appropriations and allocations made in this Act for  
35 purposes of substance abuse treatment and addictive disorders

1 for the fiscal year beginning July 1, 2011.

2 e. The department of public health shall work with all other  
3 departments that fund substance abuse prevention and treatment  
4 services and all such departments shall, to the extent  
5 necessary, collectively meet the state maintenance of effort  
6 requirements for expenditures for substance abuse services  
7 as required under the federal substance abuse prevention and  
8 treatment block grant.

9 f. The department shall amend or otherwise revise  
10 departmental policies and contract provisions in order to  
11 eliminate free t-shirt distribution, banner production, and  
12 other unnecessary promotional expenditures.

13 2. HEALTHY CHILDREN AND FAMILIES

14 For promoting the optimum health status for children,  
15 adolescents from birth through 21 years of age, and families,  
16 and for not more than the following full-time equivalent  
17 positions:

18 .....	\$ 2,594,270
19 .....	FTEs 11.00

20 a. Of the funds appropriated in this subsection, not more  
21 than \$739,318 shall be used for the healthy opportunities to  
22 experience success (HOPES)-healthy families Iowa (HFI) program  
23 established pursuant to section 135.106. The funding shall  
24 be distributed to renew the grants that were provided to the  
25 grantees that operated the program during the fiscal year  
26 ending June 30, 2011.

27 b. Of the funds appropriated in this subsection, \$329,885  
28 shall be used to continue to address the healthy mental  
29 development of children from birth through five years of age  
30 through local evidence-based strategies that engage both the  
31 public and private sectors in promoting healthy development,  
32 prevention, and treatment for children. A portion of the  
33 funds allocated in this lettered paragraph may be used for a  
34 full-time equivalent position to coordinate the activities  
35 under this paragraph.

1 c. Of the funds appropriated in this subsection, \$31,597  
2 shall be distributed to a statewide dental carrier to provide  
3 funds to continue the donated dental services program patterned  
4 after the projects developed by the dental lifeline network  
5 to provide dental services to indigent elderly and disabled  
6 individuals.

7 d. Of the funds appropriated in this subsection, \$112,677  
8 shall be used for childhood obesity prevention.

9 e. Of the funds appropriated in this subsection, \$163,760  
10 shall be used to provide audiological services and hearing  
11 aids for children. The department may enter into a contract  
12 to administer this paragraph.

13 3. CHRONIC CONDITIONS

14 For serving individuals identified as having chronic  
15 conditions or special health care needs, and for not more than  
16 the following full-time equivalent positions:

17 .....	\$	3,399,156
18 .....	FTEs	5.00

19 a. Of the funds appropriated in this subsection, \$160,582  
20 shall be used for grants to individual patients who have  
21 phenylketonuria (PKU) to assist with the costs of necessary  
22 special foods.

23 b. Of the funds appropriated in this subsection, \$483,600  
24 is allocated for continuation of the contracts for resource  
25 facilitator services in accordance with section 135.22B,  
26 subsection 9, and for brain injury training services and  
27 recruiting of service providers to increase the capacity within  
28 this state to address the needs of individuals with brain  
29 injuries and such individuals' families.

30 c. Of the funds appropriated in this subsection, \$498,874  
31 shall be used as additional funding to leverage federal funding  
32 through the federal Ryan White Care Act, Tit. II, AIDS drug  
33 assistance program supplemental drug treatment grants.

34 d. Of the funds appropriated in this subsection, \$31,254  
35 shall be used for the public purpose of providing a grant to an



1 existing national-affiliated organization to provide education,  
2 client-centered programs, and client and family support for  
3 people living with epilepsy and their families.

4 e. Of the funds appropriated in this subsection, \$788,303  
5 shall be used for child health specialty clinics.

6 f. Of the funds appropriated in this subsection, \$547,065  
7 shall be used for the comprehensive cancer control program to  
8 reduce the burden of cancer in Iowa through prevention, early  
9 detection, effective treatment, and ensuring quality of life.

10 Of the funds allocated in this lettered paragraph, \$200,000  
11 shall be used to support a melanoma research symposium, a  
12 melanoma biorepository and registry, basic and translational  
13 melanoma research, and clinical trials.

14 g. Of the funds appropriated in this subsection, \$126,450  
15 shall be used for cervical and colon cancer screening.

16 h. Of the funds appropriated in this subsection, \$528,834  
17 shall be used for the center for congenital and inherited  
18 disorders. A portion of the funds allocated in this paragraph  
19 may be used for one full-time equivalent position for  
20 administration of the center.

21 i. Of the funds appropriated in this subsection, \$129,937  
22 shall be used for the prescription drug donation repository  
23 program created in chapter 135M.

24 4. COMMUNITY CAPACITY

25 For strengthening the health care delivery system at the  
26 local level, and for not more than the following full-time  
27 equivalent positions:

28 .....	\$	4,826,699
29 .....	FTEs	14.00

30 a. Of the funds appropriated in this subsection, \$100,000  
31 is allocated for a child vision screening program implemented  
32 through the university of Iowa hospitals and clinics in  
33 collaboration with early childhood Iowa areas.

34 b. Of the funds appropriated in this subsection, \$111,308 is  
35 allocated for continuation of an initiative implemented at the

1 university of Iowa and \$100,493 is allocated for continuation  
2 of an initiative at the state mental health institute at  
3 Cherokee to expand and improve the workforce engaged in  
4 mental health treatment and services. The initiatives shall  
5 receive input from the university of Iowa, the department  
6 of human services, the department of public health, and the  
7 mental health, mental retardation, developmental disabilities,  
8 and brain injury commission to address the focus of the  
9 initiatives.

10 c. Of the funds appropriated in this subsection, \$1,171,491  
11 shall be used for essential public health services that promote  
12 healthy aging throughout the lifespan, contracted through a  
13 formula for local boards of health, to enhance health promotion  
14 and disease prevention services.

15 d. Of the funds appropriated in this section, \$121,817 shall  
16 be deposited in the governmental public health system fund  
17 created in section 135A.8 to be used for the purposes of the  
18 fund.

19 e. Of the funds appropriated in this subsection, \$144,542  
20 shall be used for the mental health professional shortage area  
21 program implemented pursuant to section 135.80.

22 f. Of the funds appropriated in this subsection,  
23 \$38,263 shall be used for a grant to a statewide association  
24 of psychologists that is affiliated with the American  
25 psychological association to be used for continuation of a  
26 program to rotate intern psychologists in placements in urban  
27 and rural mental health professional shortage areas, as defined  
28 in section 135.80.

29 g. Of the funds appropriated in this subsection, the  
30 following amounts shall be allocated to the Iowa collaborative  
31 safety net provider network established pursuant to section  
32 135.153 to be used for the purposes designated. The following  
33 amounts allocated under this lettered paragraph shall be  
34 distributed to the specified provider and shall not be reduced  
35 for administrative or other costs prior to distribution:

- 1 (1) For distribution to the Iowa primary care association  
2 for statewide coordination of the Iowa collaborative safety net  
3 provider network:  
4 ..... \$ 132,580
- 5 (2) For distribution to the Iowa family planning network  
6 agencies for necessary infrastructure, statewide coordination,  
7 provider recruitment, service delivery, and provision of  
8 assistance to patients in determining an appropriate medical  
9 home:  
10 ..... \$ 74,517
- 11 (3) For distribution to the local boards of health that  
12 provide direct services for pilot programs in three counties to  
13 assist patients in determining an appropriate medical home:  
14 ..... \$ 74,517
- 15 (4) For distribution to maternal and child health centers  
16 for pilot programs in three counties to assist patients in  
17 determining an appropriate medical home:  
18 ..... \$ 74,517
- 19 (5) For distribution to free clinics for necessary  
20 infrastructure, statewide coordination, provider recruitment,  
21 service delivery, and provision of assistance to patients in  
22 determining an appropriate medical home:  
23 ..... \$ 124,050
- 24 (6) For distribution to rural health clinics for necessary  
25 infrastructure, statewide coordination, provider recruitment,  
26 service delivery, and provision of assistance to patients in  
27 determining an appropriate medical home:  
28 ..... \$ 110,430
- 29 (7) For continuation of the safety net provider patient  
30 access to specialty health care initiative as described in 2007  
31 Iowa Acts, chapter 218, section 109:  
32 ..... \$ 260,000
- 33 (8) For continuation of the pharmaceutical infrastructure  
34 for safety net providers as described in 2007 Iowa Acts,  
35 chapter 218, section 108:

1 ..... \$ 270,000

2 The Iowa collaborative safety net provider network may  
3 continue to distribute funds allocated pursuant to this  
4 lettered paragraph through existing contracts or renewal of  
5 existing contracts.

6 h. (1) Of the funds appropriated in this subsection,  
7 \$149,000 shall be used for continued implementation of  
8 the recommendations of the direct care worker task force  
9 established pursuant to 2005 Iowa Acts, chapter 88, based upon  
10 the report submitted to the governor and the general assembly  
11 in December 2006. The department may use a portion of the  
12 funds allocated in this lettered paragraph for an additional  
13 position to assist in the continued implementation.

14 (2) It is the intent of the general assembly that a  
15 board of direct care workers shall be established within the  
16 department of public health by July 1, 2014, contingent upon  
17 the availability of funds to establish and maintain the board.

18 (3) The direct care worker advisory council shall submit  
19 a final report no later than March 1, 2012, to the governor  
20 and the general assembly, in accordance with 2010 Iowa  
21 Acts, chapter 1192, section 2, subsection 4, paragraph "h",  
22 subparagraph (3).

23 (4) The department of public health shall report to the  
24 persons designated in this Act for submission of reports  
25 regarding use of the funds allocated in this lettered  
26 paragraph, on or before January 15, 2012.

27 i. (1) Of the funds appropriated in this subsection,  
28 \$130,100 shall be used for allocation to an independent  
29 statewide direct care worker association for education,  
30 outreach, leadership development, mentoring, and other  
31 initiatives intended to enhance the recruitment and retention  
32 of direct care workers in health care and long-term care  
33 settings.

34 (2) Of the funds appropriated in this subsection, \$58,000  
35 shall be used to provide scholarships or other forms of

1 subsidization for direct care worker educational conferences,  
2 training, or outreach activities.

3 j. The department may utilize one of the full-time  
4 equivalent positions authorized in this subsection for  
5 administration of the activities related to the Iowa  
6 collaborative safety net provider network.

7 k. Of the funds appropriated in this subsection, the  
8 department may use up to \$58,518 for up to one full-time  
9 equivalent position to administer the volunteer health care  
10 provider program pursuant to section 135.24.

11 l. Of the funds appropriated in this subsection, \$50,000  
12 shall be used for a matching dental education loan repayment  
13 program to be allocated to a dental nonprofit health service  
14 corporation to develop the criteria and implement the loan  
15 repayment program.

16 m. Of the funds appropriated in this subsection, up to  
17 \$134,214 shall be used to support the department's activities  
18 relating to health and long-term care access as specified  
19 pursuant to chapter 135, division XXIV.

20 n. Of the funds appropriated in this subsection,  
21 \$363,987 shall be used as state matching funds for the health  
22 information network as enacted by this Act.

23 o. Of the funds appropriated in this subsection, \$25,000  
24 shall be used for a pilot program established through a  
25 grant to an organization that has an existing program for  
26 children and adults and that is solely dedicated to preserving  
27 sight and preventing blindness to provide vision screening  
28 to elementary school children in one urban and one rural  
29 school district in the state, on a voluntary basis, over a  
30 multiyear period. The grantee organization shall develop  
31 protocol for participating schools including the grade level  
32 of the children to be screened, the training and certification  
33 necessary for individuals conducting the vision screening,  
34 vision screening equipment requirements, and documentation and  
35 tracking requirements. Following the conclusion of the pilot

1 program, the grantee organization shall report findings and  
2 recommendations for statewide implementation of the vision  
3 screening program to the department of public health.

4 5. HEALTHY AGING

5 To provide public health services that reduce risks and  
6 invest in promoting and protecting good health over the  
7 course of a lifetime with a priority given to older Iowans and  
8 vulnerable populations:

9 ..... \$ 7,336,142

10 a. Of the funds appropriated in this subsection, \$2,009,187  
11 shall be used for local public health nursing services.

12 b. Of the funds appropriated in this subsection, \$5,326,955  
13 shall be used for home care aide services.

14 6. ENVIRONMENTAL HAZARDS

15 For reducing the public's exposure to hazards in the  
16 environment, primarily chemical hazards, and for not more than  
17 the following full-time equivalent positions:

18 ..... \$ 813,777

19 ..... FTEs 4.00

20 Of the funds appropriated in this subsection, \$544,377 shall  
21 be used for childhood lead poisoning provisions.

22 7. INFECTIOUS DISEASES

23 For reducing the incidence and prevalence of communicable  
24 diseases, and for not more than the following full-time  
25 equivalent positions:

26 ..... \$ 1,345,847

27 ..... FTEs 4.00

28 8. PUBLIC PROTECTION

29 For protecting the health and safety of the public through  
30 establishing standards and enforcing regulations, and for not  
31 more than the following full-time equivalent positions:

32 ..... \$ 2,778,688

33 ..... FTEs 125.00

34 a. Of the funds appropriated in this subsection, not more  
35 than \$424,146 shall be credited to the emergency medical

1 services fund created in section 135.25. Moneys in the  
2 emergency medical services fund are appropriated to the  
3 department to be used for the purposes of the fund.

4 b. Of the funds appropriated in this subsection, \$210,619  
5 shall be used for sexual violence prevention programming  
6 through a statewide organization representing programs serving  
7 victims of sexual violence through the department's sexual  
8 violence prevention program. The amount allocated in this  
9 lettered paragraph shall not be used to supplant funding  
10 administered for other sexual violence prevention or victims  
11 assistance programs.

12 c. Of the funds appropriated in this subsection, not more  
13 than \$436,582 shall be used for the state poison control  
14 center.

15 d. Of the funds appropriated in this subsection, \$50,000  
16 shall be used for education, testing, training, and other costs  
17 to conform the requirements for certification of emergency  
18 medical care providers with national standards.

19 9. RESOURCE MANAGEMENT

20 For establishing and sustaining the overall ability of the  
21 department to deliver services to the public, and for not more  
22 than the following full-time equivalent positions:

23 .....	\$	819,554
24 .....	FTEs	7.00

25 The university of Iowa hospitals and clinics under the  
26 control of the state board of regents shall not receive  
27 indirect costs from the funds appropriated in this section.  
28 The university of Iowa hospitals and clinics billings to the  
29 department shall be on at least a quarterly basis.

30 DIVISION III

31 DEPARTMENT OF VETERANS AFFAIRS — FY 2011-2012

32 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is  
33 appropriated from the general fund of the state to the  
34 department of veterans affairs for the fiscal year beginning  
35 July 1, 2011, and ending June 30, 2012, the following amounts,

1 or so much thereof as is necessary, to be used for the purposes  
2 designated:

3 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

4 For salaries, support, maintenance, and miscellaneous  
5 purposes, including the war orphans educational assistance fund  
6 created in section 35.8, and for not more than the following  
7 full-time equivalent positions:

8 .....	\$	998,832
9 .....	FTEs	16.34

10 2. IOWA VETERANS HOME

11 For salaries, support, maintenance, and miscellaneous  
12 purposes:

13 .....	\$	8,952,151
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14 a. The Iowa veterans home billings involving the department  
15 of human services shall be submitted to the department on at  
16 least a monthly basis.

17 b. If there is a change in the employer of employees  
18 providing services at the Iowa veterans home under a collective  
19 bargaining agreement, such employees and the agreement shall  
20 be continued by the successor employer as though there had not  
21 been a change in employer.

22 c. Within available resources and in conformance with  
23 associated state and federal program eligibility requirements,  
24 the Iowa veterans home may implement measures to provide  
25 financial assistance to or on behalf of veterans or their  
26 spouses participating in the community reentry program.

27 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED  
28 VETERANS

29 For provision of educational assistance pursuant to section  
30 35.9:

31 .....	\$	12,416
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32 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS  
33 FUND STANDING APPROPRIATIONS. Notwithstanding the standing  
34 appropriation in the following designated section for the  
35 fiscal year beginning July 1, 2011, and ending June 30, 2012,



1 the amounts appropriated from the general fund of the state  
2 pursuant to that section for the following designated purposes  
3 shall not exceed the following amount:

4 For the county commissions of veterans affairs fund under  
5 section 35A.16:

6 ..... \$ 990,000

7 DIVISION IV

8 DEPARTMENT OF HUMAN SERVICES — FY 2011-2012

9 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

10 GRANT. There is appropriated from the fund created in section  
11 8.41 to the department of human services for the fiscal year  
12 beginning July 1, 2011, and ending June 30, 2012, from moneys  
13 received under the federal temporary assistance for needy  
14 families (TANF) block grant pursuant to the federal Personal  
15 Responsibility and Work Opportunity Reconciliation Act of 1996,  
16 Pub. L. No. 104-193, and successor legislation, and from moneys  
17 received under the emergency contingency fund for temporary  
18 assistance for needy families state program established  
19 pursuant to the federal American Recovery and Reinvestment Act  
20 of 2009, Pub. L. No. 111-5 § 2101, and successor legislation,  
21 the following amounts, or so much thereof as is necessary, to  
22 be used for the purposes designated:

23 1. To be credited to the family investment program account  
24 and used for assistance under the family investment program  
25 under chapter 239B:

26 ..... \$ 21,500,738

27 2. To be credited to the family investment program account  
28 and used for the job opportunities and basic skills (JOBS)  
29 program and implementing family investment agreements in  
30 accordance with chapter 239B:

31 ..... \$ 12,411,528

32 3. To be used for the family development and  
33 self-sufficiency grant program in accordance with section  
34 216A.107:

35 ..... \$ 2,898,980

1 Notwithstanding section 8.33, moneys appropriated in this  
2 subsection that remain unencumbered or unobligated at the close  
3 of the fiscal year shall not revert but shall remain available  
4 for expenditure for the purposes designated until the close of  
5 the succeeding fiscal year. However, unless such moneys are  
6 encumbered or obligated on or before September 30, 2012, the  
7 moneys shall revert.

8 4. For field operations:

9 ..... \$ 31,296,232

10 5. For general administration:

11 ..... \$ 3,744,000

12 6. For state child care assistance:

13 ..... \$ 16,382,687

14 The funds appropriated in this subsection shall be  
15 transferred to the child care and development block grant  
16 appropriation made by the Eighty-fourth General Assembly, 2011  
17 Session, for the federal fiscal year beginning October 1,  
18 2011, and ending September 30, 2012. Of this amount, \$200,000  
19 shall be used for provision of educational opportunities to  
20 registered child care home providers in order to improve  
21 services and programs offered by this category of providers  
22 and to increase the number of providers. The department may  
23 contract with institutions of higher education or child care  
24 resource and referral centers to provide the educational  
25 opportunities. Allowable administrative costs under the  
26 contracts shall not exceed 5 percent. The application for a  
27 grant shall not exceed two pages in length.

28 7. For mental health and developmental disabilities  
29 community services:

30 ..... \$ 4,894,052

31 8. For child and family services:

32 ..... \$ 32,084,430

33 9. For child abuse prevention grants:

34 ..... \$ 125,000

35 10. For pregnancy prevention grants on the condition that

1 family planning services are funded:

2 ..... \$ 1,930,067

3 Pregnancy prevention grants shall be awarded to programs  
4 in existence on or before July 1, 2011, if the programs are  
5 comprehensive in scope and have demonstrated positive outcomes.  
6 Grants shall be awarded to pregnancy prevention programs  
7 which are developed after July 1, 2011, if the programs are  
8 comprehensive in scope and are based on existing models that  
9 have demonstrated positive outcomes. Grants shall comply with  
10 the requirements provided in 1997 Iowa Acts, chapter 208,  
11 section 14, subsections 1 and 2, including the requirement that  
12 grant programs must emphasize sexual abstinence. Priority in  
13 the awarding of grants shall be given to programs that serve  
14 areas of the state which demonstrate the highest percentage of  
15 unplanned pregnancies of females of childbearing age within the  
16 geographic area to be served by the grant.

17 11. For technology needs and other resources necessary  
18 to meet federal welfare reform reporting, tracking, and case  
19 management requirements:

20 ..... \$ 1,037,186

21 12. To be credited to the state child care assistance  
22 appropriation made in this section to be used for funding of  
23 community-based early childhood programs targeted to children  
24 from birth through five years of age developed by early  
25 childhood Iowa areas as provided in section 256I.11:

26 ..... \$ 6,350,000

27 The department shall transfer TANF block grant funding  
28 appropriated and allocated in this subsection to the child care  
29 and development block grant appropriation in accordance with  
30 federal law as necessary to comply with the provisions of this  
31 subsection.

32 13. a. Notwithstanding any provision to the contrary,  
33 including but not limited to requirements in section 8.41 or  
34 provisions in 2010 or 2011 Iowa Acts regarding the receipt  
35 and appropriation of federal block grants, federal funds

1 from the emergency contingency fund for temporary assistance  
 2 for needy families state program established pursuant to the  
 3 federal American Recovery and Reinvestment Act of 2009, Pub.  
 4 L. No. 111-5 § 2101, received by the state during the fiscal  
 5 year beginning July 1, 2010, and ending June 30, 2011, not  
 6 otherwise appropriated in this section and remaining available  
 7 as of July 1, 2011, and received by the state during the fiscal  
 8 year beginning July 1, 2011, and ending June 30, 2012, are  
 9 appropriated to the extent as may be necessary to be used in  
 10 the following priority order: the family investment program  
 11 for the fiscal year and for state child care assistance program  
 12 payments for individuals enrolled in the family investment  
 13 program who are employed. The federal funds appropriated in  
 14 this paragraph "a" shall be expended only after all other  
 15 funds appropriated in subsection 1 for the assistance under  
 16 the family investment program under chapter 239B have been  
 17 expended.

18 b. The department shall, on a quarterly basis, advise the  
 19 legislative services agency and department of management of  
 20 the amount of funds appropriated in this subsection that was  
 21 expended in the prior quarter.

22 14. Of the amounts appropriated in this section,  
 23 \$12,962,008 for the fiscal year beginning July 1, 2011, shall  
 24 be transferred to the appropriation of the federal social  
 25 services block grant made for that fiscal year.

26 15. For continuation of the program allowing the department  
 27 to maintain categorical eligibility for the food assistance  
 28 program as required under the section of this division relating  
 29 to the family investment account:

30 ..... \$ 146,072

31 16. The department may transfer funds allocated in this  
 32 section to the appropriations made in this division of this Act  
 33 for general administration and field operations for resources  
 34 necessary to implement and operate the services referred to in  
 35 this section and those funded in the appropriation made in this

1 division of this Act for the family investment program from the  
2 general fund of the state.

3 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

4 1. Moneys credited to the family investment program (FIP)  
5 account for the fiscal year beginning July 1, 2011, and  
6 ending June 30, 2012, shall be used to provide assistance in  
7 accordance with chapter 239B.

8 2. The department may use a portion of the moneys credited  
9 to the FIP account under this section as necessary for  
10 salaries, support, maintenance, and miscellaneous purposes.

11 3. The department may transfer funds allocated in  
12 this section to the appropriations in this Act for general  
13 administration and field operations for resources necessary to  
14 implement and operate the services referred to in this section  
15 and those funded in the appropriation made in this division of  
16 this Act for the family investment program from the general  
17 fund of the state.

18 4. Moneys appropriated in this division of this Act and  
19 credited to the FIP account for the fiscal year beginning July  
20 1, 2011, and ending June 30, 2012, are allocated as follows:

21 a. To be retained by the department of human services to  
22 be used for coordinating with the department of human rights  
23 to more effectively serve participants in the FIP program and  
24 other shared clients and to meet federal reporting requirements  
25 under the federal temporary assistance for needy families block  
26 grant:

27 ..... \$ 20,000

28 b. To the department of human rights for staffing,  
29 administration, and implementation of the family development  
30 and self-sufficiency grant program in accordance with section  
31 216A.107:

32 ..... \$ 5,342,834

33 (1) Of the funds allocated for the family development and  
34 self-sufficiency grant program in this lettered paragraph,  
35 not more than 5 percent of the funds shall be used for the

1 administration of the grant program.

2 (2) The department of human rights may continue to implement  
3 the family development and self-sufficiency grant program  
4 statewide during fiscal year 2011-2012.

5 c. For the diversion subaccount of the FIP account:  
6 ..... \$ 1,698,400

7 A portion of the moneys allocated for the subaccount may  
8 be used for field operations salaries, data management system  
9 development, and implementation costs and support deemed  
10 necessary by the director of human services in order to  
11 administer the FIP diversion program.

12 d. For the food stamp employment and training program:  
13 ..... \$ 66,588

14 (1) The department shall amend the food stamp employment and  
15 training state plan in order to maximize to the fullest extent  
16 permitted by federal law the use of the 50-50 match provisions  
17 for the claiming of allowable federal matching funds from the  
18 United States department of agriculture pursuant to the federal  
19 food stamp employment and training program for providing  
20 education, employment, and training services for eligible food  
21 assistance program participants, including but not limited to  
22 related dependent care and transportation expenses.

23 (2) The department shall continue the categorical federal  
24 food assistance program eligibility at 160 percent of the  
25 federal poverty level and continue to eliminate the asset test  
26 from eligibility requirements, consistent with federal food  
27 assistance program requirements. The department shall include  
28 as many food assistance households as is allowed by federal  
29 law. The eligibility provisions shall conform to all federal  
30 requirements including requirements addressing individuals who  
31 are incarcerated or otherwise ineligible.

32 e. For the JOBS program:  
33 ..... \$ 20,235,905

34 5. Of the child support collections assigned under FIP,  
35 an amount equal to the federal share of support collections

1 shall be credited to the child support recovery appropriation  
2 made in this division of this Act. Of the remainder of the  
3 assigned child support collections received by the child  
4 support recovery unit, a portion shall be credited to the FIP  
5 account, a portion may be used to increase recoveries, and a  
6 portion may be used to sustain cash flow in the child support  
7 payments account. If as a consequence of the appropriations  
8 and allocations made in this section the resulting amounts  
9 are insufficient to sustain cash assistance payments and meet  
10 federal maintenance of effort requirements, the department  
11 shall seek supplemental funding. If child support collections  
12 assigned under FIP are greater than estimated or are otherwise  
13 determined not to be required for maintenance of effort, the  
14 state share of either amount may be transferred to or retained  
15 in the child support payment account.

16 6. The department may adopt emergency rules for the family  
17 investment, JOBS, food stamp, and medical assistance programs  
18 if necessary to comply with federal requirements.

19 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There  
20 is appropriated from the general fund of the state to the  
21 department of human services for the fiscal year beginning July  
22 1, 2011, and ending June 30, 2012, the following amount, or  
23 so much thereof as is necessary, to be used for the purpose  
24 designated:

25 To be credited to the family investment program (FIP)  
26 account and used for family investment program assistance under  
27 chapter 239B:

28 ..... \$ 50,171,027

29 1. Of the funds appropriated in this section, \$7,824,377 is  
30 allocated for the JOBS program.

31 2. Of the funds appropriated in this section, \$2,463,854 is  
32 allocated for the family development and self-sufficiency grant  
33 program.

34 3. Notwithstanding section 8.39, for the fiscal year  
35 beginning July 1, 2011, if necessary to meet federal

1 maintenance of effort requirements or to transfer federal  
2 temporary assistance for needy families block grant funding  
3 to be used for purposes of the federal social services block  
4 grant or to meet cash flow needs resulting from delays in  
5 receiving federal funding or to implement, in accordance with  
6 this division of this Act, activities currently funded with  
7 juvenile court services, county, or community moneys and state  
8 moneys used in combination with such moneys, the department  
9 of human services may transfer funds within or between any  
10 of the appropriations made in this division of this Act and  
11 appropriations in law for the federal social services block  
12 grant to the department for the following purposes, provided  
13 that the combined amount of state and federal temporary  
14 assistance for needy families block grant funding for each  
15 appropriation remains the same before and after the transfer:

- 16 a. For the family investment program.
- 17 b. For child care assistance.
- 18 c. For child and family services.
- 19 d. For field operations.
- 20 e. For general administration.
- 21 f. MH/MR/DD/BI community services (local purchase).

22 This subsection shall not be construed to prohibit the use  
23 of existing state transfer authority for other purposes. The  
24 department shall report any transfers made pursuant to this  
25 subsection to the legislative services agency.

26 4. Of the funds appropriated in this section, \$195,678 shall  
27 be used for continuation of a grant to an Iowa-based nonprofit  
28 organization with a history of providing tax preparation  
29 assistance to low-income Iowans in order to expand the usage of  
30 the earned income tax credit. The purpose of the grant is to  
31 supply this assistance to underserved areas of the state.

32 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated  
33 from the general fund of the state to the department of human  
34 services for the fiscal year beginning July 1, 2011, and ending  
35 June 30, 2012, the following amount, or so much thereof as is



1 necessary, to be used for the purposes designated:

2 For child support recovery, including salaries, support,  
3 maintenance, and miscellaneous purposes, and for not more than  
4 the following full-time equivalent positions:

5 .....	\$ 13,119,255
6 .....	FTEs 475.00

7 1. The department shall expend up to \$24,329, including  
8 federal financial participation, for the fiscal year beginning  
9 July 1, 2011, for a child support public awareness campaign.  
10 The department and the office of the attorney general shall  
11 cooperate in continuation of the campaign. The public  
12 awareness campaign shall emphasize, through a variety of  
13 media activities, the importance of maximum involvement of  
14 both parents in the lives of their children as well as the  
15 importance of payment of child support obligations.

16 2. Federal access and visitation grant moneys shall be  
17 issued directly to private not-for-profit agencies that provide  
18 services designed to increase compliance with the child access  
19 provisions of court orders, including but not limited to  
20 neutral visitation sites and mediation services.

21 3. The appropriation made to the department for child  
22 support recovery may be used throughout the fiscal year in the  
23 manner necessary for purposes of cash flow management, and for  
24 cash flow management purposes the department may temporarily  
25 draw more than the amount appropriated, provided the amount  
26 appropriated is not exceeded at the close of the fiscal year.

27 4. With the exception of the funding amount specified, the  
28 requirements established under 2001 Iowa Acts, chapter 191,  
29 section 3, subsection 5, paragraph "c", subparagraph (3), shall  
30 be applicable to parental obligation pilot projects for the  
31 fiscal year beginning July 1, 2011, and ending June 30, 2012.  
32 Notwithstanding 441 IAC 100.8, providing for termination of  
33 rules relating to the pilot projects, the rules shall remain  
34 in effect until June 30, 2012.

35 Sec. 9. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any

1 funds remaining in the health care trust fund created in  
2 section 453A.35A for the fiscal year beginning July 1, 2011,  
3 and ending June 30, 2012, are appropriated to the department  
4 of human services to supplement the medical assistance program  
5 appropriations made in this Act, for medical assistance  
6 reimbursement and associated costs, including program  
7 administration and costs associated with implementation.

8 Sec. 10. MEDICAL ASSISTANCE. There is appropriated from the  
9 general fund of the state to the department of human services  
10 for the fiscal year beginning July 1, 2011, and ending June 30,  
11 2012, the following amount, or so much thereof as is necessary,  
12 to be used for the purpose designated:

13 For medical assistance reimbursement and associated costs  
14 as specifically provided in the reimbursement methodologies  
15 in effect on June 30, 2011, except as otherwise expressly  
16 authorized by law, including reimbursement for abortion  
17 services which shall be available under the medical assistance  
18 program only for those abortions which are medically necessary:  
19 ..... \$897,816,915

20 1. Medically necessary abortions are those performed under  
21 any of the following conditions:

22 a. The attending physician certifies that continuing the  
23 pregnancy would endanger the life of the pregnant woman.

24 b. The attending physician certifies that the fetus is  
25 physically deformed, mentally deficient, or afflicted with a  
26 congenital illness.

27 c. The pregnancy is the result of a rape which is reported  
28 within 45 days of the incident to a law enforcement agency or  
29 public or private health agency which may include a family  
30 physician.

31 d. The pregnancy is the result of incest which is reported  
32 within 150 days of the incident to a law enforcement agency  
33 or public or private health agency which may include a family  
34 physician.

35 e. Any spontaneous abortion, commonly known as a

1 miscarriage, if not all of the products of conception are  
2 expelled.

3 2. The department shall utilize not more than \$60,000 of  
4 the funds appropriated in this section to continue the AIDS/HIV  
5 health insurance premium payment program as established in 1992  
6 Iowa Acts, Second Extraordinary Session, chapter 1001, section  
7 409, subsection 6. Of the funds allocated in this subsection,  
8 not more than \$5,000 may be expended for administrative  
9 purposes.

10 3. Of the funds appropriated in this Act to the department  
11 of public health for addictive disorders, \$950,000 for the  
12 fiscal year beginning July 1, 2011, shall be transferred to  
13 the department of human services for an integrated substance  
14 abuse managed care system. The department shall not assume  
15 management of the substance abuse system in place of the  
16 managed care contractor unless such a change in approach is  
17 specifically authorized in law. The departments of human  
18 services and public health shall work together to maintain  
19 the level of mental health and substance abuse services  
20 provided by the managed care contractor through the Iowa plan  
21 for behavioral health. Each department shall take the steps  
22 necessary to continue the federal waivers as necessary to  
23 maintain the level of services.

24 4. a. The department shall aggressively pursue options for  
25 providing medical assistance or other assistance to individuals  
26 with special needs who become ineligible to continue receiving  
27 services under the early and periodic screening, diagnostic,  
28 and treatment program under the medical assistance program  
29 due to becoming 21 years of age who have been approved for  
30 additional assistance through the department's exception to  
31 policy provisions, but who have health care needs in excess  
32 of the funding available through the exception to policy  
33 provisions.

34 b. Of the funds appropriated in this section, \$100,000  
35 shall be used for participation in one or more pilot projects

1 operated by a private provider to allow the individual or  
2 individuals to receive service in the community in accordance  
3 with principles established in *Olmstead v. L.C.*, 527 U.S. 581  
4 (1999), for the purpose of providing medical assistance or  
5 other assistance to individuals with special needs who become  
6 ineligible to continue receiving services under the early and  
7 periodic screening, diagnosis, and treatment program under  
8 the medical assistance program due to becoming 21 years of  
9 age who have been approved for additional assistance through  
10 the department's exception to policy provisions, but who have  
11 health care needs in excess of the funding available through  
12 the exception to the policy provisions.

13 5. Of the funds appropriated in this section, up to  
14 \$3,050,082 may be transferred to the field operations  
15 or general administration appropriations in this Act for  
16 operational costs associated with Part D of the federal  
17 Medicare Prescription Drug Improvement and Modernization Act  
18 of 2003, Pub. L. No. 108-173.

19 6. Of the funds appropriated in this section, up to \$442,100  
20 may be transferred to the appropriation in this division  
21 of this Act for medical contracts to be used for clinical  
22 assessment services and prior authorization of services.

23 7. A portion of the funds appropriated in this section  
24 may be transferred to the appropriations in this division of  
25 this Act for general administration, medical contracts, the  
26 children's health insurance program, or field operations to be  
27 used for the state match cost to comply with the payment error  
28 rate measurement (PERM) program for both the medical assistance  
29 and children's health insurance programs as developed by the  
30 centers for Medicare and Medicaid services of the United States  
31 department of health and human services to comply with the  
32 federal Improper Payments Information Act of 2002, Pub. L. No.  
33 107-300.

34 8. It is the intent of the general assembly that the  
35 department continue to implement the recommendations of

1 the assuring better child health and development initiative  
2 II (ABCDII) clinical panel to the Iowa early and periodic  
3 screening, diagnostic, and treatment services healthy mental  
4 development collaborative board regarding changes to billing  
5 procedures, codes, and eligible service providers.

6 9. Of the funds appropriated in this section, a sufficient  
7 amount is allocated to supplement the incomes of residents of  
8 nursing facilities, intermediate care facilities for persons  
9 with mental illness, and intermediate care facilities for  
10 persons with mental retardation, with incomes of less than \$50  
11 in the amount necessary for the residents to receive a personal  
12 needs allowance of \$50 per month pursuant to section 249A.30A.

13 10. Of the funds appropriated in this section, the following  
14 amounts shall be transferred to the appropriations made in this  
15 division of this Act for the state mental health institutes:

- 16 a. Cherokee mental health institute ..... \$ 9,098,425
- 17 b. Clarinda mental health institute ..... \$ 1,977,305
- 18 c. Independence mental health institute ..... \$ 9,045,894
- 19 d. Mount Pleasant mental health institute .... \$ 5,752,587

20 11. a. Of the funds appropriated in this section,  
21 \$7,425,684 is allocated for the state match for a  
22 disproportionate share hospital payment of \$19,133,430 to  
23 hospitals that meet both of the conditions specified in  
24 subparagraphs (1) and (2). In addition, the hospitals that  
25 meet the conditions specified shall either certify public  
26 expenditures or transfer to the medical assistance program  
27 an amount equal to provide the nonfederal share for a  
28 disproportionate share hospital payment of \$7,500,000. The  
29 hospitals that meet the conditions specified shall receive and  
30 retain 100 percent of the total disproportionate share hospital  
31 payment of \$26,633,430.

32 (1) The hospital qualifies for disproportionate share and  
33 graduate medical education payments.

34 (2) The hospital is an Iowa state-owned hospital with more  
35 than 500 beds and eight or more distinct residency specialty

1 or subspecialty programs recognized by the American college of  
2 graduate medical education.

3     b. Distribution of the disproportionate share payments  
4 shall be made on a monthly basis. The total amount of  
5 disproportionate share payments including graduate medical  
6 education, enhanced disproportionate share, and Iowa  
7 state-owned teaching hospital payments shall not exceed the  
8 amount of the state's allotment under Pub. L. No. 102-234.  
9 In addition, the total amount of all disproportionate  
10 share payments shall not exceed the hospital-specific  
11 disproportionate share limits under Pub. L. No. 103-66.

12     12. The university of Iowa hospitals and clinics shall  
13 either certify public expenditures or transfer to the medical  
14 assistance appropriation an amount equal to provide the  
15 nonfederal share for increased medical assistance payments for  
16 inpatient and outpatient hospital services of \$9,900,000. The  
17 university of Iowa hospitals and clinics shall receive and  
18 retain 100 percent of the total increase in medical assistance  
19 payments.

20     13. Of the funds appropriated in this section, up to  
21 \$4,480,304 may be transferred to the IowaCare account created  
22 in section 249J.24.

23     14. Of the funds appropriated in this section, \$200,000  
24 shall be used for the Iowa chronic care consortium pursuant to  
25 2003 Iowa Acts, chapter 112, section 12, as amended by 2003  
26 Iowa Acts, chapter 179, sections 166 and 167.

27     15. One hundred percent of the nonfederal share of payments  
28 to area education agencies that are medical assistance  
29 providers for medical assistance-covered services provided to  
30 medical assistance-covered children, shall be made from the  
31 appropriation made in this section.

32     16. Any new or renewed contract entered into by the  
33 department with a third party to administer behavioral health  
34 services under the medical assistance program shall provide  
35 that any interest earned on payments from the state during

1 the state fiscal year shall be remitted to the department  
2 and treated as recoveries to offset the costs of the medical  
3 assistance program.

4 17. The department shall continue to implement the  
5 provisions in 2007 Iowa Acts, chapter 218, section 124 and  
6 section 126, as amended by 2008 Iowa Acts, chapter 1188,  
7 section 55, relating to eligibility for certain persons with  
8 disabilities under the medical assistance program in accordance  
9 with the federal family opportunity Act.

10 18. A portion of the funds appropriated in this section  
11 may be transferred to the appropriation in this division of  
12 this Act for medical contracts to be used for administrative  
13 activities associated with the money follows the person  
14 demonstration project.

15 19. Of the funds appropriated in this section, \$349,011  
16 shall be used for the administration of the health insurance  
17 premium payment program, including salaries, support,  
18 maintenance, and miscellaneous purposes for the fiscal year  
19 beginning July 1, 2011.

20 20. a. The department may implement cost containment  
21 strategies recommended by the governor, and may adopt emergency  
22 rules for such implementation.

23 b. The department shall not implement the cost containment  
24 strategy to require a primary care referral for the provision  
25 of chiropractic services.

26 c. The department may increase the amounts allocated for  
27 salaries, support, maintenance, and miscellaneous purposes  
28 associated with the medical assistance program, as necessary,  
29 to implement the cost containment strategies. The department  
30 shall report any such increase to the legislative services  
31 agency and the department of management.

32 d. If the savings to the medical assistance program exceed  
33 the cost, the department may transfer any savings generated  
34 for the fiscal year due to medical assistance program cost  
35 containment efforts initiated pursuant to 2010 Iowa Acts,

1 chapter 1031, Executive Order No. 20, issued December 16, 2009,  
2 or cost containment strategies initiated pursuant to this  
3 subsection, to the appropriation made in this division of this  
4 Act for medical contracts or general administration to defray  
5 the increased contract costs associated with implementing such  
6 efforts.

7 e. The department shall report the implementation of  
8 any cost containment strategies under this subsection to  
9 the individuals specified in this division of this Act for  
10 submission of reports on a quarterly basis.

11 21. Notwithstanding any provision of law to the contrary,  
12 the department of human services shall amend the section  
13 1915(b) waiver and Iowa plan contract to include remedial  
14 services under the Iowa plan contract effective July 1, 2011.

15 22. Of the funds appropriated in this section, \$5,000,000  
16 shall be used to reduce the waiting lists of the medical  
17 assistance home and community-based services waivers, including  
18 the waiver for persons with intellectual disabilities for  
19 which the nonfederal share is paid as state case services and  
20 other support pursuant to section 331.440. The department  
21 shall distribute the funding allocated under this subsection  
22 proportionately among all home and community-based services  
23 waivers.

24 23. a. The department may submit medical assistance program  
25 state plan amendments to the centers for Medicare and Medicaid  
26 services of the United States department of health and human  
27 services, and may adopt administrative rules pursuant to  
28 chapter 17A to implement any of the following if the respective  
29 state plan amendment is approved:

30 (1) Health homes pursuant to section 2703 of the federal  
31 Patient Protection and Affordable Care Act, Pub. L. No.  
32 111-148. The department shall collaborate with the medical  
33 home system advisory council created pursuant to section  
34 135.159 in developing such health homes.

35 (2) Accountable care organization pilot programs, if such



1 programs are advantageous to the medical assistance program.

2 b. Any health home or accountable care organization  
3 pilot program implemented pursuant to this subsection shall  
4 demonstrate value to the state with a positive return on  
5 investment within two years of implementation, and may utilize  
6 care coordination fees, pay-for-performance fees, or shared  
7 saving strategies if approved as part of the state plan  
8 amendment.

9 24. The department, in consultation with the Iowa pharmacy  
10 association and other appropriate entities, shall develop  
11 recommendations to replace the reimbursement methodology of  
12 average wholesale price minus 12 percent for covered brand-name  
13 prescription drugs, generic drugs, and over-the-counter drugs.  
14 The department shall report the recommendations to the persons  
15 designated in this division of this Act for submission of  
16 reports by December 15, 2011.

17 Sec. 11. MEDICAL CONTRACTS. There is appropriated from the  
18 general fund of the state to the department of human services  
19 for the fiscal year beginning July 1, 2011, and ending June 30,  
20 2012, the following amount, or so much thereof as is necessary,  
21 to be used for the purpose designated:

22 For medical contracts:

23 ..... \$ 9,893,844

24 1. The department of inspections and appeals shall  
25 provide all state matching funds for survey and certification  
26 activities performed by the department of inspections  
27 and appeals. The department of human services is solely  
28 responsible for distributing the federal matching funds for  
29 such activities.

30 2. Of the funds appropriated in this section, \$150,000 shall  
31 be used for implementation of a uniform cost report to be used  
32 in the development of specified Medicaid reimbursement rates  
33 over a multiyear timeframe. The department of human services,  
34 in collaboration with affected providers, shall finalize a  
35 uniform cost report that includes provider type-specific cost

1 schedules by December 15, 2011. The uniform cost report shall  
2 be applied to providers of home and community-based services  
3 waiver services, habilitation services, case management  
4 services and community mental health centers, residential care  
5 facilities, psychiatric medical institutions for children, and  
6 intermediate care facilities for the mentally retarded in the  
7 development of Medicaid reimbursement rates. The department  
8 shall collaborate with affected Medicaid providers to test  
9 the effectiveness of the cost report and determine the fiscal  
10 impact of implementing the uniform cost report during the  
11 fiscal year beginning July 1, 2012. A report of the findings  
12 and fiscal impact shall be submitted to the governor and the  
13 general assembly by December 31, 2013. The rates paid in the  
14 fiscal year beginning July 1, 2014, shall be established using  
15 uniform cost reports submitted in the fiscal year beginning  
16 July 1, 2012. Implementation of the uniform cost report shall  
17 be limited to the extent of the funding available.

18 3. a. Of the funds appropriated in this section, \$100,000  
19 shall be used for implementation of an electronic medical  
20 records system, including system purchase or development, for  
21 home and community-based services providers and mental health  
22 services providers that comply with the requirements of federal  
23 and state laws and regulation by the fiscal year beginning July  
24 1, 2013.

25 b. The department shall analyze the costs and benefits of  
26 providing an electronic medical records and billing system for  
27 home and community-based services providers and mental health  
28 services providers that comply with the requirements of federal  
29 and state laws and regulation. The analysis shall include a  
30 review of all of the following: including the capability for  
31 an electronic medical records and billing system within the  
32 procurement for the Medicaid management information system,  
33 developing the system, and utilizing capacity within the health  
34 information network established by the department of public  
35 health as enacted in this Act. If the analysis demonstrates

1 that a program may be implemented in a cost-effective manner  
2 and within available funds, the department may take steps to  
3 implement such a system. The department shall report the  
4 results of the analysis, activities, and recommendations to the  
5 persons designated in this division of this Act for submission  
6 of reports by December 15, 2011.

7 c. Notwithstanding section 8.33, funds allocated in this  
8 subsection that remain unencumbered or unobligated at the close  
9 of the fiscal year shall not revert but shall remain available  
10 in succeeding fiscal years to be used for the purposes  
11 designated.

12 4. Of the amount appropriated in this section, \$3,500,000  
13 shall be used for technology upgrades necessary to support  
14 Medicaid claims and other health operations, worldwide federal  
15 Health Insurance Portability and Accountability Act of 1996  
16 (HIPAA) claims, transactions, and coding requirements, and the  
17 Iowa automated benefits calculation system. Notwithstanding  
18 section 8.33, funds allocated in this subsection that remain  
19 unencumbered or unobligated at the close of the fiscal year  
20 shall not revert but shall remain available in succeeding  
21 fiscal years to be used for the purposes designated.

22 5. Of the funds appropriated in this section, \$100,000 shall  
23 be used for an accountable care organization pilot project  
24 as specified in the division of this Act relating to prior  
25 appropriations and related changes.

26 6. Of the funds appropriated in this section, \$200,000 shall  
27 be used for the development of a provider payment system plan  
28 to provide recommendations to reform the health care provider  
29 payment system as an effective way to promote coordination of  
30 care, lower costs, and improve quality as specified in the  
31 division of this Act relating to cost containment.

32 7. Of the funds appropriated in this section, \$20,000 shall  
33 be used for the development of a plan to establish an all-payer  
34 claims database to provide for the collection and analysis of  
35 claims data from multiple payers of health care as specified in

1 the division of this Act relating to cost containment.

2 8. The department shall amend the state Medicaid health  
3 information technology plan to include costs related to the  
4 one-time development costs of the health information network  
5 as enacted in this Act.

6 9. Of the amount appropriated in this section, up to  
7 \$250,000 may be transferred to the appropriation for general  
8 administration in this division of this Act to be used for  
9 additional full-time equivalent positions in the development of  
10 key health initiatives such as cost containment, development  
11 and oversight of managed care programs, and development of  
12 health strategies targeted toward improved quality and reduced  
13 costs in the Medicaid program.

14 10. Of the funds appropriated in this section, \$50,000 shall  
15 be used for home and community-based services waiver quality  
16 assurance programs, including the review and streamlining  
17 of processes and policies related to oversight and quality  
18 management to meet state and federal requirements. The  
19 department shall submit a report to the persons designated by  
20 this division of this Act for submission of reports by December  
21 15, 2011, regarding the modifications to the quality assurance  
22 programs.

23 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

24 1. There is appropriated from the general fund of the  
25 state to the department of human services for the fiscal year  
26 beginning July 1, 2011, and ending June 30, 2012, the following  
27 amount, or so much thereof as is necessary, to be used for the  
28 purpose designated:

29 For the state supplementary assistance program:

30 ..... \$ 16,850,747

31 2. The department shall increase the personal needs  
32 allowance for residents of residential care facilities by the  
33 same percentage and at the same time as federal supplemental  
34 security income and federal social security benefits are  
35 increased due to a recognized increase in the cost of living.

1 The department may adopt emergency rules to implement this  
2 subsection.

3 3. If during the fiscal year beginning July 1, 2011,  
4 the department projects that state supplementary assistance  
5 expenditures for a calendar year will not meet the federal  
6 pass-through requirement specified in Tit. XVI of the federal  
7 Social Security Act, section 1618, as codified in 42 U.S.C.  
8 § 1382g, the department may take actions including but not  
9 limited to increasing the personal needs allowance for  
10 residential care facility residents and making programmatic  
11 adjustments or upward adjustments of the residential care  
12 facility or in-home health-related care reimbursement rates  
13 prescribed in this division of this Act to ensure that federal  
14 requirements are met. In addition, the department may make  
15 other programmatic and rate adjustments necessary to remain  
16 within the amount appropriated in this section while ensuring  
17 compliance with federal requirements. The department may adopt  
18 emergency rules to implement the provisions of this subsection.

19 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.

20 1. There is appropriated from the general fund of the  
21 state to the department of human services for the fiscal year  
22 beginning July 1, 2011, and ending June 30, 2012, the following  
23 amount, or so much thereof as is necessary, to be used for the  
24 purpose designated:

25 For maintenance of the healthy and well kids in Iowa (hawk-i)  
26 program pursuant to chapter 514I, including supplemental dental  
27 services, for receipt of federal financial participation under  
28 Tit. XXI of the federal Social Security Act, which creates the  
29 children's health insurance program:

30 ..... \$ 32,806,102

31 2. Of the funds appropriated in this section, \$128,950 is  
32 allocated for continuation of the contract for advertising and  
33 outreach with the department of public health.

34 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated  
35 from the general fund of the state to the department of human

1 services for the fiscal year beginning July 1, 2011, and ending  
2 June 30, 2012, the following amount, or so much thereof as is  
3 necessary, to be used for the purpose designated:

4 For child care programs:

5 ..... \$ 55,265,509

6 1. Of the funds appropriated in this section, \$53,896,082  
7 shall be used for state child care assistance in accordance  
8 with section 237A.13.

9 2. Nothing in this section shall be construed or is  
10 intended as or shall imply a grant of entitlement for services  
11 to persons who are eligible for assistance due to an income  
12 level consistent with the waiting list requirements of section  
13 237A.13. Any state obligation to provide services pursuant to  
14 this section is limited to the extent of the funds appropriated  
15 in this section.

16 3. Of the funds appropriated in this section, \$432,453 is  
17 allocated for the statewide program for child care resource  
18 and referral services under section 237A.26. A list of the  
19 registered and licensed child care facilities operating in the  
20 area served by a child care resource and referral service shall  
21 be made available to the families receiving state child care  
22 assistance in that area.

23 4. Of the funds appropriated in this section, \$936,974  
24 is allocated for child care quality improvement initiatives  
25 including but not limited to the voluntary quality rating  
26 system in accordance with section 237A.30.

27 5. The department may use any of the funds appropriated  
28 in this section as a match to obtain federal funds for use in  
29 expanding child care assistance and related programs. For  
30 the purpose of expenditures of state and federal child care  
31 funding, funds shall be considered obligated at the time  
32 expenditures are projected or are allocated to the department's  
33 service areas. Projections shall be based on current and  
34 projected caseload growth, current and projected provider  
35 rates, staffing requirements for eligibility determination

1 and management of program requirements including data systems  
2 management, staffing requirements for administration of the  
3 program, contractual and grant obligations and any transfers  
4 to other state agencies, and obligations for decategorization  
5 or innovation projects.

6 6. A portion of the state match for the federal child care  
7 and development block grant shall be provided as necessary to  
8 meet federal matching funds requirements through the state  
9 general fund appropriation made for child development grants  
10 and other programs for at-risk children in section 279.51.

11 7. If a uniform reduction ordered by the governor under  
12 section 8.31 or other operation of law, transfer, or federal  
13 funding reduction reduces the appropriation made in this  
14 section for the fiscal year, the percentage reduction in the  
15 amount paid out to or on behalf of the families participating  
16 in the state child care assistance program shall be equal to or  
17 less than the percentage reduction made for any other purpose  
18 payable from the appropriation made in this section and the  
19 federal funding relating to it. The percentage reduction to  
20 the other allocations made in this section shall be the same as  
21 the uniform reduction ordered by the governor or the percentage  
22 change of the federal funding reduction, as applicable.

23 If there is an unanticipated increase in federal funding  
24 provided for state child care assistance, the entire amount  
25 of the increase shall be used for state child care assistance  
26 payments. If the appropriations made for purposes of the  
27 state child care assistance program for the fiscal year are  
28 determined to be insufficient, it is the intent of the general  
29 assembly to appropriate sufficient funding for the fiscal year  
30 in order to avoid establishment of waiting list requirements.

31 8. Notwithstanding section 8.33, moneys appropriated in  
32 this section or received from the federal appropriations made  
33 for the purposes of this section that remain unencumbered or  
34 unobligated at the close of the fiscal year shall not revert  
35 to any fund but shall remain available for expenditure for the

1 purposes designated until the close of the succeeding fiscal  
2 year.

3 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated  
4 from the general fund of the state to the department of human  
5 services for the fiscal year beginning July 1, 2011, and ending  
6 June 30, 2012, the following amounts, or so much thereof as is  
7 necessary, to be used for the purposes designated:

8 1. For operation of the Iowa juvenile home at Toledo and for  
9 salaries, support, maintenance, and miscellaneous purposes, and  
10 for not more than the following full-time equivalent positions:

11 ..... \$ 8,258,251  
12 ..... FTEs 114.00

13 2. For operation of the state training school at Eldora and  
14 for salaries, support, maintenance, and miscellaneous purposes,  
15 and for not more than the following full-time equivalent  
16 positions:

17 ..... \$ 10,638,677  
18 ..... FTEs 164.30

19 Of the funds appropriated in this subsection, \$91,150 shall  
20 be used for distribution to licensed classroom teachers at this  
21 and other institutions under the control of the department of  
22 human services based upon the average student yearly enrollment  
23 at each institution as determined by the department.

24 3. A portion of the moneys appropriated in this section  
25 shall be used by the state training school and by the Iowa  
26 juvenile home for grants for adolescent pregnancy prevention  
27 activities at the institutions in the fiscal year beginning  
28 July 1, 2011.

29 4. For the fiscal year beginning July 1, 2011,  
30 notwithstanding section 232.52, subsection 2, and section  
31 907.3A, subsection 1, the court shall not order the placement  
32 of a child at the Iowa juvenile home or the state training  
33 school under section 232.52, if that placement is not in  
34 accordance with the population guidelines for the respective  
35 juvenile institution established pursuant to section 233A.1 or



1 233B.1.

2 Sec. 16. CHILD AND FAMILY SERVICES.

3 1. There is appropriated from the general fund of the  
4 state to the department of human services for the fiscal year  
5 beginning July 1, 2011, and ending June 30, 2012, the following  
6 amount, or so much thereof as is necessary, to be used for the  
7 purpose designated:

8 For child and family services:

9 ..... \$ 83,077,336

10 2. In order to address a reduction of \$5,200,000 from the  
11 amount allocated under the appropriation made for the purposes  
12 of this section in prior years for purposes of juvenile  
13 delinquent graduated sanction services, up to \$5,200,000 of the  
14 amount of federal temporary assistance for needy families block  
15 grant funding appropriated in this division of this Act for  
16 child and family services shall be made available for purposes  
17 of juvenile delinquent graduated sanction services.

18 3. The department may transfer funds appropriated in this  
19 section as necessary to pay the nonfederal costs of services  
20 reimbursed under the medical assistance program, state child  
21 care assistance program, or the family investment program which  
22 are provided to children who would otherwise receive services  
23 paid under the appropriation in this section. The department  
24 may transfer funds appropriated in this section to the  
25 appropriations made in this division of this Act for general  
26 administration and for field operations for resources necessary  
27 to implement and operate the services funded in this section.

28 4. a. Of the funds appropriated in this section, up to  
29 \$30,169,129 is allocated as the statewide expenditure target  
30 under section 232.143 for group foster care maintenance and  
31 services. If the department projects that such expenditures  
32 for the fiscal year will be less than the target amount  
33 allocated in this lettered paragraph, the department may  
34 reallocate the excess to provide additional funding for shelter  
35 care or the child welfare emergency services addressed with the

1 allocation for shelter care.

2 b. If at any time after September 30, 2011, annualization  
3 of a service area's current expenditures indicates a service  
4 area is at risk of exceeding its group foster care expenditure  
5 target under section 232.143 by more than 5 percent, the  
6 department and juvenile court services shall examine all  
7 group foster care placements in that service area in order to  
8 identify those which might be appropriate for termination.  
9 In addition, any aftercare services believed to be needed  
10 for the children whose placements may be terminated shall be  
11 identified. The department and juvenile court services shall  
12 initiate action to set dispositional review hearings for the  
13 placements identified. In such a dispositional review hearing,  
14 the juvenile court shall determine whether needed aftercare  
15 services are available and whether termination of the placement  
16 is in the best interest of the child and the community.

17 5. In accordance with the provisions of section 232.188,  
18 the department shall continue the child welfare and juvenile  
19 justice funding initiative during fiscal year 2011-2012. Of  
20 the funds appropriated in this section, \$1,717,753 is allocated  
21 specifically for expenditure for fiscal year 2011-2012 through  
22 the decategorization service funding pools and governance  
23 boards established pursuant to section 232.188.

24 6. A portion of the funds appropriated in this section  
25 may be used for emergency family assistance to provide other  
26 resources required for a family participating in a family  
27 preservation or reunification project or successor project to  
28 stay together or to be reunified.

29 7. Notwithstanding section 234.35 or any other provision  
30 of law to the contrary, state funding for shelter care and  
31 the child welfare emergency services contracting implemented  
32 to provide for or prevent the need for shelter care shall be  
33 limited to \$7,570,116. The department may execute contracts  
34 that result from the department's request for proposal, bid  
35 number ACFS-11-114, to provide the range of child welfare

1 emergency services described in the request for proposals, and  
2 any subsequent amendments to the request for proposals.

3 8. Federal funds received by the state during the fiscal  
4 year beginning July 1, 2011, as the result of the expenditure  
5 of state funds appropriated during a previous state fiscal  
6 year for a service or activity funded under this section are  
7 appropriated to the department to be used as additional funding  
8 for services and purposes provided for under this section.  
9 Notwithstanding section 8.33, moneys received in accordance  
10 with this subsection that remain unencumbered or unobligated at  
11 the close of the fiscal year shall not revert to any fund but  
12 shall remain available for the purposes designated until the  
13 close of the succeeding fiscal year.

14 9. Of the funds appropriated in this section, at least  
15 \$3,696,285 shall be used for protective child care assistance.

16 10. a. Of the funds appropriated in this section, up to  
17 \$2,062,488 is allocated for the payment of the expenses of  
18 court-ordered services provided to juveniles who are under the  
19 supervision of juvenile court services, which expenses are a  
20 charge upon the state pursuant to section 232.141, subsection  
21 4. Of the amount allocated in this lettered paragraph, up to  
22 \$1,556,287 shall be made available to provide school-based  
23 supervision of children adjudicated under chapter 232, of which  
24 not more than \$15,000 may be used for the purpose of training.  
25 A portion of the cost of each school-based liaison officer  
26 shall be paid by the school district or other funding source as  
27 approved by the chief juvenile court officer.

28 b. Of the funds appropriated in this section, up to \$748,985  
29 is allocated for the payment of the expenses of court-ordered  
30 services provided to children who are under the supervision  
31 of the department, which expenses are a charge upon the state  
32 pursuant to section 232.141, subsection 4.

33 c. Notwithstanding section 232.141 or any other provision  
34 of law to the contrary, the amounts allocated in this  
35 subsection shall be distributed to the judicial districts

1 as determined by the state court administrator and to the  
2 department's service areas as determined by the administrator  
3 of the department's division of child and family services.  
4 The state court administrator and the division administrator  
5 shall make the determination of the distribution amounts on or  
6 before June 15, 2011. However, if this subsection is enacted  
7 on or after June 15, 2011, the determination shall be made not  
8 later than 10 calendar days after the effective date of this  
9 subsection.

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

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

31 f. Of the funds allocated in this subsection, not more than  
32 \$83,000 may be used by the judicial branch for administration  
33 of the requirements under this subsection.

34 g. Of the funds allocated in this subsection, \$17,000  
35 shall be used by the department of human services to support

1 the interstate commission for juveniles in accordance with  
2 the interstate compact for juveniles as provided in section  
3 232.173.

4 11. Of the funds appropriated in this section, \$5,922,602 is  
5 allocated for juvenile delinquent graduated sanctions services.  
6 Any state funds saved as a result of efforts by juvenile court  
7 services to earn federal Tit. IV-E match for juvenile court  
8 services administration may be used for the juvenile delinquent  
9 graduated sanctions services.

10 12. Of the funds appropriated in this section, \$988,285  
11 shall be transferred to the department of public health to  
12 be used for the child protection center grant program in  
13 accordance with section 135.118.

14 13. If the department receives federal approval to  
15 implement a waiver under Tit. IV-E of the federal Social  
16 Security Act to enable providers to serve children who remain  
17 in the children's families and communities, for purposes of  
18 eligibility under the medical assistance program, children who  
19 participate in the waiver shall be considered to be placed in  
20 foster care.

21 14. Of the funds appropriated in this section, \$3,069,832 is  
22 allocated for the preparation for adult living program pursuant  
23 to section 234.46.

24 15. Of the funds appropriated in this section, \$520,150  
25 shall be used for juvenile drug courts. The amount allocated  
26 in this subsection shall be distributed as follows:

27 To the judicial branch for salaries to assist with the  
28 operation of juvenile drug court programs operated in the  
29 following jurisdictions:

30	a. Marshall county:		
31	.....	\$	62,708
32	b. Woodbury county:		
33	.....	\$	125,682
34	c. Polk county:		
35	.....	\$	195,892

1 d. The third judicial district:  
2 ..... \$ 67,934

3 e. The eighth judicial district:  
4 ..... \$ 67,934

5 16. Of the funds appropriated in this section, \$227,337  
6 shall be used for the public purpose of providing a grant to  
7 a nonprofit human services organization providing services to  
8 individuals and families in multiple locations in southwest  
9 Iowa and Nebraska for support of a project providing immediate,  
10 sensitive support and forensic interviews, medical exams, needs  
11 assessments, and referrals for victims of child abuse and their  
12 nonoffending family members.

13 17. Of the funds appropriated in this section, \$125,590  
14 is allocated for the elevate approach of providing a support  
15 network to children placed in foster care.

16 18. Of the funds appropriated in this section, \$202,000 is  
17 allocated for use pursuant to section 235A.1 for continuation  
18 of the initiative to address child sexual abuse implemented  
19 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection  
20 21.

21 19. Of the funds appropriated in this section, \$630,240 is  
22 allocated for the community partnership for child protection  
23 sites.

24 20. Of the funds appropriated in this section, \$371,250  
25 is allocated for the department's minority youth and family  
26 projects under the redesign of the child welfare system.

27 21. Of the funds appropriated in this section, \$1,200,495  
28 is allocated for funding of the state match for the federal  
29 substance abuse and mental health services administration  
30 (SAMHSA) system of care grant.

31 22. Of the funds appropriated in this section, at least  
32 \$147,158 shall be used for the child welfare training academy.

33 23. Of the funds appropriated in this section, \$25,000  
34 shall be used for the public purpose of providing a grant to  
35 a child welfare services provider headquartered in a county

1 with a population between 205,000 and 215,000 in the latest  
2 certified federal census that provides multiple services  
3 including but not limited to a psychiatric medical institution  
4 for children, shelter, residential treatment, after school  
5 programs, school-based programming, and an Asperger's syndrome  
6 program, to be used for support services for children with  
7 autism spectrum disorder and their families.

8 24. Of the funds appropriated in this section, \$257,173  
9 shall be used for continuation of the central Iowa system of  
10 care program grant through June 30, 2012.

11 Sec. 17. ADOPTION SUBSIDY.

12 1. There is appropriated from the general fund of the  
13 state to the department of human services for the fiscal year  
14 beginning July 1, 2011, and ending June 30, 2012, the following  
15 amount, or so much thereof as is necessary, to be used for the  
16 purpose designated:

17 For adoption subsidy payments and services:  
18 ..... \$ 34,466,591

19 2. The department may transfer funds appropriated in  
20 this section to the appropriation made in this division of  
21 this Act for general administration for costs paid from the  
22 appropriation relating to adoption subsidy.

23 3. Federal funds received by the state during the  
24 fiscal year beginning July 1, 2011, as the result of the  
25 expenditure of state funds during a previous state fiscal  
26 year for a service or activity funded under this section are  
27 appropriated to the department to be used as additional funding  
28 for the services and activities funded under this section.  
29 Notwithstanding section 8.33, moneys received in accordance  
30 with this subsection that remain unencumbered or unobligated  
31 at the close of the fiscal year shall not revert to any fund  
32 but shall remain available for expenditure for the purposes  
33 designated until the close of the succeeding fiscal year.

34 Sec. 18. JUVENILE DETENTION HOME FUND.

35 1. Moneys deposited in the juvenile detention home fund

1 created in section 232.142 during the fiscal year beginning  
2 July 1, 2011, and ending June 30, 2012, are appropriated to  
3 the department of human services for the fiscal year beginning  
4 July 1, 2011, and ending June 30, 2012, for distribution of an  
5 amount equal to a percentage of the costs of the establishment,  
6 improvement, operation, and maintenance of county or  
7 multicounty juvenile detention homes in the fiscal year  
8 beginning July 1, 2010. Moneys appropriated for distribution  
9 in accordance with this section shall be allocated among  
10 eligible detention homes, prorated on the basis of an eligible  
11 detention home's proportion of the costs of all eligible  
12 detention homes in the fiscal year beginning July 1, 2010.  
13 The percentage figure shall be determined by the department  
14 based on the amount available for distribution for the fund.  
15 Notwithstanding section 232.142, subsection 3, the financial  
16 aid payable by the state under that provision for the fiscal  
17 year beginning July 1, 2011, shall be limited to the amount  
18 appropriated for the purposes of this section.

19 2. Representatives of chief juvenile court officers,  
20 the department of human rights, and the department of human  
21 services shall work with juvenile detention centers and other  
22 stakeholders to review the current methodology for distribution  
23 of moneys from the juvenile detention home fund, consider  
24 alternative distribution methodologies, and report findings  
25 and recommendations to the persons designated by this division  
26 of this Act for the submission of reports by December 15,  
27 2011. It is the intent of the general assembly to shift  
28 responsibility for administering the fund from the department  
29 of human services to the division of criminal and juvenile  
30 justice planning of the department of human rights, effective  
31 with the fiscal year beginning July 1, 2012.

32 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

33 1. There is appropriated from the general fund of the  
34 state to the department of human services for the fiscal year  
35 beginning July 1, 2011, and ending June 30, 2012, the following



1 amount, or so much thereof as is necessary, to be used for the  
2 purpose designated:

3 For the family support subsidy program subject to the  
4 enrollment restrictions in section 225C.37, subsection 3:  
5 ..... \$ 1,167,998

6 2. The department shall use at least \$385,500 of the moneys  
7 appropriated in this section for the family support center  
8 component of the comprehensive family support program under  
9 section 225C.47. Not more than \$25,000 of the amount allocated  
10 in this subsection shall be used for administrative costs.

11 3. If at any time during the fiscal year, the amount of  
12 funding available for the family support subsidy program  
13 is reduced from the amount initially used to establish the  
14 figure for the number of family members for whom a subsidy  
15 is to be provided at any one time during the fiscal year,  
16 notwithstanding section 225C.38, subsection 2, the department  
17 shall revise the figure as necessary to conform to the amount  
18 of funding available.

19 Sec. 20. CONNER DECREE. There is appropriated from the  
20 general fund of the state to the department of human services  
21 for the fiscal year beginning July 1, 2011, and ending June 30,  
22 2012, the following amount, or so much thereof as is necessary,  
23 to be used for the purpose designated:

24 For building community capacity through the coordination  
25 and provision of training opportunities in accordance with the  
26 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.  
27 Iowa, July 14, 1994):  
28 ..... \$ 33,622

29 Sec. 21. MENTAL HEALTH INSTITUTES.

30 There is appropriated from the general fund of the state to  
31 the department of human services for the fiscal year beginning  
32 July 1, 2011, and ending June 30, 2012, the following amounts,  
33 or so much thereof as is necessary, to be used for the purposes  
34 designated:

35 1. For the state mental health institute at Cherokee for

1 salaries, support, maintenance, and miscellaneous purposes, and  
 2 for not more than the following full-time equivalent positions:  
 3 ..... \$ 5,877,308  
 4 ..... FTEs 168.50

5 2. For the state mental health institute at Clarinda for  
 6 salaries, support, maintenance, and miscellaneous purposes, and  
 7 for not more than the following full-time equivalent positions:  
 8 ..... \$ 6,411,734  
 9 ..... FTEs 86.10

10 3. For the state mental health institute at Independence for  
 11 salaries, support, maintenance, and miscellaneous purposes, and  
 12 for not more than the following full-time equivalent positions:  
 13 ..... \$ 10,275,685  
 14 ..... FTEs 233.00

15 4. For the state mental health institute at Mount Pleasant  
 16 for salaries, support, maintenance, and miscellaneous purposes,  
 17 and for not more than the following full-time equivalent  
 18 positions:  
 19 ..... \$ 944,323  
 20 ..... FTEs 91.72

21 Sec. 22. STATE RESOURCE CENTERS.

22 1. There is appropriated from the general fund of the  
 23 state to the department of human services for the fiscal year  
 24 beginning July 1, 2011, and ending June 30, 2012, the following  
 25 amounts, or so much thereof as is necessary, to be used for the  
 26 purposes designated:

27 a. For the state resource center at Glenwood for salaries,  
 28 support, maintenance, and miscellaneous purposes:  
 29 ..... \$ 18,607,801

30 b. For the state resource center at Woodward for salaries,  
 31 support, maintenance, and miscellaneous purposes:  
 32 ..... \$ 12,885,658

33 2. The department may continue to bill for state resource  
 34 center services utilizing a scope of services approach used for  
 35 private providers of ICFMR services, in a manner which does not

1 shift costs between the medical assistance program, counties,  
2 or other sources of funding for the state resource centers.

3 3. The state resource centers may expand the time-limited  
4 assessment and respite services during the fiscal year.

5 4. If the department's administration and the department  
6 of management concur with a finding by a state resource  
7 center's superintendent that projected revenues can reasonably  
8 be expected to pay the salary and support costs for a new  
9 employee position, or that such costs for adding a particular  
10 number of new positions for the fiscal year would be less  
11 than the overtime costs if new positions would not be added,  
12 the superintendent may add the new position or positions. If  
13 the vacant positions available to a resource center do not  
14 include the position classification desired to be filled, the  
15 state resource center's superintendent may reclassify any  
16 vacant position as necessary to fill the desired position. The  
17 superintendents of the state resource centers may, by mutual  
18 agreement, pool vacant positions and position classifications  
19 during the course of the fiscal year in order to assist one  
20 another in filling necessary positions.

21 5. If existing capacity limitations are reached in  
22 operating units, a waiting list is in effect for a service or  
23 a special need for which a payment source or other funding  
24 is available for the service or to address the special need,  
25 and facilities for the service or to address the special need  
26 can be provided within the available payment source or other  
27 funding, the superintendent of a state resource center may  
28 authorize opening not more than two units or other facilities  
29 and begin implementing the service or addressing the special  
30 need during fiscal year 2011-2012.

31 Sec. 23. MI/MR/DD STATE CASES.

32 1. There is appropriated from the general fund of the  
33 state to the department of human services for the fiscal year  
34 beginning July 1, 2011, and ending June 30, 2012, the following  
35 amount, or so much thereof as is necessary, to be used for the

1 purpose designated:

2 For distribution to counties for state case services  
3 for persons with mental illness, mental retardation, and  
4 developmental disabilities in accordance with section 331.440:  
5 ..... \$ 12,169,482

6 2. For the fiscal year beginning July 1, 2011, and ending  
7 June 30, 2012, \$200,000 is allocated for state case services  
8 from the amounts appropriated from the fund created in section  
9 8.41 to the department of human services from the funds  
10 received from the federal government under 42 U.S.C. ch. 6A,  
11 subch. XVII, relating to the community mental health center  
12 block grant, for the federal fiscal years beginning October  
13 1, 2009, and ending September 30, 2010, beginning October 1,  
14 2010, and ending September 30, 2011, and beginning October 1,  
15 2011, and ending September 30, 2012. The allocation made in  
16 this subsection shall be made prior to any other distribution  
17 allocation of the appropriated federal funds.

18 3. Notwithstanding section 8.33, moneys appropriated in  
19 this section that remain unencumbered or unobligated at the  
20 close of the fiscal year shall not revert but shall remain  
21 available for expenditure for the purposes designated until the  
22 close of the succeeding fiscal year.

23 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES  
24 — COMMUNITY SERVICES FUND. There is appropriated from  
25 the general fund of the state to the mental health and  
26 developmental disabilities community services fund created in  
27 section 225C.7 for the fiscal year beginning July 1, 2011, and  
28 ending June 30, 2012, the following amount, or so much thereof  
29 as is necessary, to be used for the purpose designated:

30 For mental health and developmental disabilities community  
31 services in accordance with this division of this Act:  
32 ..... \$ 14,211,100

33 1. Of the funds appropriated in this section, \$14,187,556  
34 shall be allocated to counties for funding of community-based  
35 mental health and developmental disabilities services. The

1 moneys shall be allocated to a county as follows:

2 a. Fifty percent based upon the county's proportion of the  
3 state's population of persons with an annual income which is  
4 equal to or less than the poverty guideline established by the  
5 federal office of management and budget.

6 b. Fifty percent based upon the county's proportion of the  
7 state's general population.

8 2. a. A county shall utilize the funding the county  
9 receives pursuant to subsection 1 for services provided to  
10 persons with a disability, as defined in section 225C.2.  
11 However, no more than 50 percent of the funding shall be used  
12 for services provided to any one of the service populations.

13 b. A county shall use at least 50 percent of the funding the  
14 county receives under subsection 1 for contemporary services  
15 provided to persons with a disability, as described in rules  
16 adopted by the department.

17 3. Of the funds appropriated in this section, \$23,544  
18 shall be used to support the Iowa compass program providing  
19 computerized information and referral services for Iowans with  
20 disabilities and their families.

21 4. a. Funding appropriated for purposes of the federal  
22 social services block grant is allocated for distribution  
23 to counties for local purchase of services for persons with  
24 mental illness or mental retardation or other developmental  
25 disability.

26 b. The funds allocated in this subsection shall be expended  
27 by counties in accordance with the county's county management  
28 plan approved by the board of supervisors. A county without  
29 an approved county management plan shall not receive allocated  
30 funds until the county's management plan is approved.

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

33 (1) Fifty percent based upon the county's proportion of the  
34 state's population of persons with an annual income which is  
35 equal to or less than the poverty guideline established by the

1 federal office of management and budget.

2 (2) Fifty percent based upon the amount provided to the  
3 county for local purchase of services in the preceding fiscal  
4 year.

5 5. A county is eligible for funds under this section if the  
6 county qualifies for a state payment as described in section  
7 331.439.

8 6. The latest certified census issued by the United States  
9 bureau of the census shall be applied for the population  
10 factors utilized in this section.

11 Sec. 25. SEXUALLY VIOLENT PREDATORS.

12 1. There is appropriated from the general fund of the  
13 state to the department of human services for the fiscal year  
14 beginning July 1, 2011, and ending June 30, 2012, the following  
15 amount, or so much thereof as is necessary, to be used for the  
16 purpose designated:

17	For costs associated with the commitment and treatment of	
18	sexually violent predators in the unit located at the state	
19	mental health institute at Cherokee, including costs of legal	
20	services and other associated costs, including salaries,	
21	support, maintenance, and miscellaneous purposes, and for not	
22	more than the following full-time equivalent positions:	
23	.....	\$ 7,550,727
24	.....	FTEs 89.50

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

34 Sec. 26. FIELD OPERATIONS. There is appropriated from the  
35 general fund of the state to the department of human services

1 for the fiscal year beginning July 1, 2011, and ending June 30,  
2 2012, the following amount, or so much thereof as is necessary,  
3 to be used for the purposes designated:

4 For field operations, including salaries, support,  
5 maintenance, and miscellaneous purposes, and for not more than  
6 the following full-time equivalent positions:

7 ..... \$ 54,789,921  
8 ..... FTEs 1,781.00

9 Priority in filling full-time equivalent positions shall be  
10 given to those positions related to child protection services  
11 and eligibility determination for low-income families.

12 Notwithstanding section 8.33, moneys appropriated in this  
13 section that remain unencumbered or unobligated at the close of  
14 the fiscal year shall not revert but shall remain available for  
15 expenditure for the purposes designated until the close of the  
16 succeeding fiscal year.

17 Sec. 27. GENERAL ADMINISTRATION. There is appropriated  
18 from the general fund of the state to the department of human  
19 services for the fiscal year beginning July 1, 2011, and ending  
20 June 30, 2012, the following amount, or so much thereof as is  
21 necessary, to be used for the purpose designated:

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

25 ..... \$ 14,596,745  
26 ..... FTEs 290.00

27 1. Of the funds appropriated in this section, \$38,543  
28 allocated for the prevention of disabilities policy council  
29 established in section 225B.3.

30 2. The department shall report at least monthly to the  
31 legislative services agency concerning the department's  
32 operational and program expenditures.

33 3. Of the funds appropriated in this section, \$132,300 shall  
34 be used to contract with a statewide association representing  
35 community providers of mental health, mental retardation and

1 brain injury services programs to provide technical assistance,  
2 support, and consultation to providers of habilitation  
3 services and home and community-based waiver services for  
4 adults with disabilities under the medical assistance program.  
5 Notwithstanding section 8.47 or any other provision of law to  
6 the contrary, the department may utilize a sole source approach  
7 to contract with the association.

8 4. Of the funds appropriated in this section, \$176,400  
9 shall be used to contract with an appropriate entity to  
10 expand the provision of nationally accredited and recognized  
11 internet-based training to include mental health and disability  
12 services providers. Notwithstanding section 8.47 or any other  
13 provision of law to the contrary, the department may utilize a  
14 sole source approach to enter into such contract.

15 5. Of the funds appropriated in this section, \$500,000  
16 shall be used for implementation of child protection system  
17 improvements addressed in 2011 Iowa Acts, House File 562, as  
18 enacted.

19 6. Notwithstanding section 8.33, moneys appropriated in  
20 this section that remain unencumbered or unobligated at the  
21 close of the fiscal year shall not revert but shall remain  
22 available for expenditure for the purposes designated until the  
23 close of the succeeding fiscal year.

24 Sec. 28. VOLUNTEERS. There is appropriated from the general  
25 fund of the state to the department of human services for the  
26 fiscal year beginning July 1, 2011, and ending June 30, 2012,  
27 the following amount, or so much thereof as is necessary, to be  
28 used for the purpose designated:

29 For development and coordination of volunteer services:  
30 ..... \$ 84,660

31 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY  
32 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE  
33 DEPARTMENT OF HUMAN SERVICES.

34 1. a. (1) For the fiscal year beginning July 1, 2011,  
35 the total state funding amount for the nursing facility budget



1 shall not exceed \$223,202,551.

2 (2) For the fiscal year beginning July 1, 2011, the  
3 department shall rebase case-mix nursing facility rates  
4 effective July 1, 2011. However, total nursing facility budget  
5 expenditures, including both case-mix and noncase-mix shall  
6 not exceed the amount specified in subparagraph (1). When  
7 calculating case-mix per diem cost and the patient-day-weighted  
8 medians used in rate-setting for nursing facilities effective  
9 July 1, 2011, the inflation factor applied from the midpoint  
10 of the cost report period to the first day of the state fiscal  
11 year rate period shall be adjusted to maintain state funding  
12 within the amount specified in subparagraph (1).

13 (3) The department, in cooperation with nursing facility  
14 representatives, shall review projections for state funding  
15 expenditures for reimbursement of nursing facilities on a  
16 quarterly basis and the department shall determine if an  
17 adjustment to the medical assistance reimbursement rate is  
18 necessary in order to provide reimbursement within the state  
19 funding amount for the fiscal year. Notwithstanding 2001  
20 Iowa Acts, chapter 192, section 4, subsection 2, paragraph  
21 "c", and subsection 3, paragraph "a", subparagraph (2),  
22 if the state funding expenditures for the nursing facility  
23 budget for the fiscal year is projected to exceed the amount  
24 specified in subparagraph (1), the department shall adjust  
25 the reimbursement for nursing facilities reimbursed under the  
26 case-mix reimbursement system to maintain expenditures of the  
27 nursing facility budget within the specified amount for the  
28 fiscal year.

29 (4) For the fiscal year beginning July 1, 2011, special  
30 population nursing facilities shall be reimbursed in accordance  
31 with the methodology in effect on June 30, 2011.

32 b. For the fiscal year beginning July 1, 2011, the  
33 department shall reimburse pharmacy dispensing fees using a  
34 single rate of \$4.34 per prescription or the pharmacy's usual  
35 and customary fee, whichever is lower. However, the department

1 shall adjust the dispensing fee specified in this paragraph  
2 to distribute an additional \$2,400,000 in reimbursements for  
3 pharmacy dispensing fees under this paragraph for the fiscal  
4 year.

5 c. (1) For the fiscal year beginning July 1, 2011,  
6 reimbursement rates for outpatient hospital services shall be  
7 rebased effective January 1, 2012.

8 (2) For the fiscal year beginning July 1, 2011,  
9 reimbursement rates for inpatient hospital services shall be  
10 rebased effective October 1, 2011.

11 (3) The total amount of increased funding available for  
12 reimbursement attributable to rebasing under this paragraph  
13 for the fiscal year beginning July 1, 2011, shall not exceed  
14 \$4,500,000.

15 (4) For the fiscal year beginning July 1, 2011, the graduate  
16 medical education and disproportionate share hospital fund  
17 shall remain at the amount in effect on June 30, 2011, except  
18 that the portion of the fund attributable to graduate medical  
19 education shall be reduced in an amount that reflects the  
20 elimination of graduate medical education payments made to  
21 out-of-state hospitals.

22 (5) In order to ensure the efficient use of limited state  
23 funds in procuring health care services for low-income Iowans,  
24 funds appropriated in this Act for hospital services shall  
25 not be used for activities which would be excluded from a  
26 determination of reasonable costs under the federal Medicare  
27 program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

28 d. For the fiscal year beginning July 1, 2011, reimbursement  
29 rates for rural health clinics, hospices, and acute mental  
30 hospitals shall be increased in accordance with increases under  
31 the federal Medicare program or as supported by their Medicare  
32 audited costs.

33 e. For the fiscal year beginning July 1, 2011, independent  
34 laboratories and rehabilitation agencies shall be reimbursed  
35 using the same methodology in effect on June 30, 2011.

1 f. For the fiscal year beginning July 1, 2011, reimbursement  
2 rates for home health agencies shall remain at the rates in  
3 effect on June 30, 2011, not to exceed a home health agency's  
4 actual allowable cost.

5 g. For the fiscal year beginning July 1, 2011, federally  
6 qualified health centers shall receive cost-based reimbursement  
7 for 100 percent of the reasonable costs for the provision of  
8 services to recipients of medical assistance.

9 h. For the fiscal year beginning July 1, 2011, the  
10 reimbursement rates for dental services shall remain at the  
11 rates in effect on June 30, 2011.

12 i. (1) For the fiscal year beginning July 1, 2011,  
13 state-owned psychiatric medical institutions for children shall  
14 receive cost-based reimbursement for 100 percent of the actual  
15 and allowable costs for the provision of services to recipients  
16 of medical assistance.

17 (2) For the nonstate-owned psychiatric medical institutions  
18 for children, reimbursement rates shall remain at the rates  
19 in effect on June 30, 2011. The department, in consultation  
20 with representatives of the nonstate-owned psychiatric medical  
21 institutions for children, shall develop a reimbursement  
22 methodology to include all ancillary medical services costs  
23 and any other changes required for federal compliance, to be  
24 implemented on July 1, 2012. To the extent possible, the  
25 reimbursement methodology shall be developed in a manner so as  
26 to be budget neutral to the institutions and cost effective for  
27 the state.

28 j. For the fiscal year beginning July 1, 2011, unless  
29 otherwise specified in this Act, all noninstitutional medical  
30 assistance provider reimbursement rates shall remain at the  
31 rates in effect on June 30, 2011, except for area education  
32 agencies, local education agencies, infant and toddler services  
33 providers, and those providers whose rates are required to be  
34 determined pursuant to section 249A.20.

35 k. Notwithstanding any provision to the contrary, for the

1 fiscal year beginning July 1, 2011, the reimbursement rate for  
2 anesthesiologists shall remain at the rate in effect on June  
3 30, 2011.

4 1. Notwithstanding section 249A.20, for the fiscal year  
5 beginning July 1, 2011, the average reimbursement rate for  
6 health care providers eligible for use of the federal Medicare  
7 resource-based relative value scale reimbursement methodology  
8 under that section shall remain at the rate in effect on June  
9 30, 2011; however, this rate shall not exceed the maximum level  
10 authorized by the federal government.

11 m. For the fiscal year beginning July 1, 2011, the  
12 reimbursement rate for residential care facilities shall not  
13 be less than the minimum payment level as established by the  
14 federal government to meet the federally mandated maintenance  
15 of effort requirement. The flat reimbursement rate for  
16 facilities electing not to file annual cost reports shall not  
17 be less than the minimum payment level as established by the  
18 federal government to meet the federally mandated maintenance  
19 of effort requirement.

20 n. For the fiscal year beginning July 1, 2011, inpatient  
21 mental health services provided at hospitals shall be rebased  
22 effective October 1, 2011, subject to Medicaid program upper  
23 payment limit rules; community mental health centers and  
24 providers of mental health services to county residents  
25 pursuant to a waiver approved under section 225C.7, subsection  
26 3, shall be reimbursed at 100 percent of the reasonable  
27 costs for the provision of services to recipients of medical  
28 assistance; and psychiatrists shall be reimbursed at the  
29 medical assistance program fee for service rate.

30 o. For the fiscal year beginning July 1, 2011, the  
31 reimbursement rate for consumer-directed attendant care shall  
32 remain at the rates in effect on June 30, 2011.

33 p. For the fiscal year beginning July 1, 2011, the  
34 reimbursement rate for providers of family planning services  
35 that are eligible to receive a 90 percent federal match shall

1 remain at the rates in effect on June 30, 2011.

2 q. For the fiscal year beginning July 1, 2011, the  
3 department shall adjust the rates in effect on June 30,  
4 2011, for providers of home and community-based services  
5 waiver services to distribute an additional \$1,500,000 in  
6 reimbursements to such providers for the fiscal year.

7 2. For the fiscal year beginning July 1, 2011, the  
8 reimbursement rate for providers reimbursed under the  
9 in-home-related care program shall not be less than the minimum  
10 payment level as established by the federal government to meet  
11 the federally mandated maintenance of effort requirement.

12 3. Unless otherwise directed in this section, when the  
13 department's reimbursement methodology for any provider  
14 reimbursed in accordance with this section includes an  
15 inflation factor, this factor shall not exceed the amount  
16 by which the consumer price index for all urban consumers  
17 increased during the calendar year ending December 31, 2002.

18 4. For the fiscal year beginning July 1, 2011,  
19 notwithstanding section 234.38, the foster family basic daily  
20 maintenance rate and the maximum adoption subsidy rate for  
21 children ages 0 through 5 years shall be \$15.74, the rate for  
22 children ages 6 through 11 years shall be \$16.37, the rate for  
23 children ages 12 through 15 years shall be \$17.92, and the  
24 rate for children and young adults ages 16 and older shall be  
25 \$18.16. The maximum supervised apartment living foster care  
26 reimbursement rate shall be \$25.00 per day. For youth ages  
27 18 to 21 who have exited foster care, the maximum preparation  
28 for adult living program maintenance rate shall be \$574.00 per  
29 month. The maximum payment for adoption subsidy nonrecurring  
30 expenses shall be limited to \$500 and the disallowance of  
31 additional amounts for court costs and other related legal  
32 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,  
33 section 408 shall be continued.

34 5. For the fiscal year beginning July 1, 2011, the maximum  
35 reimbursement rates under the supervised apartment living

1 program and for social services providers under contract  
2 shall remain at the rates in effect on June 30, 2011, or the  
3 provider's actual and allowable cost plus inflation for each  
4 service, whichever is less. However, if a new service or  
5 service provider is added after June 30, 2011, the initial  
6 reimbursement rate for the service or provider shall be  
7 based upon actual and allowable costs. Providers may also  
8 be eligible for an additional amount as specified under the  
9 department's request for proposal, bid number ACFS-11-115.

10 6. For the fiscal year beginning July 1, 2011, the  
11 reimbursement rates for family-centered service providers,  
12 family foster care service providers, group foster care service  
13 providers, and the resource family recruitment and retention  
14 contractor shall remain at the rates in effect on June 30,  
15 2011.

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

24 8. a. For the fiscal year beginning July 1, 2011, the  
25 reimbursement rate paid for shelter care and the child welfare  
26 emergency services implemented to provide or prevent the need  
27 for shelter care shall be established in a contract based on  
28 the requirements of the department's request for proposal, bid  
29 number ACFS-11-114.

30 b. For the fiscal year beginning July 1, 2011, the combined  
31 service and maintenance components of the reimbursement rate  
32 paid for shelter care services shall be based on the financial  
33 and statistical report submitted to the department. The  
34 maximum reimbursement rate shall be \$92.36 per day. The  
35 department shall reimburse a shelter care provider at the

1 provider's actual and allowable unit cost, plus inflation, not  
2 to exceed the maximum reimbursement rate.

3 c. Notwithstanding section 232.141, subsection 8, for the  
4 fiscal year beginning July 1, 2011, the amount of the statewide  
5 average of the actual and allowable rates for reimbursement of  
6 juvenile shelter care homes that is utilized for the limitation  
7 on recovery of unpaid costs shall remain at the amount in  
8 effect for this purpose in the fiscal year beginning July 1,  
9 2010.

10 9. For the fiscal year beginning July 1, 2011, the  
11 department shall calculate reimbursement rates for intermediate  
12 care facilities for persons with mental retardation at the  
13 80th percentile. Beginning July 1, 2011, the rate calculation  
14 methodology shall utilize the consumer price index inflation  
15 factor applicable to the fiscal year beginning July 1, 2011.

16 10. For the fiscal year beginning July 1, 2011, for child  
17 care providers reimbursed under the state child care assistance  
18 program, the department shall set provider reimbursement  
19 rates based on the rate reimbursement survey completed in  
20 December 2004. Effective July 1, 2011, the child care provider  
21 reimbursement rates shall remain at the rates in effect on June  
22 30, 2011. The department shall set rates in a manner so as  
23 to provide incentives for a nonregistered provider to become  
24 registered by applying the increase only to registered and  
25 licensed providers.

26 11. The department may adopt emergency rules to implement  
27 this section.

28 Sec. 30. EMERGENCY RULES.

29 1. If specifically authorized by a provision of this  
30 division of this Act, the department of human services or  
31 the mental health, and disability services commission may  
32 adopt administrative rules under section 17A.4, subsection  
33 3, and section 17A.5, subsection 2, paragraph "b", to  
34 implement the provisions and the rules shall become effective  
35 immediately upon filing or on a later effective date specified

1 in the rules, unless the effective date is delayed by the  
2 administrative rules review committee. Any rules adopted in  
3 accordance with this section shall not take effect before  
4 the rules are reviewed by the administrative rules review  
5 committee. The delay authority provided to the administrative  
6 rules review committee under section 17A.4, subsection 7, and  
7 section 17A.8, subsection 9, shall be applicable to a delay  
8 imposed under this section, notwithstanding a provision in  
9 those sections making them inapplicable to section 17A.5,  
10 subsection 2, paragraph "b". Any rules adopted in accordance  
11 with the provisions of this section shall also be published as  
12 notice of intended action as provided in section 17A.4.

13 2. If during the fiscal year beginning July 1, 2011, the  
14 department of human services is adopting rules in accordance  
15 with this section or as otherwise directed or authorized by  
16 state law, and the rules will result in an expenditure increase  
17 beyond the amount anticipated in the budget process or if the  
18 expenditure was not addressed in the budget process for the  
19 fiscal year, the department shall notify the persons designated  
20 by this division of this Act for submission of reports,  
21 the chairpersons and ranking members of the committees on  
22 appropriations, and the department of management concerning the  
23 rules and the expenditure increase. The notification shall be  
24 provided at least 30 calendar days prior to the date notice of  
25 the rules is submitted to the administrative rules coordinator  
26 and the administrative code editor.

27 Sec. 31. CIVIL MONETARY PENALTIES — DIRECT CARE WORKER  
28 INITIATIVES PROPOSAL. The department of human services shall  
29 develop a proposal, in collaboration with the department of  
30 public health, requesting federal approval for the use of  
31 a portion of the funds received by the department of human  
32 services as civil monetary penalties from nursing facilities  
33 to support direct care worker initiatives that enhance the  
34 quality of care in nursing facilities. The proposal shall  
35 request use of the funds for direct care worker initiatives



1 based on recommendations of the direct care worker task force  
2 established pursuant to 2005 Iowa Acts, chapter 88, as included  
3 in the report submitted to the governor and the general  
4 assembly in December 2006. Upon completion of the proposal,  
5 the department of human services shall submit the proposal to  
6 the centers for Medicare and Medicaid services of the United  
7 States department of health and human services for approval.  
8 The department of human services shall notify the persons  
9 designated in this division of this Act for submission of  
10 reports upon receipt of approval of the proposal.

11 Sec. 32. FEDERAL GRANTS REPORTING. During the fiscal  
12 year beginning July 1, 2011, the departments and agencies  
13 receiving an appropriation in this Act from the general fund  
14 of the state shall report to the persons designated by this  
15 Act for submission of reports and the department of management  
16 within 60 calendar days of applying for or renewing a federal  
17 grant with a value over \$1,000. The report shall list the  
18 federal funding source and address the potential need for the  
19 commitment of state funding in order to match or continue the  
20 funding provided by the federal grant in the present or the  
21 future.

22 Sec. 33. REPORTS. Any reports or information required to be  
23 compiled and submitted under this Act shall be submitted to the  
24 chairpersons and ranking members of the joint appropriations  
25 subcommittee on health and human services, the legislative  
26 services agency, and the legislative caucus staffs on or  
27 before the dates specified for submission of the reports or  
28 information.

29 Sec. 34. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
30 APPLICABILITY. The following provisions of this division of  
31 this Act, being deemed of immediate importance, take effect  
32 upon enactment and if approved by the governor on or after July  
33 1, 2011, apply retroactively to June 30, 2011:

34 The provision under the appropriation for child and family  
35 services, relating to requirements of section 232.143 for

1 representatives of the department of human services and  
2 juvenile court services to establish a plan for continuing  
3 group foster care expenditures for fiscal year 2011-2012.

4 DIVISION V

5 PHARMACEUTICAL SETTLEMENT ACCOUNT,

6 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER REIMBURSEMENT FUND,

7 HEALTH CARE

8 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,

9 QUALITY ASSURANCE TRUST FUND, AND

10 HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY 2011-2012

11 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
12 appropriated from the pharmaceutical settlement account created  
13 in section 249A.33 to the department of human services for the  
14 fiscal year beginning July 1, 2011, and ending June 30, 2012,  
15 the following amount, or so much thereof as is necessary, to be  
16 used for the purpose designated:

17 Notwithstanding any provision of law to the contrary, to  
18 supplement the appropriations made in this Act for medical  
19 contracts under the medical assistance program:

20 ..... \$ 5,433,613

21 Sec. 36. APPROPRIATIONS FROM IOWACARE ACCOUNT.

22 1. There is appropriated from the IowaCare account  
23 created in section 249J.24 to the state board of regents for  
24 distribution to the university of Iowa hospitals and clinics  
25 for the fiscal year beginning July 1, 2011, and ending June 30,  
26 2012, the following amount, or so much thereof as is necessary,  
27 to be used for the purposes designated:

28 For salaries, support, maintenance, equipment, and  
29 miscellaneous purposes, for the provision of medical and  
30 surgical treatment of indigent patients, for provision of  
31 services to members of the expansion population pursuant to  
32 chapter 249J, and for medical education:

33 ..... \$ 27,284,584

34 a. Funds appropriated in this subsection shall not be used  
35 to perform abortions except medically necessary abortions, and

1 shall not be used to operate the early termination of pregnancy  
2 clinic except for the performance of medically necessary  
3 abortions. For the purpose of this subsection, an abortion is  
4 the purposeful interruption of pregnancy with the intention  
5 other than to produce a live-born infant or to remove a dead  
6 fetus, and a medically necessary abortion is one performed  
7 under one of the following conditions:

8 (1) The attending physician certifies that continuing the  
9 pregnancy would endanger the life of the pregnant woman.

10 (2) The attending physician certifies that the fetus is  
11 physically deformed, mentally deficient, or afflicted with a  
12 congenital illness.

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

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

21 (5) The abortion is a spontaneous abortion, commonly known  
22 as a miscarriage, wherein not all of the products of conception  
23 are expelled.

24 b. Notwithstanding any provision of law to the contrary,  
25 the amount appropriated in this subsection shall be distributed  
26 based on claims submitted, adjudicated, and paid by the Iowa  
27 Medicaid enterprise.

28 c. The university of Iowa hospitals and clinics shall  
29 certify public expenditures in an amount equal to provide  
30 the nonfederal share on total expenditures not to exceed  
31 \$20,000,000.

32 2. There is appropriated from the IowaCare account  
33 created in section 249J.24 to the state board of regents for  
34 distribution to the university of Iowa hospitals and clinics  
35 for the fiscal year beginning July 1, 2011, and ending June 30,

1 2012, the following amount, or so much thereof as is necessary,  
2 to be used for the purposes designated:

3 For salaries, support, maintenance, equipment, and  
4 miscellaneous purposes, for the provision of medical and  
5 surgical treatment of indigent patients, for provision of  
6 services to members of the expansion population pursuant to  
7 chapter 249J, and for medical education:  
8 ..... \$ 44,226,279

9 Notwithstanding any provision of law to the contrary, the  
10 amount appropriated in this subsection shall be distributed  
11 based on claims submitted, adjudicated, and paid by the Iowa  
12 Medicaid enterprise.

13 3. There is appropriated from the IowaCare account  
14 created in section 249J.24, to the state board of regents for  
15 distribution to university of Iowa physicians for the fiscal  
16 year beginning July 1, 2011, and ending June 30, 2012, the  
17 following amount, or so much thereof as is necessary to be used  
18 for the purposes designated:

19 For salaries, support, maintenance, equipment, and  
20 miscellaneous purposes for the provision of medical and  
21 surgical treatment of indigent patients, for provision of  
22 services to members of the expansion population pursuant to  
23 chapter 249J, and for medical education:  
24 ..... \$ 16,277,753

25 Notwithstanding any provision of law to the contrary, the  
26 amount appropriated in this subsection shall be distributed  
27 based on claims submitted, adjudicated, and paid by the Iowa  
28 Medicaid enterprise. Once the entire amount appropriated in  
29 this subsection has been distributed, claims shall continue to  
30 be submitted and adjudicated by the Iowa Medicaid enterprise;  
31 however, no payment shall be made based upon such claims.

32 4. There is appropriated from the IowaCare account created  
33 in section 249J.24 to the department of human services for the  
34 fiscal year beginning July 1, 2011, and ending June 30, 2012,  
35 the following amount, or so much thereof as is necessary, to be

1 used for the purposes designated:

2 For distribution to a publicly owned acute care teaching  
3 hospital located in a county with a population over 350,000 for  
4 the provision of medical and surgical treatment of indigent  
5 patients, for provision of services to members of the expansion  
6 population pursuant to chapter 249J, and for medical education:  
7 ..... \$ 65,000,000

8 a. Notwithstanding any provision of law to the contrary,  
9 the amount appropriated in this subsection shall be distributed  
10 based on claims submitted, adjudicated, and paid by the Iowa  
11 Medicaid enterprise plus a monthly disproportionate share  
12 hospital payment. Any amount appropriated in this subsection  
13 in excess of \$60,000,000 shall be distributed only if the sum  
14 of the expansion population claims adjudicated and paid by the  
15 Iowa Medicaid enterprise plus the estimated disproportionate  
16 share hospital payments exceeds \$60,000,000. The amount paid  
17 in excess of \$60,000,000 shall not adjust the original monthly  
18 payment amount but shall be distributed monthly based on actual  
19 claims adjudicated and paid by the Iowa Medicaid enterprise  
20 plus the estimated disproportionate share hospital amount. Any  
21 amount appropriated in this subsection in excess of \$60,000,000  
22 shall be allocated only if federal funds are available to match  
23 the amount allocated. Pursuant to paragraph "b", of the amount  
24 appropriated in this subsection, not more than \$4,000,000 shall  
25 be distributed for prescription drugs and podiatry services.

26 b. Notwithstanding any provision of law to the contrary, the  
27 hospital identified in this subsection, shall be reimbursed for  
28 outpatient prescription drugs and podiatry services provided to  
29 members of the expansion population pursuant to all applicable  
30 medical assistance program rules, in an amount not to exceed  
31 \$4,000,000.

32 c. Notwithstanding the total amount of proceeds distributed  
33 pursuant to section 249J.24, subsection 4, paragraph "a",  
34 unnumbered paragraph 1, for the fiscal year beginning July  
35 1, 2011, and ending June 30, 2012, the county treasurer of a

1 county with a population of over 350,000 in which a publicly  
2 owned acute care teaching hospital is located shall distribute  
3 the proceeds collected pursuant to section 347.7 in a total  
4 amount of \$38,000,000, which would otherwise be distributed to  
5 the county hospital, to the treasurer of state for deposit in  
6 the IowaCare account.

7 d. (1) Notwithstanding the amount collected and  
8 distributed for deposit in the IowaCare account pursuant to  
9 section 249J.24, subsection 4, paragraph "a", subparagraph  
10 (1), the first \$19,000,000 in proceeds collected pursuant to  
11 section 347.7 between July 1, 2011, and December 31, 2011,  
12 shall be distributed to the treasurer of state for deposit in  
13 the IowaCare account and collections during this time period  
14 in excess of \$19,000,000 shall be distributed to the acute  
15 care teaching hospital identified in this subsection. Of the  
16 collections in excess of the \$19,000,000 received by the acute  
17 care teaching hospital under this subparagraph (1), \$2,000,000  
18 shall be distributed by the acute care teaching hospital to the  
19 treasurer of state for deposit in the IowaCare account in the  
20 month of January 2012, following the July 1 through December  
21 31, 2011, period.

22 (2) Notwithstanding the amount collected and distributed  
23 for deposit in the IowaCare account pursuant to section  
24 249J.24, subsection 4, paragraph "a", subparagraph (2),  
25 the first \$19,000,000 in collections pursuant to section  
26 347.7 between January 1, 2012, and June 30, 2012, shall be  
27 distributed to the treasurer of state for deposit in the  
28 IowaCare account and collections during this time period in  
29 excess of \$19,000,000 shall be distributed to the acute care  
30 teaching hospital identified in this subsection. Of the  
31 collections in excess of the \$19,000,000 received by the acute  
32 care teaching hospital under this subparagraph (2), \$2,000,000  
33 shall be distributed by the acute care teaching hospital to the  
34 treasurer of state for deposit in the IowaCare account in the  
35 month of July 2012, following the January 1 through June 30,

1 2012, period.

2 5. There is appropriated from the IowaCare account created  
3 in section 249J.24 to the department of human services for the  
4 fiscal year beginning July 1, 2011, and ending June 30, 2012,  
5 the following amount, or so much thereof as is necessary to be  
6 used for the purpose designated:

7 For payment to the regional provider network specified  
8 by the department pursuant to section 249J.7 for provision  
9 of covered services to members of the expansion population  
10 pursuant to chapter 249J:

11 ..... \$ 3,472,176

12 Notwithstanding any provision of law to the contrary, the  
13 amount appropriated in this subsection shall be distributed  
14 based on claims submitted, adjudicated, and paid by the Iowa  
15 Medicaid enterprise. Once the entire amount appropriated in  
16 this subsection has been distributed, claims shall continue to  
17 be submitted and adjudicated by the Iowa Medicaid enterprise;  
18 however, no payment shall be made based upon such claims.

19 6. There is appropriated from the IowaCare account created  
20 in section 249J.24 to the department of human services for the  
21 fiscal year beginning July 1, 2011, and ending June 30, 2012,  
22 the following amount, or so much thereof as is necessary to be  
23 used for the purposes designated:

24 For a care coordination pool to pay the expansion population  
25 providers consisting of the university of Iowa hospitals and  
26 clinics, the publicly owned acute care teaching hospital as  
27 specified in section 249J.7, and current medical assistance  
28 program providers that are not expansion population network  
29 providers pursuant to section 249J.7, for services covered by  
30 the full benefit medical assistance program but not under the  
31 IowaCare program pursuant to section 249J.6, that are provided  
32 to expansion population members:

33 ..... \$ 1,500,000

34 a. Notwithstanding sections 249J.6 and 249J.7, the amount  
35 appropriated in this subsection is intended to provide

1 payment for medically necessary services provided to expansion  
2 population members for continuation of care provided by the  
3 university of Iowa hospitals and clinics or the publicly owned  
4 acute care teaching hospital as specified in section 249J.7.  
5 Payment may only be made for services that are not otherwise  
6 covered under section 249J.6, and which are follow-up services  
7 to covered services provided by the hospitals specified in this  
8 paragraph "a".

9 b. The funds appropriated in this subsection are intended  
10 to provide limited payment for continuity of care services for  
11 an expansion population member, and are intended to cover the  
12 costs of services to expansion population members, regardless  
13 of the member's county of residence or medical home assignment,  
14 if the care is related to specialty or hospital services  
15 provided by the hospitals specified in paragraph "a".

16 c. The funds appropriated in this subsection are  
17 not intended to provide for expanded coverage under the  
18 IowaCare program, and shall not be used to cover emergency  
19 transportation services.

20 d. The department shall adopt administrative rules pursuant  
21 to chapter 17A to establish a prior authorization process and  
22 to identify covered services for reimbursement under this  
23 subsection.

24 7. There is appropriated from the IowaCare account created  
25 in section 249J.24 to the department of human services for the  
26 fiscal year beginning July 1, 2011, and ending June 30, 2012,  
27 the following amount or so much thereof as is necessary to be  
28 used for the purposes designated:

29 For a laboratory test and radiology pool for services  
30 authorized by a federally qualified health center designated  
31 by the department as part of the IowaCare regional provider  
32 network that does not have the capability to provide these  
33 services on site:

34 ..... \$ 500,000

35 Notwithstanding sections 249J.6 and 249J.7, the amount





1 created in section 249J.23 to the department of human services  
2 for the fiscal year beginning July 1, 2011, and ending June  
3 30, 2012, the following amounts, or so much thereof as is  
4 necessary, to be used for the purposes designated:

5 1. For the provision of an IowaCare nurse helpline for the  
6 expansion population as provided in section 249J.6:  
7 ..... \$ 100,000

8 2. For other health promotion partnership activities  
9 pursuant to section 249J.14:  
10 ..... \$ 600,000

11 3. For the costs related to audits, performance  
12 evaluations, and studies required pursuant to chapter 249J:  
13 ..... \$ 125,000

14 4. For administrative costs associated with chapter 249J:  
15 ..... \$ 1,132,412

16 5. For planning and development, in cooperation with the  
17 department of public health, of a phased-in program to provide  
18 a dental home for children in accordance with section 249J.14:  
19 ..... \$ 1,000,000

20 6. For continuation of the establishment of the tuition  
21 assistance for individuals serving individuals with  
22 disabilities pilot program, as enacted in 2008 Iowa Acts,  
23 chapter 1187, section 130:  
24 ..... \$ 50,000

25 7. For medical contracts:  
26 ..... \$ 2,000,000

27 8. For payment to the publicly owned acute care teaching  
28 hospital located in a county with a population of over 350,000  
29 that is a participating provider pursuant to chapter 249J:  
30 ..... \$ 290,000

31 Disbursements under this subsection shall be made monthly.  
32 The hospital shall submit a report following the close of the  
33 fiscal year regarding use of the funds appropriated in this  
34 subsection to the persons specified in this Act to receive  
35 reports.

1 9. For transfer to the department of public health to be  
2 used for the costs of medical home system advisory council  
3 established pursuant to section 135.159, including for the  
4 incorporation of the work and duties of the prevention and  
5 chronic care management advisory council pursuant to section  
6 135.161, as amended by this Act:

7 ..... \$ 233,357

8 Notwithstanding section 8.39, subsection 1, without the  
9 prior written consent and approval of the governor and the  
10 director of the department of management, the director of human  
11 services may transfer funds among the appropriations made in  
12 this section as necessary to carry out the purposes of the  
13 account for health care transformation. The department shall  
14 report any transfers made pursuant to this section to the  
15 legislative services agency.

16 Sec. 39. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF  
17 INSPECTIONS AND APPEALS. There is appropriated from the  
18 Medicaid fraud account created in section 249A.7 to the  
19 department of inspections and appeals for the fiscal year  
20 beginning July 1, 2011, and ending June 30, 2012, the following  
21 amount, or so much thereof as is necessary, to be used for the  
22 purposes designated:

23 For the inspection and certification of assisted living  
24 programs and adult day care services, including program  
25 administration and costs associated with implementation:  
26 ..... \$ 1,339,527

27 Sec. 40. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF HUMAN  
28 SERVICES. There is appropriated from the Medicaid fraud  
29 account created in section 249A.7 to the department of human  
30 services for the fiscal year beginning July 1, 2011, and ending  
31 June 30, 2012, the following amount, or so much thereof as is  
32 necessary, to be used for the purposes designated:

33 To supplement the appropriation made in this Act from the  
34 general fund of the state to the department of human services  
35 for medical assistance:

1 ..... \$ 2,000,000

2 Sec. 41. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN  
3 SERVICES. Notwithstanding any provision to the contrary and  
4 subject to the availability of funds, there is appropriated  
5 from the quality assurance trust fund created in section  
6 249L.4 to the department of human services for the fiscal year  
7 beginning July 1, 2011, and ending June 30, 2012, the following  
8 amounts, or so much thereof as is necessary for the purposes  
9 designated:

10 To supplement the appropriation made in this Act from the  
11 general fund of the state to the department of human services  
12 for medical assistance:

13 ..... \$ 29,000,000

14 Sec. 42. HOSPITAL HEALTH CARE ACCESS TRUST FUND —  
15 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to  
16 the contrary and subject to the availability of funds, there is  
17 appropriated from the hospital health care access trust fund  
18 created in section 249M.4 to the department of human services  
19 for the fiscal year beginning July 1, 2011, and ending June  
20 30, 2012, the following amounts, or so much thereof as is  
21 necessary, for the purposes designated:

22 1. To supplement the appropriation made in this Act from the  
23 general fund of the state to the department of human services  
24 for medical assistance:

25 ..... \$ 39,223,800

26 2. For deposit in the nonparticipating provider  
27 reimbursement fund created in section 249J.24A to be used for  
28 the purposes of the fund:

29 ..... \$ 776,200

30 Sec. 43. MEDICAL ASSISTANCE PROGRAM — NONREVERSION  
31 FOR FY 2011-2012. Notwithstanding section 8.33, if moneys  
32 appropriated for purposes of the medical assistance program  
33 for the fiscal year beginning July 1, 2011, and ending June  
34 30, 2012, from the general fund of the state, the Medicaid  
35 fraud account, the quality assurance trust fund, and the

1 hospital health care access trust fund, are in excess of actual  
2 expenditures for the medical assistance program and remain  
3 unencumbered or unobligated at the close of the fiscal year,  
4 the excess moneys shall not revert but shall remain available  
5 for expenditure for the purposes of the medical assistance  
6 program until the close of the succeeding fiscal year.

7 DIVISION VI

8 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR  
9 2011-2012

10 Sec. 44. MENTAL HEALTH, MENTAL RETARDATION, AND  
11 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX

12 RELIEF. Notwithstanding the standing appropriation in section  
13 426B.1, subsection 2, for the fiscal year beginning July 1,  
14 2011, and ending June 30, 2012, the amount appropriated from  
15 the general fund of the state pursuant to that provision shall  
16 not exceed the following amount:

17 ..... \$ 81,199,911

18 Sec. 45. 2010 Iowa Acts, chapter 1193, section 1, is amended  
19 to read as follows:

20 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING  
21 — FY 2011-2012.

22 1. Notwithstanding section 331.439, subsection 3, the  
23 allowed growth factor adjustment for county mental health,  
24 mental retardation, and developmental disabilities service  
25 expenditures for the fiscal year beginning July 1, 2011, shall  
26 be established by statute which shall be enacted within thirty  
27 calendar days of the convening of the Eighty-fourth General  
28 Assembly, 2011 Session, on January 10, 2011. The governor  
29 shall submit to the general assembly a recommendation for such  
30 allowed growth factor adjustment and the amounts of related  
31 appropriations to the general assembly on or before January 11,  
32 2011.

33 2. The appropriation and allocations made in this section  
34 fulfill the requirements of the governor and general assembly  
35 under subsection 1.

1 3. There is appropriated from the general fund of the  
2 state to the department of human services for the fiscal year  
3 beginning July 1, 2011, and ending June 30, 2012, the following  
4 amount, or so much thereof as is necessary, to be used for the  
5 purpose designated:

6 For distribution to counties of the county mental health,  
7 mental retardation, and developmental disabilities allowed  
8 growth factor adjustment for fiscal year 2011-2012 as provided  
9 in this section in lieu of the allowed growth factor provisions  
10 of section 331.438, subsection 2, and section 331.439,  
11 subsection 3, and chapter 426B:

12 ..... \$ 48,697,893

13 Sec. 46. 2010 Iowa Acts, chapter 1193, section 1, as  
14 amended by this division of this Act, is amended by adding the  
15 following new subsections:

16 NEW SUBSECTION. 4. Of the amount appropriated in this  
17 section, \$12,000,000 shall be distributed as provided in this  
18 subsection.

19 a. To be eligible to receive a distribution under this  
20 subsection, a county must meet the following requirements:

21 (1) The county is levying for the maximum amount allowed  
22 for the county's mental health, mental retardation, and  
23 developmental disabilities services fund under section 331.424A  
24 for taxes due and payable in the fiscal year beginning July 1,  
25 2011, or the county is levying for at least 90 percent of the  
26 maximum amount allowed for the county's services fund and that  
27 levy rate is more than \$2 per \$1,000 of the assessed value of  
28 all taxable property in the county.

29 (2) In the fiscal year beginning July 1, 2009, the  
30 county's mental health, mental retardation, and developmental  
31 disabilities services fund ending balance under generally  
32 accepted accounting principles was equal to or less than 15  
33 percent of the county's actual gross expenditures for that  
34 fiscal year.

35 b. The amount of a county's distribution from the allocation

1 made in this subsection shall be determined based upon the  
2 county's proportion of the general population of the counties  
3 eligible to receive a distribution under this subsection. The  
4 latest certified federal census issued by the United States  
5 bureau of the census shall be applied in determining population  
6 for the purposes of this paragraph.

7 c. The distributions made pursuant to this subsection  
8 are subject to the distribution provisions and withholding  
9 requirements established in this section for the county mental  
10 health, mental retardation, and developmental disabilities  
11 allowed growth factor adjustment for the fiscal year beginning  
12 July 1, 2011.

13 NEW SUBSECTION. 5. The following amount of the funding  
14 appropriated in this section is the allowed growth factor  
15 adjustment for fiscal year 2011-2012, and shall be credited to  
16 the allowed growth funding pool created in the property tax  
17 relief fund and for distribution in accordance with section  
18 426B.5, subsection 1:

19 ..... \$ 36,697,893

20 For the distribution made for the fiscal year beginning  
21 July 1, 2011, a county that is levying at least 92 percent of  
22 the maximum amount allowed for the county's mental health,  
23 mental retardation, and developmental disabilities services  
24 fund under section 331.424A for the fiscal year and that had a  
25 negative services fund balance for the fiscal year beginning  
26 July 1, 2009, after disregarding the temporary funding increase  
27 provided to counties for the fiscal year beginning July 1,  
28 2009, through the federal American Recovery and Reinvestment  
29 Act of 2009, Pub. L. No. 111-5, shall be deemed to have met  
30 the allocation eligibility requirement under section 426B.5,  
31 subsection 1, paragraph "d", subparagraph (1), subparagraph  
32 division (a).

33 NEW SUBSECTION. 6. The following formula amounts shall be  
34 utilized only to calculate preliminary distribution amounts for  
35 the allowed growth factor adjustment for fiscal year 2011-2012

1 under this section by applying the indicated formula provisions  
2 to the formula amounts and producing a preliminary distribution  
3 total for each county:

4 a. For calculation of a distribution amount for eligible  
5 counties from the allowed growth funding pool created in the  
6 property tax relief fund in accordance with the requirements  
7 in section 426B.5, subsection 1, and including the allocation  
8 eligibility provision authorized in subsection 5 of this  
9 section:

10 ..... \$ 49,773,346

11 b. For calculation of a distribution amount for counties  
12 from the mental health and developmental disabilities (MH/DD)  
13 community services fund in accordance with the formula provided  
14 in the appropriation made for the MH/DD community services fund  
15 for the fiscal year beginning July 1, 2011:

16 ..... \$ 14,187,556

17 NEW SUBSECTION. 7. a. After applying the applicable  
18 statutory distribution formulas to the amounts indicated in  
19 subsection 6 for purposes of producing preliminary distribution  
20 totals, the department of human services shall apply a  
21 withholding factor to adjust an eligible individual county's  
22 preliminary distribution total. In order to be eligible for  
23 a distribution under this section, a county must be levying  
24 90 percent or more of the maximum amount allowed for the  
25 county's mental health, mental retardation, and developmental  
26 disabilities services fund under section 331.424A for taxes due  
27 and payable in the fiscal year for which the distribution is  
28 payable.

29 b. An ending balance percentage for each county shall  
30 be determined by expressing the county's ending balance on a  
31 modified accrual basis under generally accepted accounting  
32 principles for the fiscal year beginning July 1, 2009, in the  
33 county's mental health, mental retardation, and developmental  
34 disabilities services fund created under section 331.424A, as a  
35 percentage of the county's gross expenditures from that fund



1 for that fiscal year. If a county borrowed moneys for purposes  
2 of providing services from the county's services fund on or  
3 before July 1, 2009, and the county's services fund ending  
4 balance for that fiscal year includes the loan proceeds or an  
5 amount designated in the county budget to service the loan for  
6 the borrowed moneys, those amounts shall not be considered  
7 to be part of the county's ending balance for purposes of  
8 calculating an ending balance percentage under this subsection.

9 c. For purposes of calculating withholding factors and  
10 for ending balance amounts used for other purposes under law,  
11 the county ending balances shall be adjusted, using forms  
12 developed for this purpose by the county finance committee,  
13 to disregard the temporary funding increase provided to the  
14 counties for the fiscal year through the federal American  
15 Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5. In  
16 addition, a county may adjust the ending balance amount by  
17 rebating to the department all or a portion of the allowed  
18 growth and MH/DD services fund moneys the county received for  
19 the fiscal year beginning July 1, 2010, in accordance with  
20 2009 Iowa Acts, chapter 179, section 1, as amended by 2009  
21 Iowa Acts, chapter 1192, sections 47 and 48, or from any other  
22 services fund moneys available to the county. The rebate must  
23 be remitted to the department on or before June 1, 2011, in  
24 order to be counted. However, if this division of this Act  
25 is enacted after June 1, 2011, the rebate must be remitted no  
26 later than 10 calendar days after the date of the governor's  
27 approval of this Act. The amount rebated by a county shall be  
28 subtracted dollar-for-dollar from the county's ending balance  
29 amount for the fiscal year beginning July 1, 2009, for purposes  
30 of calculating the withholding factor and for other ending  
31 balance purposes for the fiscal year beginning July 1, 2011.  
32 The rebates received by the department shall be credited to the  
33 property tax relief fund and distributed as additional funding  
34 for the fiscal year beginning July 1, 2011, in accordance with  
35 the formula provisions in this section.

1 d. The withholding factor for a county shall be the  
2 following applicable percent:

3 (1) For an ending balance percentage of less than 5  
4 percent, a withholding factor of 0 percent. In addition,  
5 a county that is subject to this lettered paragraph shall  
6 receive an inflation adjustment equal to 3 percent of the gross  
7 expenditures reported for the county's services fund for the  
8 fiscal year.

9 (2) For an ending balance percentage of 5 percent or more  
10 but less than 10 percent, a withholding factor of 0 percent.  
11 In addition, a county that is subject to this lettered  
12 paragraph shall receive an inflation adjustment equal to 2  
13 percent of the gross expenditures reported for the county's  
14 services fund for the fiscal year.

15 (3) For an ending balance percentage of 10 percent or more  
16 but less than 25 percent, a withholding factor of 25 percent.  
17 However, for counties with an ending balance percentage of 10  
18 percent or more but less than 15 percent, the amount withheld  
19 shall be limited to the amount by which the county's ending  
20 balance was in excess of the ending balance percentage of 10  
21 percent.

22 (4) For an ending balance percentage of 25 percent or more,  
23 a withholding percentage of 100 percent.

24 NEW SUBSECTION. 8. The total withholding amounts applied  
25 pursuant to subsection 7 shall be equal to a withholding target  
26 amount of \$13,075,453. If the department of human services  
27 determines that the amount appropriated is insufficient or  
28 the amount to be withheld in accordance with subsection 7 is  
29 not equal to the target withholding amount, the department  
30 shall adjust the withholding factors listed in subsection 7 as  
31 necessary to achieve the target withholding amount. However,  
32 in making such adjustments to the withholding factors, the  
33 department shall strive to minimize changes to the withholding  
34 factors for those ending balance percentage ranges that are  
35 lower than others and shall only adjust the zero withholding

1 factor or the inflation adjustment percentages specified in  
2 subsection 7, paragraph "d", when the amount appropriated is  
3 insufficient.

4 Sec. 47. 2010 Iowa Acts, chapter 1193, section 99, is  
5 amended to read as follows:

6 SEC. 99. MH/MR/DD SERVICES FUND TRANSFER. Notwithstanding  
7 section 331.424A, subsection 5, and section 331.432, subsection  
8 3, for the fiscal year beginning July 1, 2010, and ending June  
9 30, 2011, a county may transfer moneys from other funds of the  
10 county to the county's mental health, mental retardation, and  
11 developmental disabilities services fund created in section  
12 331.424A. A county transferring moneys from other funds of the  
13 county to the county's services fund pursuant to this section  
14 shall submit a report detailing the transfers made and funds  
15 affected. The county shall submit the report along with the  
16 county expenditure and information report submitted by December  
17 1, ~~2010~~ 2011, in accordance with section 331.439.

18 Sec. 48. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
19 APPLICABILITY. The section of this division of this Act  
20 amending 2010 Iowa Acts, chapter 1193, section 99, being deemed  
21 of immediate importance, takes effect upon enactment and is  
22 retroactively applicable to December 1, 2010.

23 DIVISION VII

24 PRIOR APPROPRIATIONS AND RELATED CHANGES

25 COMMUNITY HOUSING AND SERVICES REVOLVING LOAN PROGRAM

26 Sec. 49. NEW SECTION. 16.185 **Community housing and services**  
27 **for persons with disabilities revolving loan program fund.**

28 1. A community housing and services for persons with  
29 disabilities revolving loan program fund is created within the  
30 authority to further the availability of affordable housing and  
31 supportive services for Medicaid waiver-eligible individuals  
32 with behaviors that provide significant barriers to accessing  
33 traditional rental and supportive services opportunities. The  
34 moneys in the fund are annually appropriated to the authority  
35 to be used for the development and operation of a revolving

1 loan program to provide financing to construct affordable  
2 permanent supportive housing or develop infrastructure in  
3 which to provide supportive services, including through new  
4 construction, acquisition and rehabilitation of existing  
5 housing or infrastructure, or conversion or adaptive reuse.

6 2. Moneys transferred by the authority for deposit in the  
7 community housing and services for persons with disabilities  
8 revolving loan program fund, moneys appropriated to the  
9 community housing and services for persons with disabilities  
10 revolving loan program, and any other moneys available to and  
11 obtained or accepted by the authority for placement in the  
12 fund shall be credited to the fund. Additionally, payment of  
13 interest, recaptures of awards, and other repayments to the  
14 community housing and services for persons with disabilities  
15 revolving loan program fund shall be credited to the fund.  
16 Notwithstanding section 12C.7, subsection 2, interest or  
17 earnings on moneys in the fund shall be credited to the fund.  
18 Notwithstanding section 8.33, moneys credited to the fund from  
19 any other fund that remain unencumbered or unobligated at the  
20 close of the fiscal year shall not revert to the other fund.

21 3. a. The authority shall annually allocate moneys  
22 available in the fund for the development of permanent  
23 supportive housing for Medicaid waiver-eligible individuals.  
24 The authority shall develop a joint application process for the  
25 allocation of United States housing and urban development HOME  
26 investment partnerships program funding and the funds available  
27 under this section. Moneys allocated to such projects may be  
28 in the form of loans, forgivable loans, or a combination of  
29 loans and forgivable loans.

30 b. The authority shall annually allocate moneys available  
31 in the fund for the development of infrastructure in which  
32 to provide supportive services for Medicaid waiver-eligible  
33 individuals who meet the psychiatric medical institution for  
34 children level of care. Moneys allocated to such projects may  
35 be in the form of loans, forgivable loans, or a combination of

1 loans and forgivable loans.

2 4. a. A project shall demonstrate written approval of the  
3 project by the department of human services to the authority  
4 prior to application for funding under this section.

5 b. In order to be approved by the department of human  
6 services for application for funding for development of  
7 permanent supportive housing under this section, a project  
8 shall include all of the following components:

9 (1) Provision of services to any of the following Medicaid  
10 waiver-eligible individuals:

11 (a) Individuals who are currently underserved in community  
12 placements, including individuals who are physically aggressive  
13 or have behaviors that are difficult to manage or individuals  
14 who meet the psychiatric medical institution for children level  
15 of care.

16 (b) Individuals who are currently residing in out-of-state  
17 facilities.

18 (c) Individuals who are currently receiving care in a  
19 licensed health care facility.

20 (2) A plan to provide each individual with crisis  
21 stabilization services to ensure that the individual's  
22 behavioral issues are appropriately addressed by the provider.

23 (3) Policies and procedures that prohibit discharge of the  
24 individual from the waiver services provided by the project  
25 provider unless an alternative placement that is acceptable to  
26 the client or the client's guardian is identified.

27 c. In order to be approved by the department of human  
28 services for application for funding for development of  
29 infrastructure in which to provide supportive services under  
30 this section, a project shall include all of the following  
31 components:

32 (1) Provision of services to Medicaid waiver-eligible  
33 individuals who meet the psychiatric medical institution for  
34 children level of care.

35 (2) Policies and procedures that prohibit discharge of the

1 individual from the waiver services provided by the project  
2 provider unless an alternative placement that is acceptable to  
3 the client or the client's guardian is identified.

4 *d.* Housing provided through a project under this section is  
5 exempt from the requirements of chapter 1350.

6 5. The authority, in collaboration with the department of  
7 human services, shall adopt rules pursuant to chapter 17A to  
8 administer this section.

9 VIETNAM CONFLICT VETERANS BONUS

10 Sec. 50. Section 35A.8A, subsection 2, paragraph d, Code  
11 2011, is amended to read as follows:

12 *d.* The person files an application for compensation under  
13 this section, in a manner determined by the department of  
14 veterans affairs, by ~~July 1, 2010~~ May 1, 2011.

15 VIETNAM CONFLICT VETERANS

16 BONUS FUND

17 Sec. 51. 2008 Iowa Acts, chapter 1187, section 68, as  
18 amended by 2009 Iowa Acts, chapter 182, section 82, and 2010  
19 Iowa Acts, chapter 1192, section 55, is amended to read as  
20 follows:

21 Notwithstanding section 8.33, moneys appropriated in this  
22 section that remain unencumbered or unobligated at the close of  
23 the fiscal year shall not revert but shall remain available for  
24 expenditure for the purposes designated until the ~~close of the~~  
25 ~~fiscal year beginning July 1, 2010~~ repeal of section 35A.8A.  
26 Upon such repeal, the remaining moneys shall be transferred to  
27 the veterans trust fund and, notwithstanding section 35A.13,  
28 subsection 3, shall only be expended in accordance with an  
29 appropriation for purposes of a bonus enacted for veterans of  
30 the conflicts in Panama, Grenada, Lebanon, or the Persian Gulf.

31 INJURED VETERANS GRANT PROGRAM

32 Sec. 52. 2008 Iowa Acts, chapter 1187, section 69,  
33 unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter  
34 182, section 83, and 2010 Iowa Acts, chapter 1192, section 56,  
35 is amended to read as follows:

1 Notwithstanding section 8.33, moneys appropriated in this  
2 subsection that remain unencumbered or unobligated at the close  
3 of the fiscal year shall not revert but shall remain available  
4 for expenditure for the purposes designated until the close of  
5 the fiscal year beginning July 1, ~~2010~~ 2011.

6 BEHAVIORAL HEALTH SERVICES

7 ACCOUNT — MEDICAL ASSISTANCE

8 Sec. 53. 2009 Iowa Acts, chapter 182, section 9, subsection  
9 16, paragraph b, as amended by 2010 Iowa Acts, chapter 1192,  
10 section 63, is amended to read as follows:

11 b. The department shall continue to maintain a separate  
12 account within the medical assistance budget for the deposit  
13 of all funds remitted pursuant to a contract with a third  
14 party to administer behavioral health services under the  
15 medical assistance program established pursuant to 2008 Iowa  
16 Acts, chapter 1187, section 9, subsection 20. Notwithstanding  
17 section 8.33, other than funds remaining from the appropriation  
18 allocations made for implementation of the emergency mental  
19 health crisis services and system, for implementation of the  
20 mental health services system for children and youth, and  
21 for training of child welfare services providers in 2008  
22 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph  
23 "c", subparagraphs (1), (2), and (6), as authorized in 2009  
24 Iowa Acts, chapter 182, section 72, shall not revert but  
25 shall remain available in succeeding fiscal years to be used  
26 for the purposes designated until expended and any other  
27 funds remaining in the account that remain unencumbered or  
28 unobligated at the end of the fiscal year shall not revert  
29 but shall remain available in succeeding fiscal years  
30 and are appropriated to the department to be used for the  
31 medical assistance program to be used for purposes of crisis  
32 stabilization and other mental and behavioral health service  
33 improvements.

34 CHILD WELFARE DECATEGORIZATION

35 FY 2009-2010 NONREVERSION

1     Sec. 54. 2009 Iowa Acts, chapter 182, section 14, subsection  
2 5, is amended by adding the following new unnumbered paragraph:  
3     NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
4 232.188, subsection 5, moneys from the allocations made  
5 in this subsection or made from any other source for the  
6 decategorization of child welfare and juvenile justice funding  
7 initiative under section 232.188 for the fiscal year beginning  
8 July 1, 2009, that are designated as carryover funding that  
9 remain unencumbered or unobligated at the close of the fiscal  
10 year beginning July 1, 2010, shall not revert but shall be  
11 transferred to the community housing and services for persons  
12 with disabilities revolving loan program fund created in  
13 section 16.185, as enacted by this division of this Act.

14     AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 — ALLOCATION  
15                     FOR INFANT AND TODDLER CARE QUALITY

16     Sec. 55. 2009 Iowa Acts, chapter 183, section 62, subsection  
17 3, is amended to read as follows:

18     3. For the purposes of this subsection, "federal poverty  
19 level" means the poverty level defined by the most recently  
20 revised poverty income guidelines published by the United  
21 States department of health and human services. The program  
22 shall provide financial assistance to families with infants  
23 and toddlers less than thirty-six months of age ~~two~~ that have  
24 a family income of more than 145 percent but not more than 185  
25 percent of the federal poverty level. However, the department  
26 may adjust the qualifying criteria or the financial assistance  
27 purpose provisions specified in this subsection or make other  
28 changes as necessary for implementation to conform with federal  
29 requirements for the funding. Outcome reporting and other  
30 grant requirements shall be developed by the department in  
31 cooperation with the Iowa empowerment board.

32     Sec. 56. 2009 Iowa Acts, chapter 183, section 62, subsection  
33 4, is amended to read as follows:

34     4. The financial assistance shall be for any of the  
35 following purposes:



1 a. For making temporary payments to qualifying families  
2 whose members are recently unemployed and seeking work to use  
3 in meeting immediate family needs.

4 b. For providing sliding scale subsidies for qualifying  
5 families for child care provided to the families' infants  
6 and toddlers by providers who are accredited by the national  
7 association for the education of young children or the national  
8 association for family child care, or who have a rating at  
9 level 3 2 or higher under the child care quality rating system  
10 implemented pursuant to section 237A.30.

11 c. For expanding training and other support for infant care  
12 providers in the community and this state.

13 d. For ensuring child care environments are healthy and  
14 safe.

15 e. For promoting positive relationships between parents  
16 and providers in their mutual efforts to care for very young  
17 children.

18 f. For ensuring that parents have the information and  
19 resources needed to choose quality child care.

20 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

21 Sec. 57. 2010 Iowa Acts, chapter 1192, section 1, subsection  
22 2, is amended to read as follows:

23 2. ~~a.~~ Of the funds appropriated in this section, \$1,246,514  
24 shall be transferred to the department of human services in  
25 equal amounts on a quarterly basis for reimbursement of case  
26 management services provided under the medical assistance  
27 elderly waiver. The department of human services shall adopt  
28 rules for case management services provided under the medical  
29 assistance elderly waiver in consultation with the department  
30 on aging.

31 ~~b. The department of human services shall review~~  
32 ~~projections for state funding expenditures for reimbursement~~  
33 ~~of case management services under the medical assistance~~  
34 ~~elderly waiver on a quarterly basis and shall determine if an~~  
35 ~~adjustment to the medical assistance reimbursement rates are~~

~~1 necessary to provide reimbursement within the state funding  
2 amounts budgeted under the appropriations made for the fiscal  
3 year for the medical assistance program. Any temporary  
4 enhanced federal financial participation that may become  
5 available for the medical assistance program during the fiscal  
6 year shall not be used in projecting the medical assistance  
7 elderly waiver case management budget. The department of human  
8 services shall revise such reimbursement rates as necessary to  
9 maintain expenditures for medical assistance elderly waiver  
10 case management services within the state funding amounts  
11 budgeted under the appropriations made for the fiscal year for  
12 the medical assistance program.~~

13 IOWA VETERANS HOME

14 Sec. 58. 2010 Iowa Acts, chapter 1192, section 3, subsection  
15 2, is amended by adding the following new paragraph:

16 NEW PARAGRAPH. d. The funds appropriated in this subsection  
17 to the Iowa veterans home that remain available for expenditure  
18 for the succeeding fiscal year pursuant to section 35D.18,  
19 subsection 5, shall be distributed to be used in the succeeding  
20 fiscal year in accordance with this lettered paragraph. The  
21 first \$500,000 shall remain available to be used for the  
22 purposes of the Iowa veterans home. On or before October 15,  
23 2011, the department of management shall transfer the remaining  
24 balance to the appropriation to the department of human  
25 services for medical assistance.

26 MEDICAL ASSISTANCE PROGRAM

27 Sec. 59. 2010 Iowa Acts, chapter 1192, section 11, is  
28 amended by adding the following new subsection:

29 NEW SUBSECTION. 25. The department may increase the amounts  
30 allocated for salaries, support, maintenance, and miscellaneous  
31 purposes associated with the medical assistance program as  
32 necessary to implement cost containment efforts in order to  
33 accomplish medical assistance program savings. These amounts  
34 may be transferred to the appropriation made in this division  
35 of this Act for the health insurance premium payment program.

1 STATE SUPPLEMENTARY ASSISTANCE PROGRAM

2 Sec. 60. 2010 Iowa Acts, chapter 1192, section 14, is  
3 amended by adding the following new subsection:

4 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
5 appropriated in this section that remain unencumbered or  
6 unobligated at the close of the fiscal year shall remain  
7 available for expenditure for the purposes designated until the  
8 close of the succeeding fiscal year.

9 CHILD WELFARE TRAINING ACADEMY

10 Sec. 61. 2010 Iowa Acts, chapter 1192, section 19,  
11 subsection 22, is amended to read as follows:

12 22. Of the funds appropriated in this section, at least  
13 \$47,158 shall be used for the child welfare training academy.  
14 Notwithstanding section 8.33, moneys allocated in this  
15 subsection that remain unencumbered or unobligated at the close  
16 of the fiscal year shall not revert but shall remain available  
17 for expenditure for the purposes designated until the close of  
18 the succeeding fiscal year.

19 ADOPTION SUBSIDY TRANSFER AND NONREVERSION

20 Sec. 62. 2010 Iowa Acts, chapter 1192, section 20, is  
21 amended by adding the following new subsections:

22 NEW SUBSECTION. 4. Of the funds appropriated in this  
23 section, \$60,000 shall be transferred to the appropriation  
24 made in this division of this Act for the state mental health  
25 institute at Cherokee to be used for childrens' beds at the  
26 institute.

27 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys  
28 appropriated in this section that remain unencumbered or  
29 unobligated at the close of the fiscal year shall not revert  
30 but shall remain available for expenditure for the purposes  
31 designated until the close of the succeeding fiscal year.

32 DEPARTMENT OF HUMAN SERVICES — FIELD OPERATIONS

33 Sec. 63. 2010 Iowa Acts, chapter 1192, section 29, is  
34 amended by adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,

1 moneys appropriated in this section that remain unencumbered or  
2 unobligated at the close of the fiscal year shall not revert  
3 but shall remain available for expenditure for the purposes  
4 designated until the close of the succeeding fiscal year.

5 DEPARTMENT OF HUMAN SERVICES — GENERAL ADMINISTRATION

6 Sec. 64. 2010 Iowa Acts, chapter 1192, section 30, is  
7 amended by adding the following new subsection:

8 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys  
9 appropriated in this section and the designated allocations  
10 that remain unencumbered or unobligated at the close of the  
11 fiscal year shall not revert but shall remain available for  
12 expenditure for the purposes designated until the close of the  
13 succeeding fiscal year.

14 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

15 Sec. 65. 2010 Iowa Acts, chapter 1192, section 37,  
16 subsection 1, is amended to read as follows:

17 1. a. Of the funds appropriated in this section, \$1,010,000  
18 shall be transferred to the department of human services in  
19 equal amounts on a quarterly basis for reimbursement of case  
20 management services provided under the medical assistance  
21 elderly waiver.

22 ~~b. The department of human services shall review~~  
23 ~~projections for state funding expenditures for reimbursement~~  
24 ~~of case management services under the medical assistance~~  
25 ~~elderly waiver on a quarterly basis and shall determine if an~~  
26 ~~adjustment to the medical assistance reimbursement rates are~~  
27 ~~necessary to provide reimbursement within the state funding~~  
28 ~~amounts budgeted under the appropriations made for the fiscal~~  
29 ~~year for the medical assistance program. Any temporary~~  
30 ~~enhanced federal financial participation that may become~~  
31 ~~available for the medical assistance program during the fiscal~~  
32 ~~year shall not be used in projecting the medical assistance~~  
33 ~~elderly waiver case management budget. The department of human~~  
34 ~~services shall revise such reimbursement rates as necessary to~~  
35 ~~maintain expenditures for medical assistance elderly waiver~~

1 ~~case management services within the state funding amounts~~  
2 ~~budgeted under the appropriations made for the fiscal year for~~  
3 ~~the medical assistance program.~~

4 QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES  
5 Sec. 66. 2010 Iowa Acts, chapter 1192, section 44, is  
6 amended to read as follows:

7 SEC. 44. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN  
8 SERVICES. Notwithstanding any provision to the contrary and  
9 subject to the availability of funds, there is appropriated  
10 from the quality assurance trust fund created in section  
11 249L.4 to the department of human services for the fiscal year  
12 beginning July 1, 2010, and ending June 30, 2011, the following  
13 amounts, or so much thereof as is necessary for the purposes  
14 designated:

15 To supplement the appropriation made in this Act from the  
16 general fund of the state to the department of human services  
17 for medical assistance:

18 ..... \$ ~~13,900,000~~  
19 33,708,458

20 1. Of the funds appropriated in this section, \$7,500,000  
21 shall be used for nursing facility reimbursement under the  
22 medical assistance program in accordance with the nursing  
23 facility reimbursement provisions of division IV of this  
24 Act, to continue application of the administrative rules  
25 changes relating to nursing facility reimbursement and payment  
26 procedures made pursuant to 2010 Iowa Acts, Senate File 2366,  
27 if enacted, for the fiscal year beginning July 1, 2010, and  
28 ending June 30, 2011, and to restore the 5 percent reduction  
29 made in nursing facility reimbursement in accordance with  
30 executive order number 19 issued October 8, 2009.

31 2. The costs associated with the implementation of this  
32 section shall be funded exclusively through moneys appropriated  
33 from the quality assurance trust fund, and shall result in  
34 budget neutrality to the general fund of the state for the  
35 fiscal year beginning July 1, 2010, and ending June 30, 2011.

1 INJURED VETERANS TRUST FUND

2 Sec. 67. INJURED VETERANS TRUST FUND. There is appropriated  
3 from the general fund of the state to the department of  
4 veterans affairs for the fiscal year beginning July 1,  
5 2010, and ending June 30, 2011, the following amount, or so  
6 much thereof as is necessary, to be used for the purposes  
7 designated:

8 To be credited to the injured veterans trust fund created  
9 pursuant to section 35A.14 to be used for the injured veterans  
10 grant program:

11 ..... \$ 1,000,000

12 The department shall review the rules and statutory  
13 provisions pertaining to the injured veterans grant program and  
14 propose amendments to improve the program. Notwithstanding  
15 section 8.33, moneys appropriated in this section that remain  
16 unencumbered or unobligated at the close of the fiscal year  
17 shall not revert but shall remain available for expenditure for  
18 the purposes designated until expended.

19 MERCHANT MARINE BONUS FUND TRANSFER

20 Sec. 68. DEPARTMENT OF CULTURAL AFFAIRS — MERCHANT MARINE  
21 BONUS FUND.

22 1. The appropriation made from the merchant marine bonus  
23 fund to the department of cultural affairs for the fiscal year  
24 beginning July 1, 2010, and ending June 30, 2011, in 2010 Iowa  
25 Acts, chapter 1193, section 82, shall be transferred on the  
26 effective date of this section to the department of veterans  
27 affairs to be used for departmental costs.

28 2. Moneys transferred pursuant to this section that remain  
29 unencumbered or unobligated at the close of the fiscal year  
30 shall be credited to the veterans trust fund created in section  
31 35A.13.

32 Sec. 69. DECATEGORIZATION PROJECT FUNDING. For the  
33 period beginning June 1, 2010, and ending June 30, 2012, a  
34 child welfare and juvenile justice funding decategorization  
35 initiative project that is incorporated and owns real property

1 may utilize project funding to purchase liability insurance.

2 STATE INSTITUTION — APPROPRIATION TRANSFERS

3 Sec. 70. DEPARTMENT OF HUMAN SERVICES. There is transferred  
4 between the following designated appropriations made to the  
5 department of human services for the fiscal year beginning July  
6 1, 2010, and ending June 30, 2011, not more than the following  
7 amounts:

8 1. From the appropriation made for purposes of the state  
9 resource center at Glenwood in 2010 Iowa Acts, chapter 1192,  
10 section 25, subsection 1, paragraph "a", to the appropriation  
11 made for purposes of the Iowa juvenile home at Toledo in 2010  
12 Iowa Acts, chapter 1192, section 17, subsection 1:  
13 ..... \$ 400,000

14 2. From the appropriation made for purposes of the state  
15 resource center at Woodward in 2010 Iowa Acts, chapter 1192,  
16 section 25, subsection 1, paragraph "b", to the appropriation  
17 made for purposes of the state mental health institute at  
18 Independence in 2010 Iowa Acts, chapter 1192, section 24,  
19 subsection 1, paragraph "c":  
20 ..... \$ 400,000

21 Sec. 71. ACCOUNTABLE CARE ORGANIZATION — PILOT.

22 1. a. If an entity applies for certification from the  
23 secretary of the United States department of health and  
24 human services prior to January 1, 2012, and is subsequently  
25 certified to administer an accountable care organization  
26 pilot project, pursuant to the federal Patient Protection and  
27 Accountability Act, Pub. L. No. 111-148, the department of  
28 human services shall work with the entity to provide access to  
29 the complete deidentified claims data of the medical assistance  
30 recipients receiving health care services through the pilot  
31 project for the purposes of identifying areas of utilization,  
32 need, and potential cost savings to the medical assistance  
33 program subject to all applicable state and federal laws and  
34 regulations. The department may also employ new payment  
35 models, information technology, and data analytics provisions

1 necessary to the administration of the pilot project.

2 b. The department of human services shall work with an  
3 entity to administer an accountable care organization pilot  
4 project, only if the centers for Medicare and Medicaid services  
5 of the United States department of health and human services  
6 approves participation of the medical assistance program in  
7 the pilot project and the entity meets all of the following  
8 requirements:

9 (1) At a minimum, includes the participation of a  
10 prospective payment system hospital, ten primary care  
11 physicians, a home health care practice, a palliative care  
12 services, a hospice service, and a community mental health  
13 center, all of which agree to be paid under a partial or global  
14 payment for identified services.

15 (2) Requires all participating providers to utilize  
16 electronic health records.

17 (3) Includes delivery of mental health services to  
18 recipients of medical assistance through collaboration with  
19 the regional community mental health center, a federally  
20 qualified health center, and at least one nursing facility as  
21 consistent with any other law enacted by the Eighty-fourth  
22 general assembly, 2011 session, that redesigns the mental  
23 health delivery system in the state.

24 c. The entity certified to implement the pilot project shall  
25 report to the joint appropriations subcommittee for health and  
26 human services during the 2012 legislative session detailing  
27 the progress and expected outcomes of the pilot project.

28 Sec. 72. EMERGENCY RULES. For purposes of the initial  
29 rules to implement the provisions of section 16.185, as enacted  
30 by this division of this Act, the Iowa finance authority may  
31 adopt administrative rules under section 17A.4, subsection  
32 3, and section 17A.5, subsection 2, paragraph "b", to  
33 implement the provisions and the rules shall become effective  
34 immediately upon filing or on a later effective date specified  
35 in the rules, unless the effective date is delayed by the



1 administrative rules review committee. Any rules adopted in  
2 accordance with this section shall not take effect before  
3 the rules are reviewed by the administrative rules review  
4 committee. The delay authority provided to the administrative  
5 rules review committee under section 17A.4, subsection 7, and  
6 section 17A.8, subsection 9, shall be applicable to a delay  
7 imposed under this section, notwithstanding a provision in  
8 those sections making them inapplicable to section 17A.5,  
9 subsection 2, paragraph "b". Any rules adopted in accordance  
10 with the provisions of this section shall also be published as  
11 a notice of intended action as provided in section 17A.4.

12     Sec. 73. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
13 APPLICABILITY. Except as otherwise provided by this division  
14 of this Act, this division of this Act, being deemed of  
15 immediate importance, takes effect upon enactment and if  
16 approved by the governor on or after July 1, 2011, applies  
17 retroactively to June 30, 2011.

18     Sec. 74. RETROACTIVE APPLICABILITY. The section of this  
19 division of this Act addressing child welfare and juvenile  
20 justice funding decategorization initiative project funding for  
21 the period beginning June 1, 2010, and ending June 30, 2012,  
22 applies retroactively to June 1, 2010.

23     Sec. 75. RETROACTIVE APPLICABILITY. The section of  
24 this division of this Act amending section 35A.8A, applies  
25 retroactively to July 1, 2010.

26     Sec. 76. RETROACTIVE APPLICABILITY. The section of this  
27 division of this Act making transfers between appropriations  
28 made to the department of human services for state institutions  
29 in 2010 Iowa Acts, chapter 1192, applies retroactively to  
30 January 1, 2011.

31                                   DIVISION VIII

32                   PREVENTION AND CHRONIC CARE MANAGEMENT

33     Sec. 77. Section 135.159, subsection 10, Code 2011, is  
34 amended to read as follows:

35     10. The department shall integrate the recommendations

1 and policies developed by the ~~prevention and chronic care~~  
2 ~~management advisory council~~ pursuant to section 135.161, Code  
3 2011, into the medical home system and shall incorporate the  
4 development and implementation of the state initiative for  
5 prevention and chronic care management as developed pursuant to  
6 section 135.161, Code 2011, into the duties of the medical home  
7 system advisory council beginning January 1, 2012.

8 Sec. 78. Section 135.162, subsections 1 and 3, Code 2011,  
9 are amended to read as follows:

10 1. The director shall convene a clinicians advisory panel to  
11 advise and recommend to the department clinically appropriate,  
12 evidence-based best practices regarding the implementation  
13 of the medical home as defined in section 135.157 and the  
14 ~~prevention and chronic care management initiative pursuant to~~  
15 ~~section 135.161~~. The director shall act as chairperson of the  
16 advisory panel.

17 3. The clinicians advisory panel shall meet on a quarterly  
18 basis to receive updates from the director regarding strategic  
19 planning and implementation progress on the medical home and  
20 ~~the prevention and chronic care management initiative~~ and shall  
21 provide clinical consultation to the department regarding the  
22 medical home and the initiative.

23 Sec. 79. Section 136.3, subsection 14, Code 2011, is amended  
24 to read as follows:

25 14. Perform those duties authorized pursuant to sections  
26 135.156, and 135.159, ~~and 135.161~~, and other provisions of law.

27 Sec. 80. REPEAL. Section 135.161, Code 2011, is repealed.

28 Sec. 81. EFFECTIVE DATE. This division of this Act takes  
29 effect December 31, 2011.

30 DIVISION IX

31 MISCELLANEOUS

32 Sec. 82. Section 29C.20B, Code 2011, is amended to read as  
33 follows:

34 **29C.20B Disaster case management.**

35 1. The ~~rebuild Iowa office~~ homeland security and emergency

1 management division shall work with the department of  
 2 human services and nonprofit, voluntary, and faith-based  
 3 organizations active in disaster recovery and response  
 4 in coordination with ~~the homeland security and emergency~~  
 5 ~~management division~~ the department of human services to  
 6 establish a statewide system of disaster case management  
 7 to be activated following the governor's proclamation of a  
 8 disaster emergency or the declaration of a major disaster by  
 9 the president of the United States for individual assistance  
 10 purposes. Under the system, the ~~department of human services~~  
 11 homeland security and emergency management division shall  
 12 coordinate case management services locally through local  
 13 committees as established in each local emergency management  
 14 commission's emergency plan. ~~Beginning July 1, 2011, the~~  
 15 ~~department of human services shall assume the duties of the~~  
 16 ~~rebuild Iowa office under this subsection.~~

17 2. ~~The department of human services~~ homeland security  
 18 and emergency management division, in conjunction with the  
 19 ~~rebuild Iowa office, the homeland security and emergency~~  
 20 ~~management division~~ department of human services, and an  
 21 Iowa representative to the national voluntary organizations  
 22 active in disaster, shall adopt rules pursuant to chapter  
 23 17A to create coordination mechanisms and standards for the  
 24 establishment and implementation of a statewide system of  
 25 disaster case management which shall include at least all of  
 26 the following:

- 27 a. Disaster case management standards.
- 28 b. Disaster case management policies.
- 29 c. Reporting requirements.
- 30 d. Eligibility criteria.
- 31 e. Coordination mechanisms necessary to carry out the
- 32 services provided.
- 33 f. Develop formal working relationships with agencies and
- 34 create interagency agreements for those considered to provide
- 35 disaster case management services.

1 g. Coordination of all available services for individuals  
2 from multiple agencies.

3 Sec. 83. Section 135.106, Code 2011, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 4. It is the intent of the general  
6 assembly that priority for home visitation funding be given to  
7 approaches using evidence-based or promising models for home  
8 visitation.

9 Sec. 84. Section 135C.4, Code 2011, is amended to read as  
10 follows:

11 **135C.4 Residential care facilities.**

12 1. Each facility licensed as a residential care facility  
13 shall provide an organized continuous twenty-four-hour program  
14 of care commensurate with the needs of the residents of the  
15 home and under the immediate direction of a person approved  
16 and certified by the department whose combined training  
17 and supervised experience is such as to ensure adequate and  
18 competent care.

19 2. All admissions to residential care facilities shall be  
20 based on an order written by a physician certifying that the  
21 individual being admitted does not require nursing services or  
22 that the individual's need for nursing services can be avoided  
23 if home and community-based services, other than nursing care,  
24 as defined by this chapter and departmental rule, are provided.

25 3. For the purposes of this section, the home and  
26 community-based services to be provided shall be limited to the  
27 type included under the medical assistance program provided  
28 pursuant to chapter 249A, shall be subject to cost limitations  
29 established by the department of human services under the  
30 medical assistance program, and except as otherwise provided by  
31 the department of inspections and appeals with the concurrence  
32 of the department of human services, shall be limited in  
33 capacity to the number of licensed residential care facilities  
34 and the number of licensed residential care facility beds in  
35 the state as of December 1, 2003.

1     4. A residential care facility is not required to admit  
2 an individual through court order, referral, or other means  
3 if the individual has been arrested, charged, or convicted  
4 of a forcible felony, arson, or an offense that requires  
5 registration as a sex offender under chapter 692A. The court  
6 order, referral, or other documentation for admission of  
7 an individual to a residential care facility shall contain  
8 sufficient information relating to the criminal history of  
9 the individual in order for the facility to make an informed  
10 decision about the admittance of the individual. The court  
11 order, referral, or other documentation shall be provided to  
12 the facility prior to the facility determining whether to admit  
13 the individual.

14     Sec. 85. Section 135H.6, subsection 8, Code 2011, is amended  
15 to read as follows:

16     8. The department of human services may give approval to  
17 conversion of beds approved under subsection 6, to beds which  
18 are specialized to provide substance abuse treatment. However,  
19 the total number of beds approved under subsection 6 and this  
20 subsection shall not exceed four hundred thirty. Conversion  
21 of beds under this subsection shall not require a revision of  
22 the certificate of need issued for the psychiatric institution  
23 making the conversion. Beds for children who do not reside  
24 in this state and whose service costs are not paid by public  
25 funds in this state are not subject to the limitations on the  
26 number of beds and certificate of need requirements otherwise  
27 applicable under this section.

28     Sec. 86. Section 147.136, Code 2011, is amended to read as  
29 follows:

30     **147.136 Scope of recovery.**

31     1. In Except as otherwise provided in subsection 2, in an  
32 action for damages for personal injury against a physician and  
33 surgeon, osteopathic physician and surgeon, dentist, podiatric  
34 physician, optometrist, pharmacist, chiropractor, or nurse  
35 licensed to practice that profession in this state, or against

1 a hospital licensed for operation in this state, based on the  
2 alleged negligence of the practitioner in the practice of the  
3 profession or occupation, or upon the alleged negligence of  
4 the hospital in patient care, in which liability is admitted  
5 or established, the damages awarded shall not include actual  
6 economic losses incurred or to be incurred in the future by the  
7 claimant by reason of the personal injury, including but not  
8 limited to, the cost of reasonable and necessary medical care,  
9 rehabilitation services, and custodial care, and the loss of  
10 services and loss of earned income, to the extent that those  
11 losses are replaced or are indemnified by insurance, or by  
12 governmental, employment, or service benefit programs or from  
13 any other source ~~except the assets of the claimant or of the~~  
14 ~~members of the claimant's immediate family.~~

15 2. This section shall not bar recovery of economic losses  
16 replaced or indemnified by any of the following:

17 a. Benefits received under the medical assistance program  
18 under chapter 249A.

19 b. The assets of the claimant or of the members of the  
20 claimant's immediate family.

21 Sec. 87. Section 153.14, subsection 1, Code 2011, is amended  
22 to read as follows:

23 1. Students of dentistry who practice dentistry upon  
24 patients at clinics in connection with their regular course  
25 of instruction at ~~the state~~ an accredited dental college,  
26 students of dental hygiene who practice upon patients at  
27 clinics in connection with their regular course of instruction  
28 at state-approved schools, and students of dental assisting  
29 who practice upon patients at clinics in connection with a  
30 regular course of instruction determined by the board pursuant  
31 to section 153.39.

32 Sec. 88. Section 154A.24, subsection 3, paragraph s, Code  
33 2011, is amended by striking the paragraph.

34 Sec. 89. NEW SECTION. 155A.43 Pharmaceutical collection and  
35 disposal program — annual allocation.

1 Of the fees collected pursuant to sections 124.301 and  
2 147.80 and chapter 155A by the board of pharmacy, and retained  
3 by the board pursuant to section 147.82, not more than one  
4 hundred twenty-five thousand dollars, may be allocated annually  
5 by the board for administering the pharmaceutical collection  
6 and disposal program originally established pursuant to 2009  
7 Iowa Acts, chapter 175, section 9. The program shall provide  
8 for the management and disposal of unused, excess, and expired  
9 pharmaceuticals. The board of pharmacy may cooperate with the  
10 Iowa pharmacy association and may consult with the department  
11 and sanitary landfill operators in administering the program.

12 Sec. 90. Section 225B.8, Code 2011, is amended to read as  
13 follows:

14 **225B.8 Repeal.**

15 This chapter is repealed July 1, ~~2011~~ 2012.

16 Sec. 91. Section 232.188, subsection 5, paragraph b,  
17 unnumbered paragraph 1, Code 2011, is amended to read as  
18 follows:

19 Notwithstanding section 8.33, moneys designated for a  
20 project's decategorization services funding pool that remain  
21 unencumbered or unobligated at the close of the fiscal year  
22 shall not revert but shall remain available for expenditure as  
23 directed by the project's governance board for child welfare  
24 and juvenile justice systems enhancements and other purposes of  
25 the project ~~until the close of the succeeding fiscal year and~~  
26 for the next two succeeding fiscal years. Such moneys shall be  
27 known as "*carryover funding*". Moneys may be made available to a  
28 funding pool from one or more of the following sources:

29 Sec. 92. Section 235B.19, Code 2011, is amended by adding  
30 the following new subsection:

31 NEW SUBSECTION. 2A. a. The department shall serve a copy  
32 of the petition and any order authorizing protective services,  
33 if issued, on the dependent adult and on persons who are  
34 competent adults and reasonably ascertainable at the time the  
35 petition is filed in accordance with the following priority:

1 (1) An attorney in fact named by the dependent adult in a  
2 durable power of attorney for health care pursuant to chapter  
3 144B.

4 (2) The dependent adult's spouse.

5 (3) The dependent adult's children.

6 (4) The dependent adult's grandchildren.

7 (5) The dependent adult's siblings.

8 (6) The dependent adult's aunts and uncles.

9 (7) The dependent adult's nieces and nephews.

10 (8) The dependent adult's cousins.

11 *b.* When the department has served a person in one of the  
12 categories specified in paragraph "a", the department shall not  
13 be required to serve a person in any other category.

14 *c.* The department shall serve the dependent adult's copy  
15 of the petition and order personally upon the dependent  
16 adult. Service of the petition and all other orders and  
17 notices shall be in a sealed envelope with the proper postage  
18 on the envelope, addressed to the person being served at the  
19 person's last known post office address, and deposited in a  
20 mail receptacle provided by the United States postal service.  
21 The department shall serve such copies of emergency orders  
22 authorizing protective services and notices within three days  
23 after filing the petition and receiving such orders.

24 *d.* The department and all persons served by the department  
25 with notices under this subsection shall be prohibited from  
26 all of the following without prior court approval after the  
27 department's petition has been filed:

28 (1) Selling, removing, or otherwise disposing of the  
29 dependent adult's personal property.

30 (2) Withdrawing funds from any bank, savings and loan  
31 association, credit union, or other financial institution, or  
32 from an account containing securities in which the dependent  
33 adult has an interest.

34 Sec. 93. Section 237A.1, subsection 3, paragraph n, Code  
35 2011, is amended to read as follows:



1 n. A program offered to a child whose parent, guardian,  
2 or custodian is engaged solely in a recreational or social  
3 activity, remains immediately available and accessible on the  
4 physical premises on which the child's care is provided, and  
5 does not engage in employment while the care is provided.  
6 However, if the recreational or social activity is provided in  
7 a fitness center or on the premises of a nonprofit organization  
8 the parent, guardian, or custodian of the child may be employed  
9 to teach or lead the activity.

10 Sec. 94. Section 249A.4B, subsection 2, paragraph a,  
11 subparagraph (18), Code 2011, is amended to read as follows:

12 (18) The ~~Iowa/Nebraska~~ Iowa primary care association.

13 Sec. 95. REPEAL. Section 135.27A, Code 2011, is repealed  
14 December 31, 2011.

15 DIVISION X

16 MEDICAID PRESCRIPTION DRUGS

17 Sec. 96. Section 249A.20A, subsection 4, Code 2011, is  
18 amended to read as follows:

19 4. With the exception of drugs prescribed for the treatment  
20 of human immunodeficiency virus or acquired immune deficiency  
21 syndrome, transplantation, or cancer and drugs prescribed  
22 for mental illness with the exception of drugs and drug  
23 compounds that do not have a significant variation in a  
24 therapeutic profile or side effect profile within a therapeutic  
25 class, prescribing and dispensing of prescription drugs not  
26 included on the preferred drug list shall be subject to prior  
27 authorization.

28 Sec. 97. 2010 Iowa Acts, chapter 1031, section 348, is  
29 amended to read as follows:

30 SEC. 348. MEDICAID NONPREFERRED DRUG LIST PRESCRIBING.

31 ~~±~~ The department shall adopt rules pursuant to chapter 17A  
32 to restrict physicians and other prescribers to prescribing  
33 not more than a 72-hour or three-day supply of a prescription  
34 drug not included on the medical assistance preferred drug list  
35 while seeking approval to continue prescribing the medication.

1     ~~2. Notwithstanding subsection 1, the department shall~~  
2 ~~adopt rules pursuant to chapter 17A to restrict a physician or~~  
3 ~~other prescriber prescribing a chemically unique mental health~~  
4 ~~prescription drug to prescribing not more than a seven-day~~  
5 ~~supply of the prescription drug while requesting approval to~~  
6 ~~continue to prescribe the medication. The rules shall provide~~  
7 ~~that if an approval or disapproval is not received by the~~  
8 ~~physician or other prescriber within 48 hours of the request,~~  
9 ~~the request is deemed approved.~~

10     Sec. 98. REPEAL. 2010 Iowa Acts, chapter 1031, section 349,  
11 is repealed.

12     Sec. 99. RESCINDING AND ADOPTION OF RULES. The department  
13 of human services shall rescind the rules adopted pursuant  
14 to 2010 Iowa Acts, chapter 1031, section 347, chapter 1031,  
15 section 348, subsection 2, and chapter 1031, section 349,  
16 and shall instead adopt emergency rules under section 17A.4,  
17 subsection 3, and section 17A.5, subsection 2, paragraph "b",  
18 to implement section 249A.20A, as amended in this division of  
19 this Act, and the rules shall be effective immediately upon  
20 filing and retroactively applicable to January 1, 2011, unless  
21 a later date is specified in the rules. Any rules adopted  
22 in accordance with this section shall also be published as a  
23 notice of intended action as provided in section 17A.4.

24     Sec. 100. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
25 APPLICABILITY. This division of this Act, being deemed of  
26 immediate importance, takes effect upon enactment and applies  
27 retroactively to January 1, 2011.

28                                   DIVISION XI

29                                   IOWA FALSE CLAIMS ACT

30     Sec. 101. Section 685.1, subsection 11, Code 2011, is  
31 amended to read as follows:

32     11. *"Original source"* means an individual who ~~has direct and~~  
33 ~~independent~~ prior to a public disclosure under section 685.3,  
34 subsection 5, paragraph "c", has voluntarily disclosed to the  
35 state the information on which the allegations or transactions

1 in a claim are based; or who has knowledge of the information  
2 on which the allegations are based that is independent of  
3 and materially adds to the publicly disclosed allegations or  
4 transactions, and has voluntarily provided the information to  
5 the state before filing an action under ~~section 685.3 which is~~  
6 ~~based on the information~~ this chapter.

7 Sec. 102. Section 685.1, Code 2011, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 15. *“State”* means the state of Iowa.

10 Sec. 103. Section 685.2, subsection 1, unnumbered paragraph  
11 1, Code 2011, is amended to read as follows:

12 A person who commits any of the following acts is jointly  
13 and severally liable to the state for a civil penalty of not  
14 less than ~~five thousand dollars~~ and not more than ~~ten thousand~~  
15 ~~dollars~~ the civil penalty allowed under the federal False  
16 Claims Act, as codified in 31 U.S.C. § 3729 et seq., as may be  
17 adjusted in accordance with the inflation adjustment procedures  
18 prescribed in the federal Civil Penalties Inflation Adjustment  
19 Act of 1990, Pub. L. No. 101-410, for each false or fraudulent  
20 claim, plus three times the amount of damages which the state  
21 sustains ~~because of the act of that person:~~

22 Sec. 104. Section 685.3, subsection 5, paragraph c, Code  
23 2011, is amended by striking the paragraph and inserting in  
24 lieu thereof the following:

25 *c.* A court shall dismiss an action or claim under this  
26 section, unless opposed by the state, if substantially the  
27 same allegations or transactions as alleged in the action or  
28 claim were publicly disclosed in a state criminal, civil, or  
29 administrative hearing in which the state or an agent of the  
30 state is a party; in a state legislative, state auditor, or  
31 other state report, hearing, audit, or investigation; or by  
32 the news media, unless the action is brought by the attorney  
33 general or the qui tam plaintiff is an original source of the  
34 information.

35 Sec. 105. Section 685.3, subsection 6, Code 2011, is amended

1 to read as follows:

2 6. a. Any employee, contractor, or agent ~~who~~ shall be  
3 entitled to all relief necessary to make that employee,  
4 contractor, or agent whole, if that employee, contractor, or  
5 agent is discharged, demoted, suspended, threatened, harassed,  
6 or in any other manner discriminated against in the terms and  
7 conditions of employment because of lawful acts ~~performed~~  
8 done by the employee, contractor, or agent ~~on behalf of~~  
9 ~~the employee, contractor, or agent~~ or associated others in  
10 furtherance of an action under this section or other efforts  
11 to stop ~~a violation~~ one or more violations of this chapter,  
12 ~~shall be entitled to all relief necessary to make the employee,~~  
13 ~~contractor, or agent whole. Such relief~~

14 b. Relief under paragraph "a" shall include reinstatement  
15 with the same seniority status ~~such that~~ employee, contractor,  
16 or agent would have had but for the discrimination, two  
17 times the amount of back pay, interest on the back pay, and  
18 compensation for any special damages sustained as a result of  
19 the discrimination, including litigation costs and reasonable  
20 attorney fees. ~~An employee, contractor, or agent may bring an~~  
21 action under this subsection may be brought in the appropriate  
22 district court of the state for the relief provided in this  
23 subsection.

24 c. A civil action under this subsection shall not be brought  
25 more than three years after the date when the retaliation  
26 occurred.

27 DIVISION XII

28 VOLUNTEER HEALTH CARE PROVIDER PROGRAM

29 Sec. 106. Section 135.24, subsection 2, paragraphs b and c,  
30 Code 2011, are amended to read as follows:

31 b. Procedures for registration of hospitals, free clinics,  
32 field dental clinics, and specialty health care provider  
33 offices.

34 c. Criteria for and identification of hospitals, clinics,  
35 free clinics, field dental clinics, specialty health care

1 provider offices, or other health care facilities, health  
2 care referral programs, or charitable organizations,  
3 eligible to participate in the provision of free medical,  
4 dental, chiropractic, pharmaceutical, nursing, optometric,  
5 psychological, social work, behavioral science, podiatric,  
6 physical therapy, occupational therapy, respiratory therapy,  
7 or emergency medical care services through the volunteer  
8 health care provider program. A hospital, a clinic, a  
9 free clinic, a field dental clinic, a specialty health care  
10 provider office, a health care facility, a health care referral  
11 program, a charitable organization, or a health care provider  
12 participating in the program shall not bill or charge a  
13 patient for any health care provider service provided under the  
14 volunteer health care provider program.

15 Sec. 107. Section 135.24, Code 2011, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 6A. A hospital providing free care under  
18 this section shall be considered a state agency solely for  
19 the purposes of this section and chapter 669 and shall be  
20 afforded protection under chapter 669 as a state agency for  
21 all claims arising from the provision of free care by a health  
22 care provider registered under subsection 3 who is providing  
23 services at the hospital in accordance with this section, if  
24 the hospital has registered with the department pursuant to  
25 subsection 1.

26 Sec. 108. Section 135.24, subsection 7, Code 2011, is  
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. *Oe.* "Hospital" means hospital as defined in  
29 section 135B.1.

30 DIVISION XIII

31 HEALTH CARE COST CONTAINMENT

32 Sec. 109. ALL-PAYER CLAIMS DATABASE PLAN. The department of  
33 human services shall develop a plan to establish an all-payer  
34 claims database to provide for the collection and analysis of  
35 claims data from multiple payers of health care. The plan



1 health information. Electronic health records serve as a means  
2 of bringing evidence-based knowledge resources and patient  
3 information to the point of care to support better decision  
4 making and more efficient care processes.

5     *b.* Health information technology allows for comprehensive  
6 management of health information and its secure electronic  
7 exchange between providers, public health agencies, payers,  
8 and consumers. Broad use of health information technology  
9 should improve health care quality and the overall health of  
10 the population, increase efficiencies in administrative health  
11 care, reduce unnecessary health care costs, and help prevent  
12 medical errors.

13     *c.* Health information technology provides a mechanism to  
14 transform the delivery of health and medical care in Iowa and  
15 across the nation.

16     2. It is the intent of the general assembly to use health  
17 information technology as a catalyst to achieve a healthier  
18 Iowa through the electronic sharing of health information. A  
19 health information network involves sharing health information  
20 across the boundaries of individual practice and institutional  
21 health settings and with consumers. The result is a public  
22 good that will contribute to improved clinical outcomes and  
23 patient safety, population health, access to and quality of  
24 health care, and efficiency in health care delivery.

25     3. It is the intent of the general assembly that the health  
26 information network shall not constitute a health benefit  
27 exchange or a health insurance exchange.

28     Sec. 113. NEW SECTION. 135D.2 **Definitions.**

29     For the purposes of this chapter, unless the context  
30 otherwise requires:

31     1. "*Authorized*" means having met the requirements as a  
32 participant for access to the health information network.

33     2. "*Board*" means the board of directors of Iowa e-health.

34     3. "*Consumers*" means people who acquire and use goods and  
35 services for personal need.

1 4. "*Continuity of care document*" means a summary of a  
2 patient's health information for each visit to a provider to be  
3 delivered through the health information network.

4 5. "*Department*" means the department of public health.

5 6. "*Deputy director*" means the deputy director of public  
6 health.

7 7. "*Director*" means the director of public health.

8 8. "*Exchange*" means the authorized electronic sharing  
9 of health information between providers, payers, consumers,  
10 public health agencies, the department, and other authorized  
11 participants utilizing the health information network and  
12 health information network services.

13 9. "*Executive director*" means the executive director of the  
14 office of health information technology.

15 10. "*Health information*" means any information, in any  
16 form or medium, that is created, transmitted, or received  
17 by a provider, payer, consumer, public health agency, the  
18 department, or other authorized participant, which relates  
19 to the past, present, or future physical or mental health or  
20 condition of an individual; the provision of health care to an  
21 individual; or the past, present, or future payment for the  
22 provision of health care to an individual.

23 11. "*Health information network*" means the exclusive  
24 statewide electronic health information network.

25 12. "*Health information network services*" means the  
26 exchanging of health information via the health information  
27 network; education and outreach to support connection and  
28 access to and use of the health information network; and all  
29 other activities related to the electronic exchange of health  
30 information.

31 13. "*Health Insurance Portability and Accountability*  
32 *Act*" means the federal Health Insurance Portability and  
33 Accountability Act of 1996, Pub. L. No. 104-191, including  
34 amendments thereto and regulations promulgated thereunder.

35 14. "*Infrastructure*" means technology including



1 architecture, hardware, software, networks, terminology and  
2 standards, and policies and procedures governing the electronic  
3 exchange of health information.

4 15. "*Iowa e-health*" means the collaboration between the  
5 department and other public and private stakeholders to  
6 establish, operate, and sustain an exclusive statewide health  
7 information network.

8 16. "*Iowa Medicaid enterprise*" means Iowa medicaid  
9 enterprise as defined in section 249J.3.

10 17. "*Local board of health*" means a city, county, or  
11 district board of health.

12 18. "*Office*" means the office of health information  
13 technology within the department.

14 19. "*Participant*" means an authorized provider, payer,  
15 patient, public health agency, the department, or other  
16 authorized person that has voluntarily agreed to authorize,  
17 submit, access, and disclose health information through the  
18 health information network in accordance with this chapter  
19 and all applicable laws, rules, agreements, policies, and  
20 procedures.

21 20. "*Participation and data sharing agreement*" means  
22 the agreement outlining the terms of access and use for  
23 participation in the health information network.

24 21. "*Patient*" means a person who has received or is  
25 receiving health services from a provider.

26 22. "*Payer*" means a person who makes payments for health  
27 services, including but not limited to an insurance company,  
28 self-insured employer, government program, individual, or other  
29 purchaser that makes such payments.

30 23. "*Protected health information*" means individually  
31 identifiable patient information, including demographic  
32 information, related to the past, present, or future health  
33 or condition of a person; the provision of health care to  
34 a person; or the past, present, or future payment for such  
35 health care; which is created, transmitted, or received by a

1 participant. *“Protected health information”* does not include  
2 education and other records that are covered under the federal  
3 Family Educational Rights and Privacy Act of 1974, as codified  
4 at 20 U.S.C. 1232g, as amended; or any employment records  
5 maintained by a covered entity, as defined under the Health  
6 Insurance Portability and Accountability Act, in its role as  
7 an employer.

8 24. *“Provider”* means a hospital, physician clinic, pharmacy,  
9 laboratory, health service provider, or other person that is  
10 licensed, certified, or otherwise authorized or permitted  
11 by law to administer health care in the ordinary course of  
12 business or in the practice of a profession, or any other  
13 person or organization that furnishes, bills, or is paid for  
14 health care in the normal course of business.

15 25. *“Public health agency”* means an entity that is governed  
16 by or contractually responsible to a local board of health or  
17 the department to provide services focused on the health status  
18 of population groups and their environments.

19 26. *“Purchaser”* means any individual, employer, or  
20 organization that purchases health insurance or services and  
21 includes intermediaries.

22 27. *“Vendor”* means a person or organization that provides  
23 or proposes to provide goods or services to the department  
24 pursuant to a contract, but does not include an employee of the  
25 state, a retailer, or a state agency or instrumentality.

26 Sec. 114. NEW SECTION. 135D.3 Iowa e-health established —  
27 **guiding principles, goals, domains.**

28 1. Iowa e-health is established as a public-private,  
29 multi-stakeholder collaborative. The purpose of Iowa e-health  
30 is to develop, administer, and sustain the health information  
31 network to improve the quality, safety, and efficiency of  
32 health care available to Iowans.

33 2. Iowa e-health shall manage and operate the health  
34 information network. Nothing in this chapter shall be  
35 interpreted to impede or preclude the formation and operation

1 of regional, population-specific, or local health information  
2 networks or their participation in the health information  
3 network.

4 3. Iowa e-health shall facilitate the exchange of health  
5 information for prevention and treatment purposes to help  
6 providers make the best health care decisions for patients and  
7 to provide patients with continuity of care regardless of the  
8 provider the patient visits.

9 4. The guiding principles of Iowa e-health include all of  
10 the following:

11 a. To engage in a collaborative, public-private,  
12 multi-stakeholder effort including providers, payers,  
13 purchasers, governmental entities, educational institutions,  
14 and consumers.

15 b. To create a sustainable health information network which  
16 makes information available when and where it is needed.

17 c. To ensure the health information network incorporates  
18 provider priorities and appropriate participant education.

19 d. To instill confidence in consumers that their health  
20 information is secure, private, and accessed appropriately.

21 e. To build on smart practices and align with federal  
22 standards to ensure interoperability within and beyond the  
23 state.

24 5. The goals of Iowa e-health include all of the following:

25 a. To build awareness and trust of health information  
26 technology through communication and outreach to providers and  
27 consumers.

28 b. To safeguard privacy and security of health information  
29 shared electronically between participants through the health  
30 information network so that the health information is secure,  
31 private, and accessed only by authorized individuals and  
32 entities.

33 c. To promote statewide deployment and use of electronic  
34 health records.

35 d. To enable the electronic exchange of health information.

1 e. To advance coordination of activities across state and  
2 federal governments.

3 f. To establish a governance model for the health  
4 information network.

5 g. To establish sustainable business and technical  
6 operations for the health information exchange.

7 h. To secure financial resources to develop and sustain the  
8 health information network.

9 i. To monitor and evaluate health information technology  
10 progress and outcomes.

11 6. Iowa e-health shall include the following five domains:

12 a. *Governance.* Iowa e-health shall be governed by a board  
13 of directors whose members represent stakeholders such as  
14 provider organizations and associations, providers, payers,  
15 purchasers, governmental entities, business, and consumers.  
16 Iowa e-health shall be supported by the department's office of  
17 health information technology. The board shall set direction,  
18 goals, and policies for Iowa e-health and provide oversight of  
19 the business and technical operations of the health information  
20 network and health information network services.

21 b. *Business and technical operations.* The office of health  
22 information technology shall perform day-to-day operations  
23 to support and advance Iowa e-health, the health information  
24 network, and health information network services.

25 c. *Finance.* Iowa e-health shall identify and manage  
26 financial resources to achieve short-term and long-term  
27 sustainability of the health information network. The health  
28 information network shall be financed by participants based on  
29 a business model and financial sustainability plan approved by  
30 the board no later than December 31, 2011, and submitted to  
31 the governor and the general assembly. The model and plan may  
32 contemplate participant fees based on value-based principles.  
33 Fees shall not be assessed to participants prior to approval by  
34 the board and an enactment of the general assembly establishing  
35 such fees.

1     *d. Technical infrastructure.* Iowa e-health shall implement  
2 and manage the core infrastructure and standards to enable the  
3 safe and secure delivery of health information to providers and  
4 consumers through the health information network.

5     *e. Legal and policy.* Iowa e-health shall establish privacy  
6 and security policies and guidelines, and participation and  
7 data sharing agreements, to protect consumers and enforce rules  
8 for utilization of the health information network.

9     Sec. 115. NEW SECTION. 135D.4 **Governance — board of**  
10 **directors — advisory council.**

11     1. Iowa e-health shall be governed by a board of directors.  
12 Board members shall be residents of the state of Iowa. The  
13 membership of the board shall comply with sections 69.16 and  
14 69.16A.

15     2. The board of directors shall be comprised of the  
16 following members:

17     *a.* The board shall include all of the following as voting  
18 members:

19         (1) Two members who represent the Iowa collaborative safety  
20 net provider network created in section 135.153, designated by  
21 the network.

22         (2) Four members who represent hospitals, two of whom are  
23 designated by the two largest health care systems in the state,  
24 one of whom is designated by the university of Iowa hospitals  
25 and clinics, and one of whom is designated by the Iowa hospital  
26 association to represent critical access hospitals.

27         (3) Two members who represent two different private health  
28 insurance carriers, designated by the federation of Iowa  
29 insurers, one of which has the largest health market share in  
30 Iowa.

31         (4) One member who is a licensed physician, designated by  
32 the Iowa medical society.

33         (5) One member representing the department who is  
34 designated by the department.

35         (6) One member representing the Iowa Medicaid enterprise

1 who is the Iowa Medicaid director, or the director's designee.

2     *b.* The board shall include as ex officio, nonvoting members  
3 four members of the general assembly, one appointed by the  
4 speaker of the house of representatives, one appointed by the  
5 minority leader of the house of representatives, one appointed  
6 by the majority leader of the senate, and one appointed by the  
7 minority leader of the senate.

8     3. A person shall not serve on the board in any capacity if  
9 the person is required to register as a lobbyist under section  
10 68B.36 because of the person's activities for compensation  
11 on behalf of a profession or an entity that is engaged in  
12 providing health care, reviewing or analyzing health care,  
13 paying for health care services or procedures, or providing  
14 health information technology or health information network  
15 services.

16     4. *a.* Board members shall serve four-year terms but shall  
17 not serve more than two consecutive four-year terms. However,  
18 the board members who represent state agencies are not subject  
19 to term limits.

20     *b.* At the end of any term, a member of the board may  
21 continue to serve until the appointing or designating authority  
22 names a successor.

23     *c.* A vacancy on the board shall be filled for the remainder  
24 of the term in the manner of the original appointment. A  
25 vacancy in the membership of the board shall not impair the  
26 right of the remaining members to exercise all the powers and  
27 perform all the duties of the board.

28     *d.* A board member may be removed by the board for cause  
29 including but not limited to malfeasance in office, failure  
30 to attend board meetings, misconduct, or violation of ethical  
31 rules and standards. Nonattendance of the board members  
32 appointed by the governor shall be governed by the provisions  
33 of section 69.15. A board member may be removed by a vote of  
34 the board if, based on the criteria provided in section 69.15,  
35 subsection 1, paragraphs "a" and "b", the board member would be

1 deemed to have submitted a resignation from the board.

2 e. The board members shall elect a chairperson from their  
3 membership. The department's designee shall serve as vice  
4 chairperson.

5 5. Meetings of the board shall be governed by the provisions  
6 of chapter 21.

7 a. The board shall meet upon the call of the chairperson  
8 or the vice chairperson. Notice of the time and place of each  
9 board meeting shall be given to each member. The board shall  
10 keep accurate and complete records of all of its meetings.

11 b. A simple majority of the members shall constitute a  
12 quorum to enable the transaction of any business and for the  
13 exercise of any power or function of the board. Action may be  
14 taken and motions and resolutions adopted by the affirmative  
15 vote of a majority of the members attending the meeting whether  
16 in person, by telephone, web conference, or other means. A  
17 board member shall not vote by proxy or through a delegate.

18 c. Public members of the board shall receive reimbursement  
19 for actual expenses incurred while serving in their official  
20 capacity, only if they are not eligible for reimbursement by  
21 the organization that they represent. A person who serves as a  
22 member of the board shall not by reason of such membership be  
23 entitled to membership in the Iowa public employees' retirement  
24 system or service credit for any public retirement system.

25 6. The board may exercise its powers, duties, and functions  
26 as provided in this chapter and as prescribed by law. The  
27 director and the board shall ensure that matters under the  
28 purview of the board are carried out in a manner that does not  
29 violate or risk violation of applicable state or federal laws  
30 or regulations, and that supports overriding public policy and  
31 public safety concerns, fiscal compliance, and compliance with  
32 the office of the national coordinator for health information  
33 technology state health information exchange cooperative  
34 agreement program or any other cooperative agreement programs  
35 or grants supporting Iowa e-health. The board shall do all of

1 the following:

2     *a.* Participate in the selection of the executive director  
3 and assist in the development of performance standards and  
4 evaluations of the executive director.

5     *b.* Establish priorities among health information network  
6 services based on the needs of the population of this state.

7     *c.* Oversee the handling and accounting of assets and moneys  
8 received for or generated by the health information network.

9     *d.* Establish committees and workgroups as needed.

10    *e.* Review and approve or disapprove all of the following,  
11 as proposed by the department:

12       (1) Strategic, operational, and financial sustainability  
13 plans for Iowa e-health, the health information network, and  
14 health information network services.

15       (2) Standards, requirements, policies, and procedures for  
16 access, use, secondary use, and privacy and security of health  
17 information network through the health information exchange,  
18 consistent with applicable federal and state standards and  
19 laws.

20       (3) Policies and procedures for administering the  
21 infrastructure, technology, and associated professional  
22 services necessary for the business and technical operation of  
23 the health information network and health information network  
24 services.

25       (4) Policies and procedures for evaluation of the health  
26 information network and health information network services.

27       (5) Mechanisms for periodic review and update of policies  
28 and procedures.

29       (6) An annual budget and fiscal report for the operations of  
30 the health information network and an annual report for Iowa  
31 e-health and health information network services.

32       (7) Major purchases of goods and services.

33     *f.* Adopt administrative rules pursuant to chapter 17A  
34 to implement this chapter and relating to the management  
35 and operation of the health information network and health



1 information network services.

2     *g.* Adopt rules for monitoring access to and use of  
3 the health information network and enforcement of health  
4 information network rules, standards, requirements, policies,  
5 and procedures. The board may suspend, limit, or terminate a  
6 participant's utilization of the health information network for  
7 violation of such rules, standards, requirements, policies,  
8 or procedures, and shall establish, by rule, a process for  
9 notification, right to respond, and appeal relative to such  
10 violations.

11     *h.* Have all remedies allowed by law to address any violation  
12 of the terms of the participation and data sharing agreement.

13     *i.* Perform any and all other activities in furtherance of  
14 its purpose.

15     7. *a.* A board member is subject to chapter 68B, the rules  
16 adopted by the Iowa ethics and campaign disclosure board, and  
17 the ethics rules and requirements that apply to the executive  
18 branch of state government.

19     *b.* A board member shall not participate in any matter  
20 before the board in which the board member has a direct or  
21 indirect interest in an undertaking that places the board  
22 member's personal or business interests in conflict with those  
23 of Iowa e-health, including but not limited to an interest in  
24 a procurement contract, or that may create the appearance of  
25 impropriety.

26     8. *Advisory council.*

27     *a.* An advisory council to the board is established  
28 to provide an additional mechanism for obtaining broader  
29 stakeholder advice and input regarding health information  
30 technology, the health information network, and health  
31 information network services.

32     *b.* The advisory council shall be comprised of the following  
33 members who shall serve two-year staggered terms:

34         (1) The following members designated as specified:

35             (a) One member who is a licensed practicing nurse in

1 an office or clinic setting, designated by the Iowa nurses  
2 association.

3 (b) One member representing licensed pharmacists,  
4 designated by the Iowa pharmacy association.

5 (c) One member representing the Iowa healthcare  
6 collaborative, designated by the collaborative.

7 (d) One member representing substance abuse programs,  
8 designated by the Iowa behavioral health association.

9 (e) One member representing community mental health  
10 centers, designated by the Iowa association of community  
11 providers.

12 (f) One member representing long-term care providers,  
13 designated by the Iowa health care association/Iowa center for  
14 assisted living and the Iowa association of homes and services  
15 for the aging.

16 (g) One member representing licensed physicians, designated  
17 by the Iowa academy of family physicians.

18 (h) One member representing chiropractors, designated by  
19 the Iowa chiropractic society.

20 (i) One member who is a practicing physician in an office  
21 or clinic setting, designated by the Iowa osteopathic medical  
22 association.

23 (j) One member representing business interests, designated  
24 by the Iowa association of business and industry.

25 (2) The following members appointed by the board:

26 (a) One member representing the state board of health.

27 (b) One member representing academics.

28 (c) One member representing the Iowa Medicare quality  
29 improvement organization.

30 (d) One member who is the state chief information officer.

31 (e) One member representing the private telecommunications  
32 industry.

33 (f) One member representing Des Moines university.

34 (g) One member representing home health care providers.

35 (h) One member representing the department of veterans

1 affairs.

2     *c.* The board may change the membership and the composition  
3 of the advisory council, by rule, to accommodate changes in  
4 stakeholder interests and the evolution of health information  
5 technology, the health information network, and health  
6 information network services. An advisory council member may  
7 be removed by a vote of the board if, based on the criteria  
8 provided in section 69.15, subsection 1, paragraphs "a" and "b",  
9 the advisory council member would be deemed to have submitted a  
10 resignation from the advisory council.

11     Sec. 116. NEW SECTION. 135D.5 **Business and technical**  
12 **operations — office of health information technology.**

13     1. The office of health information technology is  
14 established within the department and shall be responsible for  
15 the day-to-day business and operations of Iowa e-health, the  
16 health information network, and health information network  
17 services. The office shall be under the direction of the  
18 director and under the supervision of the deputy director.

19     2. *a.* The department shall employ an executive director to  
20 manage the office and the executive director shall report to  
21 the deputy director.

22     *b.* The executive director shall manage the planning and  
23 implementation of Iowa e-health, the health information  
24 network, and health information network services, and shall  
25 provide high-level coordination across public and private  
26 sector stakeholders.

27     *c.* The executive director shall serve as Iowa's health  
28 information technology coordinator and primary point of  
29 contact for the office of the national coordinator for health  
30 information technology, other federal and state agencies  
31 involved in health information technology, and state health  
32 information technology coordinators from other states.

33     3. *a.* The executive director and all other employees of  
34 the office shall be employees of the state, classified and  
35 compensated in accordance with chapter 8A, subchapter IV, and

1 chapter 20.

2     *b.* Subject to approval of the board, the director shall  
3 have the sole power to determine the number of full-time and  
4 part-time equivalent positions necessary to carry out the  
5 provisions of this chapter.

6     *c.* An employee of the office shall not have a financial  
7 interest in any vendor doing business or proposing to do  
8 business with Iowa e-health.

9     4. The department shall do all of the following:

10     *a.* Develop, implement, and enforce the following, as  
11 approved by the board:

12         (1) Strategic, operational, and financial sustainability  
13 plans for the health information network, Iowa e-health, and  
14 health information network services.

15         (2) Standards, requirements, policies, and procedures for  
16 access, use, secondary use, and privacy and security of health  
17 information exchanged through the health information network,  
18 consistent with applicable federal and state standards and  
19 laws.

20         (3) Policies and procedures for monitoring participant  
21 usage of the health information network and health information  
22 network services; enforcing noncompliance with health  
23 information network standards, requirements, policies, rules,  
24 and procedures.

25         (4) Policies and procedures for administering the  
26 infrastructure, technology, and associated professional  
27 services required for operation of the health information  
28 network and health information network services.

29         (5) Policies and procedures for evaluation of the health  
30 information network and health information network services.

31         (6) A mechanism for periodic review and update of policies  
32 and procedures.

33         (7) An annual budget and fiscal report for the business  
34 and technical operations of the health information network and  
35 an annual report for Iowa e-health, the health information

1 network, and health information network services. The  
2 department shall submit all such reports to the general  
3 assembly.

4 *b.* Convene and facilitate board, advisory council,  
5 workgroup, committee, and other stakeholder meetings.

6 *c.* Provide technical and operational assistance for  
7 planning and implementing Iowa e-health activities, the health  
8 information network, and health information network services.

9 *d.* Provide human resource, budgeting, project and  
10 activity coordination, and related management functions to  
11 Iowa e-health, the health information network, and health  
12 information network services.

13 *e.* Develop educational materials and educate the general  
14 public on the benefits of electronic health records, the health  
15 information network, and the safeguards available to prevent  
16 unauthorized disclosure of health information.

17 *f.* Enter into participation and data sharing agreements with  
18 participants of the health information network.

19 *g.* Record receipts and approval of payments, and file  
20 required financial reports.

21 *h.* Apply for, acquire by gift or purchase, and hold,  
22 dispense, or dispose of funds and real or personal property  
23 from any person, governmental entity, or organization in  
24 the exercise of its powers and performance of its duties in  
25 accordance with this chapter.

26 *i.* Administer grant funds in accordance with the terms of  
27 the grant and all applicable state and federal laws, rules, and  
28 regulations.

29 *j.* Select and contract with vendors in compliance with  
30 applicable state and federal procurement laws and regulations.

31 *k.* Coordinate with other health information technology and  
32 health information network programs and activities.

33 *l.* Work to align interstate and intrastate interoperability  
34 and standards in accordance with national health information  
35 exchange standards.

1     *m.* Execute all instruments necessary or incidental to the  
2 performance of its duties and the execution of its powers.

3     Sec. 117. NEW SECTION. 135D.6 Iowa e-health finance fund.

4     1. The Iowa e-health finance fund is created as a separate  
5 fund within the state treasury under the control of the board.  
6 Revenues, donations, gifts, interest, or other moneys received  
7 or generated relative to the operation and administration of  
8 the health information network and health information network  
9 services, shall be deposited in the fund.

10    2. Moneys in the fund shall be expended by the department  
11 only on activities and operations suitable to the performance  
12 of the department's duties on behalf of the board and Iowa  
13 e-health as specified in this chapter, subject to board  
14 approval. Disbursements may be made from the fund for purposes  
15 related to the administration, management, operations,  
16 functions, activities, and sustainability of the health  
17 information network and health information network services.

18    3. Notwithstanding section 12C.7, subsection 2, earnings or  
19 interest on moneys deposited in the fund shall be credited to  
20 the fund. Notwithstanding section 8.33, any unexpended balance  
21 in the fund at the end of each fiscal year shall be retained in  
22 the fund and shall not be transferred to the general fund of  
23 the state.

24    4. The moneys in the fund shall be subject to financial and  
25 compliance audits by the auditor of state.

26    5. The general assembly may appropriate moneys in the fund  
27 to the department on behalf of Iowa e-health for the health  
28 information network and health information network services.

29     Sec. 118. NEW SECTION. 135D.7 Technical infrastructure.

30    1. The health information network shall provide a mechanism  
31 to facilitate and support the secure electronic exchange  
32 of health information between participants. The health  
33 information network shall not function as a central repository  
34 of all health information.

35    2. The health information network shall provide a mechanism

1 for participants without an electronic health record system to  
2 access health information from the health information network.

3 3. The technical infrastructure of the health information  
4 network shall be designed to facilitate the secure electronic  
5 exchange of health information using functions including but  
6 not limited to all of the following:

7 a. A master patient index, in the absence of a single,  
8 standardized patient identifier, to exchange secure health  
9 information among participants.

10 b. A record locator service to locate and exchange secure  
11 health information among participants.

12 c. Authorization, authentication, access, and auditing  
13 processes for security controls to protect the privacy of  
14 consumers and participants and the confidentiality of health  
15 information by limiting access to the health information  
16 network and health information to participants whose identity  
17 has been authenticated, and whose access to health information  
18 is limited by their role and recorded through an audit trail.

19 d. Electronic transmission procedures and software necessary  
20 to facilitate the electronic exchange of various types of  
21 health information through the health information network.

22 e. Telecommunications through coordination of public  
23 and private networks to provide the backbone infrastructure  
24 to connect participants exchanging health information. The  
25 networks may include but are not limited to the state-owned  
26 communications network, other fiber optic networks, and private  
27 telecommunications service providers.

28 4. The state shall own or possess the rights to use all  
29 processes and software developed, and hardware installed,  
30 leased, designed, or purchased for the health information  
31 network, and shall permit participants to use the health  
32 information network and health information network services in  
33 accordance with the standards, policies, procedures, rules,  
34 and regulations approved by the board, and the terms of the  
35 participation and data sharing agreement.

1     Sec. 119. NEW SECTION. 135D.8 Legal and policy.

2     1. Upon approval from the board, the office of health  
3 information technology shall establish appropriate security  
4 standards, policies, and procedures to protect the transmission  
5 and receipt of individually identifiable health information  
6 exchanged through the health information network. The security  
7 standards, policies, and procedures shall, at a minimum, comply  
8 with the Health Insurance Portability and Accountability Act  
9 security rule pursuant to 45 C.F.R. pt. 164, subpt. C, and  
10 shall reflect all of the following:

11     *a.* Include authorization controls, including the  
12 responsibility to authorize, maintain, and terminate a  
13 participant's use of the health information network.

14     *b.* Require authentication controls to verify the identity  
15 and role of the participant using the health information  
16 network.

17     *c.* Include role-based access controls to restrict  
18 functionality and information available through the health  
19 information network.

20     *d.* Include a secure and traceable electronic audit system  
21 to document and monitor the sender and the recipient of health  
22 information exchanged through the health information network.

23     *e.* Require standard participation and data sharing  
24 agreements which define the minimum privacy and security  
25 obligations of all participants using the health information  
26 network and health information network services.

27     *f.* Include controls over access to and the collection,  
28 organization, and maintenance of records and data for  
29 purposes of research or population health that protect the  
30 confidentiality of consumers who are the subject of the health  
31 information.

32     2. *a.* A patient shall have the opportunity to decline  
33 exchange of their health information through the health  
34 information network. The board shall provide by rule the means  
35 and process by which patients may decline participation. A



1 patient shall not be denied care or treatment for declining  
2 to exchange their health information, in whole or in part,  
3 through the health information network. The means and process  
4 utilized under the rules shall minimize the burden on patients  
5 and providers.

6 *b.* Unless otherwise authorized by law or rule, a patient's  
7 decision to decline participation means that none of the  
8 patient's health information shall be exchanged through the  
9 health information network. If a patient does not decline  
10 participation, the patient's health information may be  
11 exchanged through the health information network except as  
12 follows:

13 (1) If health information associated with a patient  
14 visit with a provider is protected by state law that is  
15 more restrictive than the Health Insurance Portability and  
16 Accountability Act, a patient shall have the right to decline  
17 sharing of health information through the health information  
18 network from such visit as provided by rule.

19 (2) With the consent of the patient, a provider may  
20 limit health information associated with a patient visit  
21 from being shared through the health information network if  
22 such limitation is reasonably determined by the provider, in  
23 consultation with the patient, to be in the best interest of  
24 the patient as provided by rule.

25 *c.* A patient who declines participation in the health  
26 information network may later decide to have health information  
27 shared through the health information network. A patient who  
28 is participating in the health information network may later  
29 decline participation in the health information network.

30 3. The office shall develop and distribute educational  
31 tools and information for consumers, patients, and providers to  
32 inform them about the health information network, including but  
33 not limited to the safeguards available to prevent unauthorized  
34 disclosure of health information and a patient's right to  
35 decline participation in the health information network.

1 4. a. A participant shall not release or use protected  
2 health information exchanged through the health information  
3 network for purposes unrelated to prevention, treatment,  
4 payment, or health care operations unless otherwise authorized  
5 or required by law. Participants shall limit the use and  
6 disclosure of protected health information to the minimum  
7 amount required to accomplish the intended purpose of the use  
8 or request, in compliance with the Health Insurance Portability  
9 and Accountability Act and other applicable federal law. Use  
10 or distribution of the information for a marketing purpose, as  
11 defined by the Health Insurance Portability and Accountability  
12 Act, is strictly prohibited.

13 b. The department, the office, and all persons using the  
14 health information network shall be individually responsible  
15 for following breach notification policies as provided by the  
16 Health Insurance Portability and Accountability Act.

17 c. A participant shall not be compelled by subpoena, court  
18 order, or other process of law to access health information  
19 through the health information network in order to gather  
20 records or information not created by the participant.

21 5. a. If a patient has declined participation in the health  
22 information network, the patient's health information may be  
23 released to a provider through the health information network  
24 if all of the following circumstances exist:

25 (1) The patient is unable to provide consent due to  
26 incapacitation.

27 (2) The requesting provider believes, in good faith, that  
28 the information is necessary to prevent imminent serious injury  
29 to the patient. Imminent serious injury includes but it not  
30 limited to death, injury or disease that creates a substantial  
31 risk of death, or injury or disease that causes protracted loss  
32 or impairment of any organ or body system.

33 (3) Such information cannot otherwise be readily obtained.

34 b. The department shall provide by rule for the reporting of  
35 emergency access and use by a provider.

1 6. All participants exchanging health information and  
2 data through the health information network shall grant to  
3 participants of the health information network a nonexclusive  
4 license to retrieve and use that information or data in  
5 accordance with applicable state and federal laws, and the  
6 policies, procedures, and rules established by the board.

7 7. The department shall establish by rule the procedures for  
8 a patient who is the subject of health information to do all of  
9 the following:

10 a. Receive notice of a violation of the confidentiality  
11 provisions required under this chapter.

12 b. Upon request to the department, view an audit report  
13 created under this chapter for the purpose of monitoring access  
14 to the patient's records.

15 8. a. A provider who relies reasonably and in good faith  
16 upon any health information provided through the health  
17 information network in treatment of a patient shall be immune  
18 from criminal or civil liability arising from any damages  
19 caused by such reasonable, good faith reliance. Such immunity  
20 shall not apply to acts or omissions constituting negligence,  
21 recklessness, or intentional misconduct.

22 b. A participant that has disclosed health information  
23 through the health information network in compliance with  
24 applicable law and the standards, requirements, policies,  
25 procedures, and agreements of the health information network  
26 shall not be subject to criminal or civil liability for the use  
27 or disclosure of the health information by another participant.

28 9. a. Notwithstanding chapter 22, the following records  
29 shall be kept confidential, unless otherwise ordered by a court  
30 or consented to by the patient or by a person duly authorized  
31 to release such information:

32 (1) The protected health information contained in, stored  
33 in, submitted to, transferred or exchanged by, or released from  
34 the health information network.

35 (2) Any protected health information in the possession of

1 Iowa e-health or the department due to its administration of  
2 the health information network.

3 *b.* Unless otherwise provided in this chapter, when using  
4 the health information network for the purpose of patient  
5 treatment, a provider is exempt from any other state law that  
6 is more restrictive than the Health Insurance Portability and  
7 Accountability Act that would otherwise prevent or hinder the  
8 exchange of patient information by the patient's providers.

9 Sec. 120. NEW SECTION. 135D.9 Iowa e-health — health  
10 information network services.

11 Iowa e-health shall facilitate services through the health  
12 information network or through other marketplace mechanisms  
13 to improve the quality, safety, and efficiency of health care  
14 available to consumers. These services shall include but are  
15 not limited to all of the following:

16 1. Patient summary records such as continuity of care  
17 documents.

18 2. A provider directory and provider messaging.

19 3. Clinical orders and results.

20 4. Public health reporting such as electronic reporting to  
21 the statewide immunization registry and reportable diseases.

22 5. Medication history.

23 Sec. 121. NEW SECTION. 135D.10 Governance review and  
24 transition.

25 1. *a.* The Iowa e-health governance structure shall continue  
26 during the first two years of the term of the state health  
27 information exchange cooperative agreement with the office of  
28 the national coordinator for health information technology  
29 to address the development of policies and procedures;  
30 dissemination of interoperability standards; the initiation,  
31 testing, and operation of the health information network  
32 infrastructure; and the evolution of health information network  
33 services to improve patient care for the population.

34 *b.* Following the end of the first two years of the term  
35 of the cooperative agreement, the board and the department

1 shall review the Iowa e-health governance structure, operations  
2 of the health information network, and the business and  
3 sustainability plan to determine if the existing Iowa e-health  
4 governance structure should continue or should be replaced by  
5 any of the following:

6 (1) A public authority or similar body with broad  
7 stakeholder representation on its governing board.

8 (2) A not-for-profit entity with broad stakeholder  
9 representation on its governing board.

10 2. If the board and department determine that the governance  
11 structure should be replaced, Iowa e-health shall develop  
12 a transition plan to transfer the responsibilities for the  
13 domains specified in section 135D.3.

14 Sec. 122. Section 136.3, subsection 14, Code 2011, is  
15 amended to read as follows:

16 14. Perform those duties authorized pursuant to sections  
17 ~~135.156~~, 135.159, and 135.161, and other provisions of law.

18 Sec. 123. Section 249J.14, subsection 2, paragraphs a and b,  
19 Code 2011, are amended to read as follows:

20 a. Design and implement a program for distribution  
21 and monitoring of provider incentive payments, including  
22 development of a definition of "*meaningful use*" for purposes  
23 of promoting the use of electronic medical recordkeeping by  
24 providers. The department shall develop this program in  
25 collaboration with the department of public health and the  
26 ~~electronic health information advisory council and executive~~  
27 ~~committee~~ board of directors and the advisory council to the  
28 board of Iowa e-health created pursuant to section ~~135.156~~  
29 135D.4.

30 b. Develop the medical assistance health information  
31 technology plan as required by the centers for Medicare and  
32 Medicaid services of the United States department of health and  
33 human services. The plan shall provide detailed implementation  
34 plans for the medical assistance program for promotion of the  
35 adoption and meaningful use of health information technology by

1 medical assistance providers and the Iowa Medicaid enterprise.  
2 The plan shall include the integration of health information  
3 technology and the health information exchange network with the  
4 medical assistance management information system. The plan  
5 shall be developed in collaboration with the department of  
6 public health and the ~~electronic health information advisory~~  
7 ~~council and executive committee~~ board of directors and the  
8 advisory council to the board of Iowa e-health created pursuant  
9 to section ~~135.156~~ 135D.4.

10 Sec. 124. INITIAL APPOINTMENTS — BOARD.

11 1. The initial appointments of board member positions  
12 described in section 135D.4, as enacted by this division of  
13 this Act, shall have staggered terms as follows:

14 a. The board members designated by the Iowa collaborative  
15 safety net provider network and the Iowa medical society, shall  
16 have initial terms of two years, after which the members shall  
17 serve four-year terms.

18 b. The board members designated by the two largest health  
19 care systems in the state, the university of Iowa hospitals  
20 and clinics, and the Iowa hospital association, shall have  
21 initial terms of four years, after which the members shall  
22 serve four-year terms.

23 c. The board members designated by the federation of Iowa  
24 insurers shall serve initial terms of six years, after which  
25 the members shall serve four-year terms.

26 2. With the exception of board members who are  
27 representatives of state agencies and not subject to term  
28 limits as provided in section 135D.4, board members appointed  
29 under this section may serve an additional four-year term,  
30 with the exception of those board members initially serving a  
31 two-year term, who may serve two consecutive four-year terms  
32 following the initial two-year term.

33 Sec. 125. REPEAL. Sections 135.154, 135.155, and 135.156,  
34 Code 2011, are repealed.

35 Sec. 126. TRANSITION PROVISIONS. Notwithstanding any

1 other provision of this division of this Act, the department  
2 of public health, and the executive committee and the advisory  
3 council created pursuant to section 135.156, shall continue to  
4 exercise the powers and duties specified under that section  
5 until such time as all board members have been appointed as  
6 provided in section 135D.4, as enacted by this division of this  
7 Act.

8     Sec. 127. EFFECTIVE DATE. The sections of this division of  
9 this Act repealing sections 135.154, 135.155, and 135.156, and  
10 amending sections 136.3 and 249J.14, take effect on the date  
11 all board members are appointed as provided in section 135D.4,  
12 as enacted by this division of this Act. The department of  
13 public health shall notify the Code editor of such date.

14     Sec. 128. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
15 APPLICABILITY. Except as otherwise provided by this division  
16 of this Act, this division of this Act, being deemed of  
17 immediate importance, takes effect upon enactment and if  
18 approved by the governor on or after July 1, 2011, applies  
19 retroactively to June 30, 2011.

20                                   DIVISION XV

21                                   DEPARTMENT ON AGING — FY 2012-2013

22     Sec. 129. DEPARTMENT ON AGING. There is appropriated from  
23 the general fund of the state to the department on aging for  
24 the fiscal year beginning July 1, 2012, and ending June 30,  
25 2013, the following amount, or so much thereof as is necessary,  
26 to be used for the purposes designated:

27     For aging programs for the department on aging and area  
28 agencies on aging to provide citizens of Iowa who are 60 years  
29 of age and older with case management for frail elders, Iowa's  
30 aging and disabilities resource center, and other services  
31 which may include but are not limited to adult day services,  
32 respite care, chore services, information and assistance,  
33 and material aid, for information and options counseling for  
34 persons with disabilities who are 18 years of age or older,  
35 and for salaries, support, administration, maintenance, and

1 miscellaneous purposes, and for not more than the following  
2 full-time equivalent positions:

3 ..... \$ 5,151,289  
4 ..... FTEs 35.00

5 1. Funds appropriated in this section may be used to  
6 supplement federal funds under federal regulations. To  
7 receive funds appropriated in this section, a local area  
8 agency on aging shall match the funds with moneys from other  
9 sources according to rules adopted by the department. Funds  
10 appropriated in this section may be used for elderly services  
11 not specifically enumerated in this section only if approved  
12 by an area agency on aging for provision of the service within  
13 the area.

14 2. The amount appropriated in this section includes  
15 additional funding of \$225,000 for delivery of long-term care  
16 services to seniors with low or moderate incomes.

17 3. Of the funds appropriated in this section, \$89,973 shall  
18 be transferred to the department of economic development for  
19 the Iowa commission on volunteer services to be used for the  
20 retired and senior volunteer program.

21 4. a. The department on aging shall establish and enforce  
22 procedures relating to expenditure of state and federal funds  
23 by area agencies on aging that require compliance with both  
24 state and federal laws, rules, and regulations, including but  
25 not limited to all of the following:

26 (1) Requiring that expenditures are incurred only for goods  
27 or services received or performed prior to the end of the  
28 fiscal period designated for use of the funds.

29 (2) Prohibiting prepayment for goods or services not  
30 received or performed prior to the end of the fiscal period  
31 designated for use of the funds.

32 (3) Prohibiting the prepayment for goods or services  
33 not defined specifically by good or service, time period, or  
34 recipient.

35 (4) Prohibiting the establishment of accounts from which



1 future goods or services which are not defined specifically by  
2 good or service, time period, or recipient, may be purchased.

3 b. The procedures shall provide that if any funds are  
4 expended in a manner that is not in compliance with the  
5 procedures and applicable federal and state laws, rules, and  
6 regulations, and are subsequently subject to repayment, the  
7 area agency on aging expending such funds in contravention of  
8 such procedures, laws, rules and regulations, not the state,  
9 shall be liable for such repayment.

10 DIVISION XVI

11 DEPARTMENT OF PUBLIC HEALTH — FY 2012-2013

12 Sec. 130. DEPARTMENT OF PUBLIC HEALTH. There is  
13 appropriated from the general fund of the state to the  
14 department of public health for the fiscal year beginning July  
15 1, 2012, and ending June 30, 2013, the following amounts, or  
16 so much thereof as is necessary, to be used for the purposes  
17 designated:

18 1. ADDICTIVE DISORDERS

19 For reducing the prevalence of use of tobacco, alcohol, and  
20 other drugs, and treating individuals affected by addictive  
21 behaviors, including gambling, and for not more than the  
22 following full-time equivalent positions:

23 .....	\$ 12,301,595
24 .....	FTEs 13.00

25 a. (1) Of the funds appropriated in this subsection,  
26 \$2,176,916 shall be used for the tobacco use prevention and  
27 control initiative, including efforts at the state and local  
28 levels, as provided in chapter 142A.

29 (2) Of the funds allocated in this paragraph "a", \$226,915  
30 shall be transferred to the alcoholic beverages division of  
31 the department of commerce for enforcement of tobacco laws,  
32 regulations, and ordinances in accordance with 2011 Iowa Acts,  
33 House File 467, as enacted.

34 b. Of the funds appropriated in this subsection,  
35 \$10,124,680 shall be used for problem gambling and substance

1 abuse prevention, treatment, and recovery services, including a  
2 24-hour helpline, public information resources, professional  
3 training, and program evaluation.

4 (1) Of the funds allocated in this paragraph "b", \$8,566,254  
5 shall be used for substance abuse prevention and treatment.

6 (a) Of the funds allocated in this subparagraph (1),  
7 \$449,650 shall be used for the public purpose of a grant  
8 program to provide substance abuse prevention programming for  
9 children.

10 (i) Of the funds allocated in this subparagraph division  
11 (a), \$213,770 shall be used for grant funding for organizations  
12 that provide programming for children by utilizing mentors.  
13 Programs approved for such grants shall be certified or will  
14 be certified within six months of receiving the grant award  
15 by the Iowa commission on volunteer services as utilizing the  
16 standards for effective practice for mentoring programs.

17 (ii) Of the funds allocated in this subparagraph division  
18 (a), \$213,420 shall be used for grant funding for organizations  
19 that provide programming that includes youth development and  
20 leadership. The programs shall also be recognized as being  
21 programs that are scientifically based with evidence of their  
22 effectiveness in reducing substance abuse in children.

23 (iii) The department of public health shall utilize a  
24 request for proposals process to implement the grant program.

25 (iv) All grant recipients shall participate in a program  
26 evaluation as a requirement for receiving grant funds.

27 (v) Of the funds allocated in this subparagraph division  
28 (a), up to \$22,461 may be used to administer substance abuse  
29 prevention grants and for program evaluations.

30 (b) Of the funds allocated in this subparagraph (1),  
31 \$136,531 shall be used for culturally competent substance abuse  
32 treatment pilot projects.

33 (i) The department shall utilize the amount allocated  
34 in this subparagraph division (b) for at least three pilot  
35 projects to provide culturally competent substance abuse

1 treatment in various areas of the state. Each pilot project  
2 shall target a particular ethnic minority population. The  
3 populations targeted shall include but are not limited to  
4 African American, Asian, and Latino.

5 (ii) The pilot project requirements shall provide for  
6 documentation or other means to ensure access to the cultural  
7 competence approach used by a pilot project so that such  
8 approach can be replicated and improved upon in successor  
9 programs.

10 (2) Of the funds allocated in this paragraph "b", up  
11 to \$1,558,426 may be used for problem gambling prevention,  
12 treatment, and recovery services.

13 (a) Of the funds allocated in this subparagraph (2),  
14 \$1,289,500 shall be used for problem gambling prevention and  
15 treatment.

16 (b) Of the funds allocated in this subparagraph (2), up to  
17 \$218,926 may be used for a 24-hour helpline, public information  
18 resources, professional training, and program evaluation.

19 (c) Of the funds allocated in this subparagraph (2), up  
20 to \$50,000 may be used for the licensing of problem gambling  
21 treatment programs.

22 (3) It is the intent of the general assembly that from the  
23 moneys allocated in this paragraph "b", persons with a dual  
24 diagnosis of substance abuse and gambling addictions shall be  
25 given priority in treatment services.

26 c. Notwithstanding any provision of law to the contrary,  
27 to standardize the availability, delivery, cost of delivery,  
28 and accountability of problem gambling and substance abuse  
29 treatment services statewide, the department shall continue  
30 implementation of a process to create a system for delivery  
31 of treatment services in accordance with the requirements  
32 specified in 2008 Iowa Acts, chapter 1187, section 3,  
33 subsection 4. To ensure the system provides a continuum of  
34 treatment services that best meets the needs of Iowans, the  
35 problem gambling and substance abuse treatment services in any

1 area may be provided either by a single agency or by separate  
2 agencies submitting a joint proposal.

3 (1) The system for delivery of substance abuse and problem  
4 gambling treatment shall include problem gambling prevention.

5 (2) The system for delivery of substance abuse and problem  
6 gambling treatment shall include substance abuse prevention by  
7 July 1, 2014.

8 (3) Of the funds allocated in paragraph "b", the department  
9 may use up to \$50,000 for administrative costs to continue  
10 developing and implementing the process in accordance with this  
11 paragraph "c".

12 d. The requirement of section 123.53, subsection 5, is met  
13 by the appropriations and allocations made in this Act for  
14 purposes of substance abuse treatment and addictive disorders  
15 for the fiscal year beginning July 1, 2012.

16 e. The department of public health shall work with all other  
17 departments that fund substance abuse prevention and treatment  
18 services and all such departments shall, to the extent  
19 necessary, collectively meet the state maintenance of effort  
20 requirements for expenditures for substance abuse services  
21 as required under the federal substance abuse prevention and  
22 treatment block grant.

23 f. The department shall amend or otherwise revise  
24 departmental policies and contract provisions in order to  
25 eliminate free t-shirt distribution, banner production, and  
26 other unnecessary promotional expenditures.

27 2. HEALTHY CHILDREN AND FAMILIES

28 For promoting the optimum health status for children,  
29 adolescents from birth through 21 years of age, and families,  
30 and for not more than the following full-time equivalent  
31 positions:

32 .....	\$	1,297,135
33 .....	FTEs	10.00

34 a. Of the funds appropriated in this subsection, not more  
35 than \$369,659 shall be used for the healthy opportunities to

1 experience success (HOPES)-healthy families Iowa (HFI) program  
2 established pursuant to section 135.106. The funding shall  
3 be distributed to renew the grants that were provided to the  
4 grantees that operated the program during the fiscal year  
5 ending June 30, 2012.

6 b. Of the funds appropriated in this subsection, \$164,943  
7 shall be used to continue to address the healthy mental  
8 development of children from birth through five years of age  
9 through local evidence-based strategies that engage both the  
10 public and private sectors in promoting healthy development,  
11 prevention, and treatment for children. A portion of the  
12 funds allocated in this lettered paragraph may be used for a  
13 full-time equivalent position to coordinate the activities  
14 under this paragraph.

15 c. Of the funds appropriated in this subsection, \$15,799  
16 shall be distributed to a statewide dental carrier to provide  
17 funds to continue the donated dental services program patterned  
18 after the projects developed by the lifeline network to provide  
19 dental services to indigent elderly and disabled individuals.

20 d. Of the funds appropriated in this subsection, \$56,339  
21 shall be used for childhood obesity prevention.

22 e. Of the funds appropriated in this subsection, \$81,880  
23 shall be used to provide audiological services and hearing  
24 aids for children. The department may enter into a contract  
25 to administer this paragraph.

26 3. CHRONIC CONDITIONS

27 For serving individuals identified as having chronic  
28 conditions or special health care needs, and for not more than  
29 the following full-time equivalent positions:

30 .....	\$	1,699,578
31 .....	FTEs	4.00

32 a. Of the funds appropriated in this subsection, \$80,291  
33 shall be used for grants to individual patients who have  
34 phenylketonuria (PKU) to assist with the costs of necessary  
35 special foods.

1 b. Of the funds appropriated in this subsection, \$241,800  
2 is allocated for continuation of the contracts for resource  
3 facilitator services in accordance with section 135.22B,  
4 subsection 9, and for brain injury training services and  
5 recruiting of service providers to increase the capacity within  
6 this state to address the needs of individuals with brain  
7 injuries and such individuals' families.

8 c. Of the funds appropriated in this subsection, \$249,437  
9 shall be used as additional funding to leverage federal funding  
10 through the federal Ryan White Care Act, Tit. II, AIDS drug  
11 assistance program supplemental drug treatment grants.

12 d. Of the funds appropriated in this subsection, \$15,627  
13 shall be used for the public purpose of providing a grant to an  
14 existing national-affiliated organization to provide education,  
15 client-centered programs, and client and family support for  
16 people living with epilepsy and their families.

17 e. Of the funds appropriated in this subsection, \$394,152  
18 shall be used for child health specialty clinics.

19 f. Of the funds appropriated in this subsection, \$273,533  
20 shall be used for the comprehensive cancer control program to  
21 reduce the burden of cancer in Iowa through prevention, early  
22 detection, effective treatment, and ensuring quality of life.  
23 Of the funds allocated in this lettered paragraph, \$100,000  
24 shall be used to support a melanoma research symposium, a  
25 melanoma biorepository and registry, basic and translational  
26 melanoma research, and clinical trials.

27 g. Of the funds appropriated in this subsection, \$63,225  
28 shall be used for cervical and colon cancer screening.

29 h. Of the funds appropriated in this subsection, \$264,417  
30 shall be used for the center for congenital and inherited  
31 disorders. A portion of the funds allocated in this paragraph  
32 may be used for one full-time equivalent position for  
33 administration of the center.

34 i. Of the funds appropriated in this subsection, \$64,969  
35 shall be used for the prescription drug donation repository

1 program created in chapter 135M.

2 4. COMMUNITY CAPACITY

3 For strengthening the health care delivery system at the  
4 local level, and for not more than the following full-time  
5 equivalent positions:

6 .....	\$ 2,413,350
7 .....	FTEs 14.00

8 a. Of the funds appropriated in this subsection, \$50,000  
9 is allocated for a child vision screening program implemented  
10 through the university of Iowa hospitals and clinics in  
11 collaboration with early childhood Iowa areas.

12 b. Of the funds appropriated in this subsection, \$55,654 is  
13 allocated for continuation of an initiative implemented at the  
14 university of Iowa and \$50,247 is allocated for continuation of  
15 an initiative at the state mental health institute at Cherokee  
16 to expand and improve the workforce engaged in mental health  
17 treatment and services. The initiatives shall receive input  
18 from the university of Iowa, the department of human services,  
19 the department of public health, and the mental health, mental  
20 retardation, developmental disabilities, and brain injury  
21 commission to address the focus of the initiatives.

22 c. Of the funds appropriated in this subsection, \$585,746  
23 shall be used for essential public health services that promote  
24 healthy aging throughout the lifespan, contracted through a  
25 formula for local boards of health, to enhance health promotion  
26 and disease prevention services.

27 d. Of the funds appropriated in this section, \$60,909 shall  
28 be deposited in the governmental public health system fund  
29 created in section 135A.8 to be used for the purposes of the  
30 fund.

31 e. Of the funds appropriated in this subsection, \$72,271  
32 shall be used for the mental health professional shortage area  
33 program implemented pursuant to section 135.80.

34 f. Of the funds appropriated in this subsection,  
35 \$19,132 shall be used for a grant to a statewide association

1 of psychologists that is affiliated with the American  
2 psychological association to be used for continuation of a  
3 program to rotate intern psychologists in placements in urban  
4 and rural mental health professional shortage areas, as defined  
5 in section 135.80.

6 g. Of the funds appropriated in this subsection, the  
7 following amounts shall be allocated to the Iowa collaborative  
8 safety net provider network established pursuant to section  
9 135.153 to be used for the purposes designated. The following  
10 amounts allocated under this lettered paragraph shall be  
11 distributed to the specified provider and shall not be reduced  
12 for administrative or other costs prior to distribution:

13 (1) For distribution to the Iowa primary care association  
14 for statewide coordination of the Iowa collaborative safety net  
15 provider network:

16 ..... \$ 66,290

17 (2) For distribution to the Iowa family planning network  
18 agencies for necessary infrastructure, statewide coordination,  
19 provider recruitment, service delivery, and provision of  
20 assistance to patients in determining an appropriate medical  
21 home:

22 ..... \$ 37,259

23 (3) For distribution to the local boards of health that  
24 provide direct services for pilot programs in three counties to  
25 assist patients in determining an appropriate medical home:

26 ..... \$ 37,259

27 (4) For distribution to maternal and child health centers  
28 for pilot programs in three counties to assist patients in  
29 determining an appropriate medical home:

30 ..... \$ 37,259

31 (5) For distribution to free clinics for necessary  
32 infrastructure, statewide coordination, provider recruitment,  
33 service delivery, and provision of assistance to patients in  
34 determining an appropriate medical home:

35 ..... \$ 62,025



1 (6) For distribution to rural health clinics for necessary  
2 infrastructure, statewide coordination, provider recruitment,  
3 service delivery, and provision of assistance to patients in  
4 determining an appropriate medical home:

5 ..... \$ 55,215

6 (7) For continuation of the safety net provider patient  
7 access to specialty health care initiative as described in 2007  
8 Iowa Acts, chapter 218, section 109:

9 ..... \$ 130,000

10 (8) For continuation of the pharmaceutical infrastructure  
11 for safety net providers as described in 2007 Iowa Acts,  
12 chapter 218, section 108:

13 ..... \$ 135,000

14 The Iowa collaborative safety net provider network may  
15 continue to distribute funds allocated pursuant to this  
16 lettered paragraph through existing contracts or renewal of  
17 existing contracts.

18 h. (1) Of the funds appropriated in this subsection,  
19 \$74,500 shall be used for continued implementation of  
20 the recommendations of the direct care worker task force  
21 established pursuant to 2005 Iowa Acts, chapter 88, based upon  
22 the report submitted to the governor and the general assembly  
23 in December 2006. The department may use a portion of the  
24 funds allocated in this lettered paragraph for an additional  
25 position to assist in the continued implementation.

26 (2) It is the intent of the general assembly that a  
27 board of direct care workers shall be established within the  
28 department of public health by July 1, 2014, contingent upon  
29 the availability of funds to establish and maintain the board.

30 i. (1) Of the funds appropriated in this subsection,  
31 \$65,050 shall be used for allocation to an independent  
32 statewide direct care worker association for education,  
33 outreach, leadership development, mentoring, and other  
34 initiatives intended to enhance the recruitment and retention  
35 of direct care workers in health care and long-term care

1 settings.

2 (2) Of the funds appropriated in this subsection, \$29,000  
3 shall be used to provide scholarships or other forms of  
4 subsidization for direct care worker educational conferences,  
5 training, or outreach activities.

6 j. The department may utilize one of the full-time  
7 equivalent positions authorized in this subsection for  
8 administration of the activities related to the Iowa  
9 collaborative safety net provider network.

10 k. Of the funds appropriated in this subsection, the  
11 department may use up to \$29,259 for up to one full-time  
12 equivalent position to administer the volunteer health care  
13 provider program pursuant to section 135.24.

14 l. Of the funds appropriated in this subsection, \$25,000  
15 shall be used for a matching dental education loan repayment  
16 program to be allocated to a dental nonprofit health service  
17 corporation to develop the criteria and implement the loan  
18 repayment program.

19 m. Of the funds appropriated in this subsection, up to  
20 \$67,107 shall be used to support the department's activities  
21 relating to health and long-term care access as specified  
22 pursuant to chapter 135, division XXIV.

23 n. Of the funds appropriated in this subsection,  
24 \$181,994 shall be used as state matching funds for the health  
25 information network as enacted by this Act.

26 o. Of the funds appropriated in this subsection, \$12,500  
27 shall be used for continuation of a pilot program established  
28 through a grant to an organization that has an existing  
29 program for children and adults and that is solely dedicated  
30 to preserving sight and preventing blindness to provide vision  
31 screening to elementary school children in one urban and one  
32 rural school district in the state, on a voluntary basis, over  
33 a multiyear period. The grantee organization shall develop  
34 protocol for participating schools including the grade level  
35 of the children to be screened, the training and certification

1 necessary for individuals conducting the vision screening,  
2 vision screening equipment requirements, and documentation and  
3 tracking requirements. Following the conclusion of the pilot  
4 program, the grantee organization shall report findings and  
5 recommendations for statewide implementation of the vision  
6 screening program to the department of public health.

7 5. HEALTHY AGING

8 To provide public health services that reduce risks and  
9 invest in promoting and protecting good health over the  
10 course of a lifetime with a priority given to older Iowans and  
11 vulnerable populations:

12 ..... \$ 3,668,071

13 a. Of the funds appropriated in this subsection, \$1,004,594  
14 shall be used for local public health nursing services.

15 b. Of the funds appropriated in this subsection, \$2,663,477  
16 shall be used for home care aide services.

17 6. ENVIRONMENTAL HAZARDS

18 For reducing the public's exposure to hazards in the  
19 environment, primarily chemical hazards, and for not more than  
20 the following full-time equivalent positions:

21 ..... \$ 406,889

22 ..... FTEs 4.00

23 Of the funds appropriated in this subsection, \$272,189 shall  
24 be used for childhood lead poisoning provisions.

25 7. INFECTIOUS DISEASES

26 For reducing the incidence and prevalence of communicable  
27 diseases, and for not more than the following full-time  
28 equivalent positions:

29 ..... \$ 672,924

30 ..... FTEs 4.00

31 8. PUBLIC PROTECTION

32 For protecting the health and safety of the public through  
33 establishing standards and enforcing regulations, and for not  
34 more than the following full-time equivalent positions:

35 ..... \$ 1,389,344

1 ..... FTEs 125.00

2 a. Of the funds appropriated in this subsection, not more  
3 than \$212,073 shall be credited to the emergency medical  
4 services fund created in section 135.25. Moneys in the  
5 emergency medical services fund are appropriated to the  
6 department to be used for the purposes of the fund.

7 b. Of the funds appropriated in this subsection, \$105,310  
8 shall be used for sexual violence prevention programming  
9 through a statewide organization representing programs serving  
10 victims of sexual violence through the department's sexual  
11 violence prevention program. The amount allocated in this  
12 lettered paragraph shall not be used to supplant funding  
13 administered for other sexual violence prevention or victims  
14 assistance programs.

15 c. Of the funds appropriated in this subsection, not more  
16 than \$218,291 shall be used for the state poison control  
17 center.

18 d. Of the funds appropriated in this subsection, \$25,000  
19 shall be used for education, testing, training, and other costs  
20 to conform the requirements for certification of emergency  
21 medical care providers with national standards.

22 9. RESOURCE MANAGEMENT

23 For establishing and sustaining the overall ability of the  
24 department to deliver services to the public, and for not more  
25 than the following full-time equivalent positions:

26 ..... \$ 409,777  
27 ..... FTEs 7.00

28 The university of Iowa hospitals and clinics under the  
29 control of the state board of regents shall not receive  
30 indirect costs from the funds appropriated in this section.  
31 The university of Iowa hospitals and clinics billings to the  
32 department shall be on at least a quarterly basis.

33 DIVISION XVII

34 DEPARTMENT OF VETERANS AFFAIRS — FY 2012-2013

35 Sec. 131. DEPARTMENT OF VETERANS AFFAIRS. There is

1 appropriated from the general fund of the state to the  
2 department of veterans affairs for the fiscal year beginning  
3 July 1, 2012, and ending June 30, 2013, the following amounts,  
4 or so much thereof as is necessary, to be used for the purposes  
5 designated:

6 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

7 For salaries, support, maintenance, and miscellaneous  
8 purposes, including the war orphans educational assistance fund  
9 created in section 35.8, and for not more than the following  
10 full-time equivalent positions:

11 .....	\$	499,416
12 .....	FTEs	16.34

13 2. IOWA VETERANS HOME

14 For salaries, support, maintenance, and miscellaneous  
15 purposes:

16 .....	\$	4,476,076
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17 a. The Iowa veterans home billings involving the department  
18 of human services shall be submitted to the department on at  
19 least a monthly basis.

20 b. If there is a change in the employer of employees  
21 providing services at the Iowa veterans home under a collective  
22 bargaining agreement, such employees and the agreement shall  
23 be continued by the successor employer as though there had not  
24 been a change in employer.

25 c. Within available resources and in conformance with  
26 associated state and federal program eligibility requirements,  
27 the Iowa veterans home may implement measures to provide  
28 financial assistance to or on behalf of veterans or their  
29 spouses participating in the community reentry program.

30 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED  
31 VETERANS

32 For provision of educational assistance pursuant to section  
33 35.9:

34 .....	\$	6,208
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35 Sec. 132. LIMITATION OF COUNTY COMMISSION OF VETERANS

1 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the  
2 standing appropriation in the following designated section for  
3 the fiscal year beginning July 1, 2012, and ending June 30,  
4 2013, the amounts appropriated from the general fund of the  
5 state pursuant to that section for the following designated  
6 purposes shall not exceed the following amount:

7 For the county commissions of veterans affairs fund under  
8 section 35A.16:

9 ..... \$ 495,000

10 DIVISION XVIII

11 DEPARTMENT OF HUMAN SERVICES — FY 2012-2013

12 Sec. 133. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK  
13 GRANT. There is appropriated from the fund created in section  
14 8.41 to the department of human services for the fiscal year  
15 beginning July 1, 2012, and ending June 30, 2013, from moneys  
16 received under the federal temporary assistance for needy  
17 families (TANF) block grant pursuant to the federal Personal  
18 Responsibility and Work Opportunity Reconciliation Act of 1996,  
19 Pub. L. No. 104-193, and successor legislation, and from moneys  
20 received under the emergency contingency fund for temporary  
21 assistance for needy families state program established  
22 pursuant to the federal American Recovery and Reinvestment Act  
23 of 2009, Pub. L. No. 111-5 § 2101, and successor legislation,  
24 the following amounts, or so much thereof as is necessary, to  
25 be used for the purposes designated:

26 1. To be credited to the family investment program account  
27 and used for assistance under the family investment program  
28 under chapter 239B:

29 ..... \$ 10,750,369

30 2. To be credited to the family investment program account  
31 and used for the job opportunities and basic skills (JOBS)  
32 program and implementing family investment agreements in  
33 accordance with chapter 239B:

34 ..... \$ 6,205,764

35 3. To be used for the family development and

1 self-sufficiency grant program in accordance with section  
2 216A.107:

3 ..... \$ 1,449,490

4 Notwithstanding section 8.33, moneys appropriated in this  
5 subsection that remain unencumbered or unobligated at the close  
6 of the fiscal year shall not revert but shall remain available  
7 for expenditure for the purposes designated until the close of  
8 the succeeding fiscal year. However, unless such moneys are  
9 encumbered or obligated on or before September 30, 2013, the  
10 moneys shall revert.

11 4. For field operations:

12 ..... \$ 15,648,116

13 5. For general administration:

14 ..... \$ 1,872,000

15 6. For state child care assistance:

16 ..... \$ 8,191,344

17 The funds appropriated in this subsection shall be  
18 transferred to the child care and development block grant  
19 appropriation made by the Eighty-fourth General Assembly, 2012  
20 Session, for the federal fiscal year beginning October 1,  
21 2012, and ending September 30, 2013. Of this amount, \$100,000  
22 shall be used for provision of educational opportunities to  
23 registered child care home providers in order to improve  
24 services and programs offered by this category of providers  
25 and to increase the number of providers. The department may  
26 contract with institutions of higher education or child care  
27 resource and referral centers to provide the educational  
28 opportunities. Allowable administrative costs under the  
29 contracts shall not exceed 5 percent. The application for a  
30 grant shall not exceed two pages in length.

31 7. For mental health and developmental disabilities  
32 community services:

33 ..... \$ 2,447,026

34 8. For child and family services:

35 ..... \$ 16,042,215

1 9. For child abuse prevention grants:  
2 ..... \$ 62,500

3 10. For pregnancy prevention grants on the condition that  
4 family planning services are funded:  
5 ..... \$ 965,034

6 Pregnancy prevention grants shall be awarded to programs  
7 in existence on or before July 1, 2012, if the programs are  
8 comprehensive in scope and have demonstrated positive outcomes.  
9 Grants shall be awarded to pregnancy prevention programs  
10 which are developed after July 1, 2012, if the programs are  
11 comprehensive in scope and are based on existing models that  
12 have demonstrated positive outcomes. Grants shall comply with  
13 the requirements provided in 1997 Iowa Acts, chapter 208,  
14 section 14, subsections 1 and 2, including the requirement that  
15 grant programs must emphasize sexual abstinence. Priority in  
16 the awarding of grants shall be given to programs that serve  
17 areas of the state which demonstrate the highest percentage of  
18 unplanned pregnancies of females of childbearing age within the  
19 geographic area to be served by the grant.

20 11. For technology needs and other resources necessary  
21 to meet federal welfare reform reporting, tracking, and case  
22 management requirements:  
23 ..... \$ 518,593

24 12. To be credited to the state child care assistance  
25 appropriation made in this section to be used for funding of  
26 community-based early childhood programs targeted to children  
27 from birth through five years of age developed by early  
28 childhood Iowa areas as provided in section 256I.11:  
29 ..... \$ 3,175,000

30 The department shall transfer TANF block grant funding  
31 appropriated and allocated in this subsection to the child care  
32 and development block grant appropriation in accordance with  
33 federal law as necessary to comply with the provisions of this  
34 subsection.

35 13. a. Notwithstanding any provision to the contrary,



1 including but not limited to requirements in section 8.41 or  
 2 provisions in 2011 or 2012 Iowa Acts regarding the receipt  
 3 and appropriation of federal block grants, federal funds  
 4 from the emergency contingency fund for temporary assistance  
 5 for needy families state program established pursuant to the  
 6 federal American Recovery and Reinvestment Act of 2009, Pub.  
 7 L. No. 111-5 § 2101, received by the state during the fiscal  
 8 year beginning July 1, 2011, and ending June 30, 2012, not  
 9 otherwise appropriated in this section and remaining available  
 10 as of July 1, 2012, and received by the state during the fiscal  
 11 year beginning July 1, 2012, and ending June 30, 2013, are  
 12 appropriated to the extent as may be necessary to be used in  
 13 the following priority order: the family investment program  
 14 for the fiscal year and for state child care assistance program  
 15 payments for individuals enrolled in the family investment  
 16 program who are employed. The federal funds appropriated in  
 17 this paragraph "a" shall be expended only after all other  
 18 funds appropriated in subsection 1 for the assistance under  
 19 the family investment program under chapter 239B have been  
 20 expended.

21 b. The department shall, on a quarterly basis, advise the  
 22 legislative services agency and department of management of  
 23 the amount of funds appropriated in this subsection that was  
 24 expended in the prior quarter.

25 14. Of the amounts appropriated in this section,  
 26 \$6,481,004 for the fiscal year beginning July 1, 2012, shall be  
 27 transferred to the appropriation of the federal social services  
 28 block grant made for that fiscal year.

29 15. For continuation of the program allowing the department  
 30 to maintain categorical eligibility for the food assistance  
 31 program as required under the section of this division relating  
 32 to the family investment account:

33 ..... \$ 73,036

34 16. The department may transfer funds allocated in this  
 35 section to the appropriations made in this division of this Act

1 for general administration and field operations for resources  
2 necessary to implement and operate the services referred to in  
3 this section and those funded in the appropriation made in this  
4 division of this Act for the family investment program from the  
5 general fund of the state.

6 Sec. 134. FAMILY INVESTMENT PROGRAM ACCOUNT.

7 1. Moneys credited to the family investment program (FIP)  
8 account for the fiscal year beginning July 1, 2012, and  
9 ending June 30, 2013, shall be used to provide assistance in  
10 accordance with chapter 239B.

11 2. The department may use a portion of the moneys credited  
12 to the FIP account under this section as necessary for  
13 salaries, support, maintenance, and miscellaneous purposes.

14 3. The department may transfer funds allocated in this  
15 section to the appropriations in this division of this Act  
16 for general administration and field operations for resources  
17 necessary to implement and operate the services referred to in  
18 this section and those funded in the appropriation made in this  
19 division of this Act for the family investment program from the  
20 general fund of the state.

21 4. Moneys appropriated in this division of this Act and  
22 credited to the FIP account for the fiscal year beginning July  
23 1, 2012, and ending June 30, 2013, are allocated as follows:

24 a. To be retained by the department of human services to  
25 be used for coordinating with the department of human rights  
26 to more effectively serve participants in the FIP program and  
27 other shared clients and to meet federal reporting requirements  
28 under the federal temporary assistance for needy families block  
29 grant:

30 ..... \$ 10,000

31 b. To the department of human rights for staffing,  
32 administration, and implementation of the family development  
33 and self-sufficiency grant program in accordance with section  
34 216A.107:

35 ..... \$ 2,671,417

1 (1) Of the funds allocated for the family development and  
2 self-sufficiency grant program in this lettered paragraph,  
3 not more than 5 percent of the funds shall be used for the  
4 administration of the grant program.

5 (2) The department of human rights may continue to implement  
6 the family development and self-sufficiency grant program  
7 statewide during fiscal year 2012-2013.

8 c. For the diversion subaccount of the FIP account:  
9 ..... \$ 849,200

10 A portion of the moneys allocated for the subaccount may  
11 be used for field operations salaries, data management system  
12 development, and implementation costs and support deemed  
13 necessary by the director of human services in order to  
14 administer the FIP diversion program.

15 d. For the food stamp employment and training program:  
16 ..... \$ 33,294

17 (1) The department shall amend the food stamp employment and  
18 training state plan in order to maximize to the fullest extent  
19 permitted by federal law the use of the 50-50 match provisions  
20 for the claiming of allowable federal matching funds from the  
21 United States department of agriculture pursuant to the federal  
22 food stamp employment and training program for providing  
23 education, employment, and training services for eligible food  
24 assistance program participants, including but not limited to  
25 related dependent care and transportation expenses.

26 (2) The department shall continue the categorical federal  
27 food assistance program eligibility at 160 percent of the  
28 federal poverty level and continue to eliminate the asset test  
29 from eligibility requirements, consistent with federal food  
30 assistance program requirements. The department shall include  
31 as many food assistance households as is allowed by federal  
32 law. The eligibility provisions shall conform to all federal  
33 requirements including requirements addressing individuals who  
34 are incarcerated or otherwise ineligible.

35 e. For the JOBS program:

1 ..... \$ 10,117,953

2 5. Of the child support collections assigned under FIP,  
3 an amount equal to the federal share of support collections  
4 shall be credited to the child support recovery appropriation  
5 made in this division of this Act. Of the remainder of the  
6 assigned child support collections received by the child  
7 support recovery unit, a portion shall be credited to the FIP  
8 account, a portion may be used to increase recoveries, and a  
9 portion may be used to sustain cash flow in the child support  
10 payments account. If as a consequence of the appropriations  
11 and allocations made in this section the resulting amounts  
12 are insufficient to sustain cash assistance payments and meet  
13 federal maintenance of effort requirements, the department  
14 shall seek supplemental funding. If child support collections  
15 assigned under FIP are greater than estimated or are otherwise  
16 determined not to be required for maintenance of effort, the  
17 state share of either amount may be transferred to or retained  
18 in the child support payment account.

19 6. The department may adopt emergency rules for the family  
20 investment, JOBS, food stamp, and medical assistance programs  
21 if necessary to comply with federal requirements.

22 Sec. 135. FAMILY INVESTMENT PROGRAM GENERAL FUND. There  
23 is appropriated from the general fund of the state to the  
24 department of human services for the fiscal year beginning July  
25 1, 2012, and ending June 30, 2013, the following amount, or  
26 so much thereof as is necessary, to be used for the purpose  
27 designated:

28 To be credited to the family investment program (FIP)  
29 account and used for family investment program assistance under  
30 chapter 239B:

31 ..... \$ 25,085,514

32 1. Of the funds appropriated in this section, \$3,912,189 is  
33 allocated for the JOBS program.

34 2. Of the funds appropriated in this section, \$1,231,927 is  
35 allocated for the family development and self-sufficiency grant

1 program.

2 3. Notwithstanding section 8.39, for the fiscal year  
3 beginning July 1, 2012, if necessary to meet federal  
4 maintenance of effort requirements or to transfer federal  
5 temporary assistance for needy families block grant funding  
6 to be used for purposes of the federal social services block  
7 grant or to meet cash flow needs resulting from delays in  
8 receiving federal funding or to implement, in accordance with  
9 this division of this Act, activities currently funded with  
10 juvenile court services, county, or community moneys and state  
11 moneys used in combination with such moneys, the department  
12 of human services may transfer funds within or between any  
13 of the appropriations made in this division of this Act and  
14 appropriations in law for the federal social services block  
15 grant to the department for the following purposes, provided  
16 that the combined amount of state and federal temporary  
17 assistance for needy families block grant funding for each  
18 appropriation remains the same before and after the transfer:

- 19 a. For the family investment program.
- 20 b. For child care assistance.
- 21 c. For child and family services.
- 22 d. For field operations.
- 23 e. For general administration.
- 24 f. MH/MR/DD/BI community services (local purchase).

25 This subsection shall not be construed to prohibit the use  
26 of existing state transfer authority for other purposes. The  
27 department shall report any transfers made pursuant to this  
28 subsection to the legislative services agency.

29 4. Of the funds appropriated in this section, \$97,839 shall  
30 be used for continuation of a grant to an Iowa-based nonprofit  
31 organization with a history of providing tax preparation  
32 assistance to low-income Iowans in order to expand the usage of  
33 the earned income tax credit. The purpose of the grant is to  
34 supply this assistance to underserved areas of the state.

35 Sec. 136. CHILD SUPPORT RECOVERY. There is appropriated

1 from the general fund of the state to the department of human  
2 services for the fiscal year beginning July 1, 2012, and ending  
3 June 30, 2013, the following amount, or so much thereof as is  
4 necessary, to be used for the purposes designated:

5 For child support recovery, including salaries, support,  
6 maintenance, and miscellaneous purposes, and for not more than  
7 the following full-time equivalent positions:

8 .....	\$	6,559,628
9 .....	FTEs	475.00

10 1. The department shall expend up to \$12,165, including  
11 federal financial participation, for the fiscal year beginning  
12 July 1, 2012, for a child support public awareness campaign.  
13 The department and the office of the attorney general shall  
14 cooperate in continuation of the campaign. The public  
15 awareness campaign shall emphasize, through a variety of  
16 media activities, the importance of maximum involvement of  
17 both parents in the lives of their children as well as the  
18 importance of payment of child support obligations.

19 2. Federal access and visitation grant moneys shall be  
20 issued directly to private not-for-profit agencies that provide  
21 services designed to increase compliance with the child access  
22 provisions of court orders, including but not limited to  
23 neutral visitation sites and mediation services.

24 3. The appropriation made to the department for child  
25 support recovery may be used throughout the fiscal year in the  
26 manner necessary for purposes of cash flow management, and for  
27 cash flow management purposes the department may temporarily  
28 draw more than the amount appropriated, provided the amount  
29 appropriated is not exceeded at the close of the fiscal year.

30 4. With the exception of the funding amount specified, the  
31 requirements established under 2001 Iowa Acts, chapter 191,  
32 section 3, subsection 5, paragraph "c", subparagraph (3), shall  
33 be applicable to parental obligation pilot projects for the  
34 fiscal year beginning July 1, 2012, and ending June 30, 2013.  
35 Notwithstanding 441 IAC 100.8, providing for termination of

1 rules relating to the pilot projects, the rules shall remain  
2 in effect until June 30, 2013.

3 Sec. 137. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. Any  
4 funds remaining in the health care trust fund created in  
5 section 453A.35A for the fiscal year beginning July 1, 2012,  
6 and ending June 30, 2013, are appropriated to the department  
7 of human services to supplement the medical assistance program  
8 appropriations made in this Act, for medical assistance  
9 reimbursement and associated costs, including program  
10 administration and costs associated with implementation.

11 Sec. 138. MEDICAL ASSISTANCE. There is appropriated from  
12 the general fund of the state to the department of human  
13 services for the fiscal year beginning July 1, 2012, and ending  
14 June 30, 2013, the following amount, or so much thereof as is  
15 necessary, to be used for the purpose designated:

16 For medical assistance reimbursement and associated costs  
17 as specifically provided in the reimbursement methodologies  
18 in effect on June 30, 2012, except as otherwise expressly  
19 authorized by law, including reimbursement for abortion  
20 services which shall be available under the medical assistance  
21 program only for those abortions which are medically necessary:  
22 ..... \$897,816,915

23 1. Medically necessary abortions are those performed under  
24 any of the following conditions:

25 a. The attending physician certifies that continuing the  
26 pregnancy would endanger the life of the pregnant woman.

27 b. The attending physician certifies that the fetus is  
28 physically deformed, mentally deficient, or afflicted with a  
29 congenital illness.

30 c. The pregnancy is the result of a rape which is reported  
31 within 45 days of the incident to a law enforcement agency or  
32 public or private health agency which may include a family  
33 physician.

34 d. The pregnancy is the result of incest which is reported  
35 within 150 days of the incident to a law enforcement agency

1 or public or private health agency which may include a family  
2 physician.

3 e. Any spontaneous abortion, commonly known as a  
4 miscarriage, if not all of the products of conception are  
5 expelled.

6 2. The department shall utilize not more than \$60,000 of  
7 the funds appropriated in this section to continue the AIDS/HIV  
8 health insurance premium payment program as established in 1992  
9 Iowa Acts, Second Extraordinary Session, chapter 1001, section  
10 409, subsection 6. Of the funds allocated in this subsection,  
11 not more than \$5,000 may be expended for administrative  
12 purposes.

13 3. Of the funds appropriated in this Act to the department  
14 of public health for addictive disorders, \$950,000 for the  
15 fiscal year beginning July 1, 2012, shall be transferred to  
16 the department of human services for an integrated substance  
17 abuse managed care system. The department shall not assume  
18 management of the substance abuse system in place of the  
19 managed care contractor unless such a change in approach is  
20 specifically authorized in law. The departments of human  
21 services and public health shall work together to maintain  
22 the level of mental health and substance abuse services  
23 provided by the managed care contractor through the Iowa plan  
24 for behavioral health. Each department shall take the steps  
25 necessary to continue the federal waivers as necessary to  
26 maintain the level of services.

27 4. a. The department shall aggressively pursue options for  
28 providing medical assistance or other assistance to individuals  
29 with special needs who become ineligible to continue receiving  
30 services under the early and periodic screening, diagnostic,  
31 and treatment program under the medical assistance program  
32 due to becoming 21 years of age who have been approved for  
33 additional assistance through the department's exception to  
34 policy provisions, but who have health care needs in excess  
35 of the funding available through the exception to policy



1 provisions.

2     b. Of the funds appropriated in this section, \$100,000  
3 shall be used for participation in one or more pilot projects  
4 operated by a private provider to allow the individual or  
5 individuals to receive service in the community in accordance  
6 with principles established in *Olmstead v. L.C.*, 527 U.S. 581  
7 (1999), for the purpose of providing medical assistance or  
8 other assistance to individuals with special needs who become  
9 ineligible to continue receiving services under the early and  
10 periodic screening, diagnosis, and treatment program under  
11 the medical assistance program due to becoming 21 years of  
12 age who have been approved for additional assistance through  
13 the department's exception to policy provisions, but who have  
14 health care needs in excess of the funding available through  
15 the exception to the policy provisions.

16     5. Of the funds appropriated in this section, up to  
17 \$3,050,082 may be transferred to the field operations  
18 or general administration appropriations in this Act for  
19 operational costs associated with Part D of the federal  
20 Medicare Prescription Drug Improvement and Modernization Act  
21 of 2003, Pub. L. No. 108-173.

22     6. Of the funds appropriated in this section, up to \$442,100  
23 may be transferred to the appropriation in this division  
24 of this Act for medical contracts to be used for clinical  
25 assessment services and prior authorization of services.

26     7. A portion of the funds appropriated in this section  
27 may be transferred to the appropriations in this division of  
28 this Act for general administration, medical contracts, the  
29 children's health insurance program, or field operations to be  
30 used for the state match cost to comply with the payment error  
31 rate measurement (PERM) program for both the medical assistance  
32 and children's health insurance programs as developed by the  
33 centers for Medicare and Medicaid services of the United States  
34 department of health and human services to comply with the  
35 federal Improper Payments Information Act of 2002, Pub. L. No.

1 107-300.

2 8. It is the intent of the general assembly that the  
3 department continue to implement the recommendations of  
4 the assuring better child health and development initiative  
5 II (ABCDII) clinical panel to the Iowa early and periodic  
6 screening, diagnostic, and treatment services healthy mental  
7 development collaborative board regarding changes to billing  
8 procedures, codes, and eligible service providers.

9 9. Of the funds appropriated in this section, a sufficient  
10 amount is allocated to supplement the incomes of residents of  
11 nursing facilities, intermediate care facilities for persons  
12 with mental illness, and intermediate care facilities for  
13 persons with mental retardation, with incomes of less than \$50  
14 in the amount necessary for the residents to receive a personal  
15 needs allowance of \$50 per month pursuant to section 249A.30A.

16 10. Of the funds appropriated in this section, the following  
17 amounts shall be transferred to the appropriations made in this  
18 division of this Act for the state mental health institutes:

- 19 a. Cherokee mental health institute ..... \$ 9,098,425
- 20 b. Clarinda mental health institute ..... \$ 1,977,305
- 21 c. Independence mental health institute ..... \$ 9,045,894
- 22 d. Mount Pleasant mental health institute .... \$ 5,752,587

23 11. a. Of the funds appropriated in this section,  
24 \$7,425,684 is allocated for the state match for a  
25 disproportionate share hospital payment of \$19,133,430 to  
26 hospitals that meet both of the conditions specified in  
27 subparagraphs (1) and (2). In addition, the hospitals that  
28 meet the conditions specified shall either certify public  
29 expenditures or transfer to the medical assistance program  
30 an amount equal to provide the nonfederal share for a  
31 disproportionate share hospital payment of \$7,500,000. The  
32 hospitals that meet the conditions specified shall receive and  
33 retain 100 percent of the total disproportionate share hospital  
34 payment of \$26,633,430.

35 (1) The hospital qualifies for disproportionate share and

1 graduate medical education payments.

2 (2) The hospital is an Iowa state-owned hospital with more  
3 than 500 beds and eight or more distinct residency specialty  
4 or subspecialty programs recognized by the American college of  
5 graduate medical education.

6 b. Distribution of the disproportionate share payments  
7 shall be made on a monthly basis. The total amount of  
8 disproportionate share payments including graduate medical  
9 education, enhanced disproportionate share, and Iowa  
10 state-owned teaching hospital payments shall not exceed the  
11 amount of the state's allotment under Pub. L. No. 102-234.  
12 In addition, the total amount of all disproportionate  
13 share payments shall not exceed the hospital-specific  
14 disproportionate share limits under Pub. L. No. 103-66.

15 12. The university of Iowa hospitals and clinics shall  
16 either certify public expenditures or transfer to the medical  
17 assistance appropriation an amount equal to provide the  
18 nonfederal share for increased medical assistance payments for  
19 inpatient and outpatient hospital services of \$9,900,000. The  
20 university of Iowa hospitals and clinics shall receive and  
21 retain 100 percent of the total increase in medical assistance  
22 payments.

23 13. Of the funds appropriated in this section, up to  
24 \$4,480,304 may be transferred to the IowaCare account created  
25 in section 249J.24.

26 14. Of the funds appropriated in this section, \$200,000  
27 shall be used for the Iowa chronic care consortium pursuant to  
28 2003 Iowa Acts, chapter 112, section 12, as amended by 2003  
29 Iowa Acts, chapter 179, sections 166 and 167.

30 15. One hundred percent of the nonfederal share of payments  
31 to area education agencies that are medical assistance  
32 providers for medical assistance-covered services provided to  
33 medical assistance-covered children, shall be made from the  
34 appropriation made in this section.

35 16. Any new or renewed contract entered into by the

1 department with a third party to administer behavioral health  
2 services under the medical assistance program shall provide  
3 that any interest earned on payments from the state during  
4 the state fiscal year shall be remitted to the department  
5 and treated as recoveries to offset the costs of the medical  
6 assistance program.

7 17. The department shall continue to implement the  
8 provisions in 2007 Iowa Acts, chapter 218, section 124 and  
9 section 126, as amended by 2008 Iowa Acts, chapter 1188,  
10 section 55, relating to eligibility for certain persons with  
11 disabilities under the medical assistance program in accordance  
12 with the federal family opportunity Act.

13 18. A portion of the funds appropriated in this section  
14 may be transferred to the appropriation in this division of  
15 this Act for medical contracts to be used for administrative  
16 activities associated with the money follows the person  
17 demonstration project.

18 19. Of the funds appropriated in this section, \$349,011  
19 shall be used for the administration of the health insurance  
20 premium payment program, including salaries, support,  
21 maintenance, and miscellaneous purposes for the fiscal year  
22 beginning July 1, 2012.

23 20. a. The department may continue to implement cost  
24 containment strategies recommended by the governor, and may  
25 adopt emergency rules for such implementation.

26 b. The department shall not implement the cost containment  
27 strategy to require a primary care referral for the provision  
28 of chiropractic services.

29 c. The department may increase the amounts allocated for  
30 salaries, support, maintenance, and miscellaneous purposes  
31 associated with the medical assistance program, as necessary,  
32 to implement the cost containment strategies. The department  
33 shall report any such increase to the legislative services  
34 agency and the department of management.

35 d. If the savings to the medical assistance program exceed

1 the cost, the department may transfer any savings generated  
2 for the fiscal year due to medical assistance program cost  
3 containment efforts initiated pursuant to 2010 Iowa Acts,  
4 chapter 1031, Executive Order No. 20, issued December 16, 2009,  
5 or cost containment strategies initiated pursuant to this  
6 subsection, to the appropriation made in this division of this  
7 Act for medical contracts or general administration to defray  
8 the increased contract costs associated with implementing such  
9 efforts.

10 e. The department shall report the implementation of  
11 any cost containment strategies under this subsection to  
12 the individuals specified in this division of this Act for  
13 submission of reports on a quarterly basis.

14 21. Notwithstanding any provision of law to the contrary,  
15 the department of human services shall continue implementation  
16 of the amended section 1915(b) waiver and Iowa plan contract  
17 for inclusion of remedial services under the Iowa plan contract  
18 for the fiscal year beginning July 1, 2012.

19 22. Of the funds appropriated in this section, \$5,000,000  
20 shall be used to continue reductions in the waiting lists  
21 of the medical assistance home and community-based services  
22 waivers, including the waiver for persons with intellectual  
23 disabilities for which the nonfederal share is paid as  
24 state case services and other support pursuant to section  
25 331.440. The department shall distribute the funding allocated  
26 under this subsection proportionately among all home and  
27 community-based services waivers.

28 Sec. 139. MEDICAL CONTRACTS. There is appropriated from the  
29 general fund of the state to the department of human services  
30 for the fiscal year beginning July 1, 2012, and ending June 30,  
31 2013, the following amount, or so much thereof as is necessary,  
32 to be used for the purpose designated:

33 For medical contracts:  
34 ..... \$ 4,946,922

35 1. The department of inspections and appeals shall

1 provide all state matching funds for survey and certification  
2 activities performed by the department of inspections  
3 and appeals. The department of human services is solely  
4 responsible for distributing the federal matching funds for  
5 such activities.

6 2. Of the funds appropriated in this section, \$75,000  
7 shall be used for continued implementation of a uniform cost  
8 report to be used in the development of specified Medicaid  
9 reimbursement rates over a multiyear timeframe as specified in  
10 this Act for FY 2011-2012.

11 3. a. Of the funds appropriated in this section,  
12 \$50,000 shall be used for continued implementation of an  
13 electronic medical records system, including system purchase or  
14 development, for home and community-based services providers  
15 and mental health services providers that comply with the  
16 requirements of federal and state laws and regulation by the  
17 fiscal year beginning July 1, 2013.

18 b. Notwithstanding section 8.33, funds allocated in this  
19 subsection that remain unencumbered or unobligated at the close  
20 of the fiscal year shall not revert but shall remain available  
21 in succeeding fiscal years to be used for the purposes  
22 designated.

23 4. Of the amount appropriated in this section, \$1,750,000  
24 shall be used for technology upgrades necessary to support  
25 Medicaid claims and other health operations, worldwide federal  
26 Health Insurance Portability and Accountability Act of 1996  
27 (HIPAA) claims, transactions, and coding requirements, and the  
28 Iowa automated benefits calculation system. Notwithstanding  
29 section 8.33, funds allocated in this subsection that remain  
30 unencumbered or unobligated at the close of the fiscal year  
31 shall not revert but shall remain available in succeeding  
32 fiscal years to be used for the purposes designated.

33 5. Of the funds appropriated in this section, \$50,000  
34 shall be used for the continuation of an accountable care  
35 organization pilot project as specified in this Act relating to

1 prior appropriations and related changes for FY 2011-2012.

2 6. Of the funds appropriated in this section, \$100,000  
3 shall be used for the continued development of a provider  
4 payment system plan to provide recommendations to reform the  
5 health care provider payment system as an effective way to  
6 promote coordination of care, lower costs, and improve quality  
7 as specified in the division of this Act relating to cost  
8 containment for FY 2011-2012.

9 7. Of the funds appropriated in this section, \$10,000 shall  
10 be used for the continued development of a plan to establish  
11 an all-payer claims database to provide for the collection  
12 and analysis of claims data from multiple payers of health  
13 care as specified in the division of this Act relating to cost  
14 containment for FY 2011-2012.

15 8. Of the funds appropriated in this section, \$25,000 shall  
16 be used for continuation of home and community-based services  
17 waiver quality assurance programs, including the review and  
18 streamlining of processes and policies related to oversight and  
19 quality management to meet state and federal requirements.

20 Sec. 140. STATE SUPPLEMENTARY ASSISTANCE.

21 1. There is appropriated from the general fund of the  
22 state to the department of human services for the fiscal year  
23 beginning July 1, 2012, and ending June 30, 2013, the following  
24 amount, or so much thereof as is necessary, to be used for the  
25 purpose designated:

26 For the state supplementary assistance program:  
27 ..... \$ 8,425,374

28 2. The department shall increase the personal needs  
29 allowance for residents of residential care facilities by the  
30 same percentage and at the same time as federal supplemental  
31 security income and federal social security benefits are  
32 increased due to a recognized increase in the cost of living.  
33 The department may adopt emergency rules to implement this  
34 subsection.

35 3. If during the fiscal year beginning July 1, 2012,

1 the department projects that state supplementary assistance  
2 expenditures for a calendar year will not meet the federal  
3 pass-through requirement specified in Tit. XVI of the federal  
4 Social Security Act, section 1618, as codified in 42 U.S.C.  
5 § 1382g, the department may take actions including but not  
6 limited to increasing the personal needs allowance for  
7 residential care facility residents and making programmatic  
8 adjustments or upward adjustments of the residential care  
9 facility or in-home health-related care reimbursement rates  
10 prescribed in this division of this Act to ensure that federal  
11 requirements are met. In addition, the department may make  
12 other programmatic and rate adjustments necessary to remain  
13 within the amount appropriated in this section while ensuring  
14 compliance with federal requirements. The department may adopt  
15 emergency rules to implement the provisions of this subsection.

16 Sec. 141. CHILDREN'S HEALTH INSURANCE PROGRAM.

17 1. There is appropriated from the general fund of the  
18 state to the department of human services for the fiscal year  
19 beginning July 1, 2012, and ending June 30, 2013, the following  
20 amount, or so much thereof as is necessary, to be used for the  
21 purpose designated:

22 For maintenance of the healthy and well kids in Iowa (hawk-i)  
23 program pursuant to chapter 514I, including supplemental dental  
24 services, for receipt of federal financial participation under  
25 Tit. XXI of the federal Social Security Act, which creates the  
26 children's health insurance program:

27 ..... \$ 16,403,051

28 2. Of the funds appropriated in this section, \$64,475 is  
29 allocated for continuation of the contract for advertising and  
30 outreach with the department of public health.

31 Sec. 142. CHILD CARE ASSISTANCE. There is appropriated  
32 from the general fund of the state to the department of human  
33 services for the fiscal year beginning July 1, 2012, and ending  
34 June 30, 2013, the following amount, or so much thereof as is  
35 necessary, to be used for the purpose designated:



1 For child care programs:

2 ..... \$ 27,632,755

3 1. Of the funds appropriated in this section, \$26,948,041  
4 shall be used for state child care assistance in accordance  
5 with section 237A.13.

6 2. Nothing in this section shall be construed or is  
7 intended as or shall imply a grant of entitlement for services  
8 to persons who are eligible for assistance due to an income  
9 level consistent with the waiting list requirements of section  
10 237A.13. Any state obligation to provide services pursuant to  
11 this section is limited to the extent of the funds appropriated  
12 in this section.

13 3. Of the funds appropriated in this section, \$216,227 is  
14 allocated for the statewide program for child care resource  
15 and referral services under section 237A.26. A list of the  
16 registered and licensed child care facilities operating in the  
17 area served by a child care resource and referral service shall  
18 be made available to the families receiving state child care  
19 assistance in that area.

20 4. Of the funds appropriated in this section, \$468,487  
21 is allocated for child care quality improvement initiatives  
22 including but not limited to the voluntary quality rating  
23 system in accordance with section 237A.30.

24 5. The department may use any of the funds appropriated  
25 in this section as a match to obtain federal funds for use in  
26 expanding child care assistance and related programs. For  
27 the purpose of expenditures of state and federal child care  
28 funding, funds shall be considered obligated at the time  
29 expenditures are projected or are allocated to the department's  
30 service areas. Projections shall be based on current and  
31 projected caseload growth, current and projected provider  
32 rates, staffing requirements for eligibility determination  
33 and management of program requirements including data systems  
34 management, staffing requirements for administration of the  
35 program, contractual and grant obligations and any transfers

1 to other state agencies, and obligations for decategorization  
2 or innovation projects.

3 6. A portion of the state match for the federal child care  
4 and development block grant shall be provided as necessary to  
5 meet federal matching funds requirements through the state  
6 general fund appropriation made for child development grants  
7 and other programs for at-risk children in section 279.51.

8 7. If a uniform reduction ordered by the governor under  
9 section 8.31 or other operation of law, transfer, or federal  
10 funding reduction reduces the appropriation made in this  
11 section for the fiscal year, the percentage reduction in the  
12 amount paid out to or on behalf of the families participating  
13 in the state child care assistance program shall be equal to or  
14 less than the percentage reduction made for any other purpose  
15 payable from the appropriation made in this section and the  
16 federal funding relating to it. The percentage reduction to  
17 the other allocations made in this section shall be the same as  
18 the uniform reduction ordered by the governor or the percentage  
19 change of the federal funding reduction, as applicable.

20 If there is an unanticipated increase in federal funding  
21 provided for state child care assistance, the entire amount  
22 of the increase shall be used for state child care assistance  
23 payments. If the appropriations made for purposes of the  
24 state child care assistance program for the fiscal year are  
25 determined to be insufficient, it is the intent of the general  
26 assembly to appropriate sufficient funding for the fiscal year  
27 in order to avoid establishment of waiting list requirements.

28 8. Notwithstanding section 8.33, moneys appropriated in  
29 this section or received from the federal appropriations made  
30 for the purposes of this section that remain unencumbered or  
31 unobligated at the close of the fiscal year shall not revert  
32 to any fund but shall remain available for expenditure for the  
33 purposes designated until the close of the succeeding fiscal  
34 year.

35 Sec. 143. JUVENILE INSTITUTIONS. There is appropriated

1 from the general fund of the state to the department of human  
2 services for the fiscal year beginning July 1, 2012, and ending  
3 June 30, 2013, the following amounts, or so much thereof as is  
4 necessary, to be used for the purposes designated:

5 1. For operation of the Iowa juvenile home at Toledo and for  
6 salaries, support, maintenance, and miscellaneous purposes, and  
7 for not more than the following full-time equivalent positions:  
8 ..... \$ 4,129,126  
9 ..... FTEs 114.00

10 2. For operation of the state training school at Eldora and  
11 for salaries, support, maintenance, and miscellaneous purposes,  
12 and for not more than the following full-time equivalent  
13 positions:  
14 ..... \$ 5,319,339  
15 ..... FTEs 164.30

16 Of the funds appropriated in this subsection, \$45,575 shall  
17 be used for distribution to licensed classroom teachers at this  
18 and other institutions under the control of the department of  
19 human services based upon the average student yearly enrollment  
20 at each institution as determined by the department.

21 3. A portion of the moneys appropriated in this section  
22 shall be used by the state training school and by the Iowa  
23 juvenile home for grants for adolescent pregnancy prevention  
24 activities at the institutions in the fiscal year beginning  
25 July 1, 2012.

26 4. For the fiscal year beginning July 1, 2012,  
27 notwithstanding section 232.52, subsection 2, and section  
28 907.3A, subsection 1, the court shall not order the placement  
29 of a child at the Iowa juvenile home or the state training  
30 school under section 232.52, if that placement is not in  
31 accordance with the population guidelines for the respective  
32 juvenile institution established pursuant to section 233A.1 or  
33 233B.1.

34 Sec. 144. CHILD AND FAMILY SERVICES.

35 1. There is appropriated from the general fund of the

1 state to the department of human services for the fiscal year  
2 beginning July 1, 2012, and ending June 30, 2013, the following  
3 amount, or so much thereof as is necessary, to be used for the  
4 purpose designated:

5 For child and family services:  
6 ..... \$ 41,538,668

7 2. In order to address a reduction of \$5,200,000 from the  
8 amount allocated under the appropriation made for the purposes  
9 of this section in prior years for purposes of juvenile  
10 delinquent graduated sanction services, up to \$2,600,000 of the  
11 amount of federal temporary assistance for needy families block  
12 grant funding appropriated in this division of this Act for  
13 child and family services shall be made available for purposes  
14 of juvenile delinquent graduated sanction services.

15 3. The department may transfer funds appropriated in this  
16 section as necessary to pay the nonfederal costs of services  
17 reimbursed under the medical assistance program, state child  
18 care assistance program, or the family investment program which  
19 are provided to children who would otherwise receive services  
20 paid under the appropriation in this section. The department  
21 may transfer funds appropriated in this section to the  
22 appropriations made in this division of this Act for general  
23 administration and for field operations for resources necessary  
24 to implement and operate the services funded in this section.

25 4. a. Of the funds appropriated in this section, up to  
26 \$15,084,565 is allocated as the statewide expenditure target  
27 under section 232.143 for group foster care maintenance and  
28 services. If the department projects that such expenditures  
29 for the fiscal year will be less than the target amount  
30 allocated in this lettered paragraph, the department may  
31 reallocate the excess to provide additional funding for shelter  
32 care or the child welfare emergency services addressed with the  
33 allocation for shelter care.

34 b. If at any time after September 30, 2012, annualization  
35 of a service area's current expenditures indicates a service

1 area is at risk of exceeding its group foster care expenditure  
2 target under section 232.143 by more than 5 percent, the  
3 department and juvenile court services shall examine all  
4 group foster care placements in that service area in order to  
5 identify those which might be appropriate for termination.  
6 In addition, any aftercare services believed to be needed  
7 for the children whose placements may be terminated shall be  
8 identified. The department and juvenile court services shall  
9 initiate action to set dispositional review hearings for the  
10 placements identified. In such a dispositional review hearing,  
11 the juvenile court shall determine whether needed aftercare  
12 services are available and whether termination of the placement  
13 is in the best interest of the child and the community.

14 5. In accordance with the provisions of section 232.188,  
15 the department shall continue the child welfare and juvenile  
16 justice funding initiative during fiscal year 2012-2013. Of  
17 the funds appropriated in this section, \$858,877 is allocated  
18 specifically for expenditure for fiscal year 2012-2013 through  
19 the decategorization service funding pools and governance  
20 boards established pursuant to section 232.188.

21 6. A portion of the funds appropriated in this section  
22 may be used for emergency family assistance to provide other  
23 resources required for a family participating in a family  
24 preservation or reunification project or successor project to  
25 stay together or to be reunified.

26 7. Notwithstanding section 234.35 or any other provision  
27 of law to the contrary, state funding for shelter care and  
28 the child welfare emergency services contracting implemented  
29 to provide for or prevent the need for shelter care shall  
30 be limited to \$3,785,058. The department may continue or  
31 execute contracts that result from the department's request  
32 for proposal, bid number ACFS-11-114, to provide the range of  
33 child welfare emergency services described in the request for  
34 proposals, and any subsequent amendments to the request for  
35 proposals.

1 8. Federal funds received by the state during the fiscal  
2 year beginning July 1, 2012, as the result of the expenditure  
3 of state funds appropriated during a previous state fiscal  
4 year for a service or activity funded under this section are  
5 appropriated to the department to be used as additional funding  
6 for services and purposes provided for under this section.  
7 Notwithstanding section 8.33, moneys received in accordance  
8 with this subsection that remain unencumbered or unobligated at  
9 the close of the fiscal year shall not revert to any fund but  
10 shall remain available for the purposes designated until the  
11 close of the succeeding fiscal year.

12 9. Of the funds appropriated in this section, at least  
13 \$1,848,143 shall be used for protective child care assistance.

14 10. a. Of the funds appropriated in this section, up to  
15 \$1,031,244 is allocated for the payment of the expenses of  
16 court-ordered services provided to juveniles who are under the  
17 supervision of juvenile court services, which expenses are a  
18 charge upon the state pursuant to section 232.141, subsection  
19 4. Of the amount allocated in this lettered paragraph, up  
20 to \$778,144 shall be made available to provide school-based  
21 supervision of children adjudicated under chapter 232, of which  
22 not more than \$7,500 may be used for the purpose of training.  
23 A portion of the cost of each school-based liaison officer  
24 shall be paid by the school district or other funding source as  
25 approved by the chief juvenile court officer.

26 b. Of the funds appropriated in this section, up to \$374,493  
27 is allocated for the payment of the expenses of court-ordered  
28 services provided to children who are under the supervision  
29 of the department, which expenses are a charge upon the state  
30 pursuant to section 232.141, subsection 4.

31 c. Notwithstanding section 232.141 or any other provision  
32 of law to the contrary, the amounts allocated in this  
33 subsection shall be distributed to the judicial districts  
34 as determined by the state court administrator and to the  
35 department's service areas as determined by the administrator

1 of the department's division of child and family services. The  
2 state court administrator and the division administrator shall  
3 make the determination of the distribution amounts on or before  
4 June 15, 2012.

5 d. Notwithstanding chapter 232 or any other provision of  
6 law to the contrary, a district or juvenile court shall not  
7 order any service which is a charge upon the state pursuant  
8 to section 232.141 if there are insufficient court-ordered  
9 services funds available in the district court or departmental  
10 service area distribution amounts to pay for the service. The  
11 chief juvenile court officer and the departmental service area  
12 manager shall encourage use of the funds allocated in this  
13 subsection such that there are sufficient funds to pay for  
14 all court-related services during the entire year. The chief  
15 juvenile court officers and departmental service area managers  
16 shall attempt to anticipate potential surpluses and shortfalls  
17 in the distribution amounts and shall cooperatively request the  
18 state court administrator or division administrator to transfer  
19 funds between the judicial districts' or departmental service  
20 areas' distribution amounts as prudent.

21 e. Notwithstanding any provision of law to the contrary,  
22 a district or juvenile court shall not order a county to pay  
23 for any service provided to a juvenile pursuant to an order  
24 entered under chapter 232 which is a charge upon the state  
25 under section 232.141, subsection 4.

26 f. Of the funds allocated in this subsection, not more than  
27 \$41,500 may be used by the judicial branch for administration  
28 of the requirements under this subsection.

29 g. Of the funds allocated in this subsection, \$8,500  
30 shall be used by the department of human services to support  
31 the interstate commission for juveniles in accordance with  
32 the interstate compact for juveniles as provided in section  
33 232.173.

34 11. Of the funds appropriated in this section, \$2,961,301 is  
35 allocated for juvenile delinquent graduated sanctions services.

1 Any state funds saved as a result of efforts by juvenile court  
2 services to earn federal Tit. IV-E match for juvenile court  
3 services administration may be used for the juvenile delinquent  
4 graduated sanctions services.

5 12. Of the funds appropriated in this section, \$494,143  
6 shall be transferred to the department of public health to  
7 be used for the child protection center grant program in  
8 accordance with section 135.118.

9 13. If the department receives federal approval to  
10 implement a waiver under Tit. IV-E of the federal Social  
11 Security Act to enable providers to serve children who remain  
12 in the children's families and communities, for purposes of  
13 eligibility under the medical assistance program, children who  
14 participate in the waiver shall be considered to be placed in  
15 foster care.

16 14. Of the funds appropriated in this section, \$1,534,916 is  
17 allocated for the preparation for adult living program pursuant  
18 to section 234.46.

19 15. Of the funds appropriated in this section, \$260,075  
20 shall be used for juvenile drug courts. The amount allocated  
21 in this subsection shall be distributed as follows:

22 To the judicial branch for salaries to assist with the  
23 operation of juvenile drug court programs operated in the  
24 following jurisdictions:

- 25 a. Marshall county:
- 26 ..... \$ 31,354
- 27 b. Woodbury county:
- 28 ..... \$ 62,841
- 29 c. Polk county:
- 30 ..... \$ 97,946
- 31 d. The third judicial district:
- 32 ..... \$ 33,967
- 33 e. The eighth judicial district:
- 34 ..... \$ 33,967

35 16. Of the funds appropriated in this section, \$113,669



1 shall be used for the public purpose of providing a grant to  
2 a nonprofit human services organization providing services to  
3 individuals and families in multiple locations in southwest  
4 Iowa and Nebraska for support of a project providing immediate,  
5 sensitive support and forensic interviews, medical exams, needs  
6 assessments, and referrals for victims of child abuse and their  
7 nonoffending family members.

8 17. Of the funds appropriated in this section, \$62,795  
9 is allocated for the elevate approach of providing a support  
10 network to children placed in foster care.

11 18. Of the funds appropriated in this section, \$101,000 is  
12 allocated for use pursuant to section 235A.1 for continuation  
13 of the initiative to address child sexual abuse implemented  
14 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection  
15 21.

16 19. Of the funds appropriated in this section, \$315,120 is  
17 allocated for the community partnership for child protection  
18 sites.

19 20. Of the funds appropriated in this section, \$185,625  
20 is allocated for the department's minority youth and family  
21 projects under the redesign of the child welfare system.

22 21. Of the funds appropriated in this section, \$600,248  
23 is allocated for funding of the state match for the federal  
24 substance abuse and mental health services administration  
25 (SAMHSA) system of care grant.

26 22. Of the funds appropriated in this section, at least  
27 \$73,579 shall be used for the child welfare training academy.

28 23. Of the funds appropriated in this section, \$12,500  
29 shall be used for the public purpose of providing a grant to  
30 a child welfare services provider headquartered in a county  
31 with a population between 205,000 and 215,000 in the latest  
32 certified federal census that provides multiple services  
33 including but not limited to a psychiatric medical institution  
34 for children, shelter, residential treatment, after school  
35 programs, school-based programming, and an Asperger's syndrome

1 program, to be used for support services for children with  
2 autism spectrum disorder and their families.

3 24. Of the funds appropriated in this section \$128,587 shall  
4 be used for continuation of the central Iowa system of care  
5 program grant through June 30, 2013.

6 Sec. 145. ADOPTION SUBSIDY.

7 1. There is appropriated from the general fund of the  
8 state to the department of human services for the fiscal year  
9 beginning July 1, 2012, and ending June 30, 2013, the following  
10 amount, or so much thereof as is necessary, to be used for the  
11 purpose designated:

12 For adoption subsidy payments and services:

13 ..... \$ 17,233,296

14 2. The department may transfer funds appropriated in  
15 this section to the appropriation made in this division of  
16 this Act for general administration for costs paid from the  
17 appropriation relating to adoption subsidy.

18 3. Federal funds received by the state during the  
19 fiscal year beginning July 1, 2012, as the result of the  
20 expenditure of state funds during a previous state fiscal  
21 year for a service or activity funded under this section are  
22 appropriated to the department to be used as additional funding  
23 for the services and activities funded under this section.  
24 Notwithstanding section 8.33, moneys received in accordance  
25 with this subsection that remain unencumbered or unobligated  
26 at the close of the fiscal year shall not revert to any fund  
27 but shall remain available for expenditure for the purposes  
28 designated until the close of the succeeding fiscal year.

29 Sec. 146. JUVENILE DETENTION HOME FUND. Moneys deposited  
30 in the juvenile detention home fund created in section 232.142  
31 during the fiscal year beginning July 1, 2012, and ending June  
32 30, 2013, are appropriated to the department of human services  
33 for the fiscal year beginning July 1, 2012, and ending June 30,  
34 2013, for distribution of an amount equal to a percentage of  
35 the costs of the establishment, improvement, operation, and

1 maintenance of county or multicounty juvenile detention homes  
2 in the fiscal year beginning July 1, 2011. Moneys appropriated  
3 for distribution in accordance with this section shall be  
4 allocated among eligible detention homes, prorated on the basis  
5 of an eligible detention home's proportion of the costs of all  
6 eligible detention homes in the fiscal year beginning July  
7 1, 2011. The percentage figure shall be determined by the  
8 department based on the amount available for distribution for  
9 the fund. Notwithstanding section 232.142, subsection 3, the  
10 financial aid payable by the state under that provision for the  
11 fiscal year beginning July 1, 2012, shall be limited to the  
12 amount appropriated for the purposes of this section.

13 Sec. 147. FAMILY SUPPORT SUBSIDY PROGRAM.

14 1. There is appropriated from the general fund of the  
15 state to the department of human services for the fiscal year  
16 beginning July 1, 2012, and ending June 30, 2013, the following  
17 amount, or so much thereof as is necessary, to be used for the  
18 purpose designated:

19 For the family support subsidy program subject to the  
20 enrollment restrictions in section 225C.37, subsection 3:  
21 ..... \$ 583,999

22 2. The department shall use at least \$192,750 of the moneys  
23 appropriated in this section for the family support center  
24 component of the comprehensive family support program under  
25 section 225C.47. Not more than \$12,500 of the amount allocated  
26 in this subsection shall be used for administrative costs.

27 3. If at any time during the fiscal year, the amount of  
28 funding available for the family support subsidy program  
29 is reduced from the amount initially used to establish the  
30 figure for the number of family members for whom a subsidy  
31 is to be provided at any one time during the fiscal year,  
32 notwithstanding section 225C.38, subsection 2, the department  
33 shall revise the figure as necessary to conform to the amount  
34 of funding available.

35 Sec. 148. CONNER DECREE. There is appropriated from the

1 general fund of the state to the department of human services  
2 for the fiscal year beginning July 1, 2012, and ending June 30,  
3 2013, the following amount, or so much thereof as is necessary,  
4 to be used for the purpose designated:

5 For building community capacity through the coordination  
6 and provision of training opportunities in accordance with the  
7 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.  
8 Iowa, July 14, 1994):

9 ..... \$ 16,811

10 Sec. 149. MENTAL HEALTH INSTITUTES. There is appropriated  
11 from the general fund of the state to the department of human  
12 services for the fiscal year beginning July 1, 2012, and ending  
13 June 30, 2013, the following amounts, or so much thereof as is  
14 necessary, to be used for the purposes designated:

15 1. For the state mental health institute at Cherokee for  
16 salaries, support, maintenance, and miscellaneous purposes, and  
17 for not more than the following full-time equivalent positions:  
18 ..... \$ 2,938,654  
19 ..... FTEs 168.50

20 2. For the state mental health institute at Clarinda for  
21 salaries, support, maintenance, and miscellaneous purposes, and  
22 for not more than the following full-time equivalent positions:  
23 ..... \$ 3,205,867  
24 ..... FTEs 86.10

25 3. For the state mental health institute at Independence for  
26 salaries, support, maintenance, and miscellaneous purposes, and  
27 for not more than the following full-time equivalent positions:  
28 ..... \$ 5,137,843  
29 ..... FTEs 233.00

30 4. For the state mental health institute at Mount Pleasant  
31 for salaries, support, maintenance, and miscellaneous purposes,  
32 and for not more than the following full-time equivalent  
33 positions:  
34 ..... \$ 472,162  
35 ..... FTEs 91.72



1 5. If existing capacity limitations are reached in  
2 operating units, a waiting list is in effect for a service or  
3 a special need for which a payment source or other funding  
4 is available for the service or to address the special need,  
5 and facilities for the service or to address the special need  
6 can be provided within the available payment source or other  
7 funding, the superintendent of a state resource center may  
8 authorize opening not more than two units or other facilities  
9 and begin implementing the service or addressing the special  
10 need during fiscal year 2012-2013.

11 Sec. 151. MI/MR/DD STATE CASES.

12 1. There is appropriated from the general fund of the  
13 state to the department of human services for the fiscal year  
14 beginning July 1, 2012, and ending June 30, 2013, the following  
15 amount, or so much thereof as is necessary, to be used for the  
16 purpose designated:

17 For distribution to counties for state case services  
18 for persons with mental illness, mental retardation, and  
19 developmental disabilities in accordance with section 331.440:  
20 ..... \$ 6,084,741

21 2. For the fiscal year beginning July 1, 2012, and ending  
22 June 30, 2013, \$100,000 is allocated for state case services  
23 from the amounts appropriated from the fund created in section  
24 8.41 to the department of human services from the funds  
25 received from the federal government under 42 U.S.C. ch. 6A,  
26 subch. XVII, relating to the community mental health center  
27 block grant, for the federal fiscal years beginning October  
28 1, 2010, and ending September 30, 2011, beginning October 1,  
29 2011, and ending September 30, 2012, and beginning October 1,  
30 2012, and ending September 30, 2013. The allocation made in  
31 this subsection shall be made prior to any other distribution  
32 allocation of the appropriated federal funds.

33 3. Notwithstanding section 8.33, moneys appropriated in  
34 this section that remain unencumbered or unobligated at the  
35 close of the fiscal year shall not revert but shall remain

1 available for expenditure for the purposes designated until the  
2 close of the succeeding fiscal year.

3 Sec. 152. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES  
4 — COMMUNITY SERVICES FUND. There is appropriated from

5 the general fund of the state to the mental health and  
6 developmental disabilities community services fund created in  
7 section 225C.7 for the fiscal year beginning July 1, 2012, and  
8 ending June 30, 2013, the following amount, or so much thereof  
9 as is necessary, to be used for the purpose designated:

10 For mental health and developmental disabilities community  
11 services in accordance with this division of this Act:

12 ..... \$ 14,211,100

13 1. Of the funds appropriated in this section, \$14,187,556  
14 shall be allocated to counties for funding of community-based  
15 mental health and developmental disabilities services. The  
16 moneys shall be allocated to a county as follows:

17 a. Fifty percent based upon the county's proportion of the  
18 state's population of persons with an annual income which is  
19 equal to or less than the poverty guideline established by the  
20 federal office of management and budget.

21 b. Fifty percent based upon the county's proportion of the  
22 state's general population.

23 2. a. A county shall utilize the funding the county  
24 receives pursuant to subsection 1 for services provided to  
25 persons with a disability, as defined in section 225C.2.  
26 However, no more than 50 percent of the funding shall be used  
27 for services provided to any one of the service populations.

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

32 3. Of the funds appropriated in this section, \$23,544  
33 shall be used to support the Iowa compass program providing  
34 computerized information and referral services for Iowans with  
35 disabilities and their families.

1 4. a. Funding appropriated for purposes of the federal  
2 social services block grant is allocated for distribution  
3 to counties for local purchase of services for persons with  
4 mental illness or mental retardation or other developmental  
5 disability.

6 b. The funds allocated in this subsection shall be expended  
7 by counties in accordance with the county's county management  
8 plan approved by the board of supervisors. A county without  
9 an approved county management plan shall not receive allocated  
10 funds until the county's management plan is approved.

11 c. The funds provided by this subsection shall be allocated  
12 to each county as follows:

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

17 (2) Fifty percent based upon the amount provided to the  
18 county for local purchase of services in the preceding fiscal  
19 year.

20 5. A county is eligible for funds under this section if the  
21 county qualifies for a state payment as described in section  
22 331.439.

23 6. The most recent population estimates issued by the United  
24 States bureau of the census shall be applied for the population  
25 factors utilized in this section.

26 Sec. 153. SEXUALLY VIOLENT PREDATORS.

27 1. There is appropriated from the general fund of the  
28 state to the department of human services for the fiscal year  
29 beginning July 1, 2012, and ending June 30, 2013, the following  
30 amount, or so much thereof as is necessary, to be used for the  
31 purpose designated:

32 For costs associated with the commitment and treatment of  
33 sexually violent predators in the unit located at the state  
34 mental health institute at Cherokee, including costs of legal  
35 services and other associated costs, including salaries,



1 support, maintenance, and miscellaneous purposes, and for not  
2 more than the following full-time equivalent positions:

3 ..... \$ 3,775,364  
4 ..... FTEs 89.50

5 2. Unless specifically prohibited by law, if the amount  
6 charged provides for recoupment of at least the entire amount  
7 of direct and indirect costs, the department of human services  
8 may contract with other states to provide care and treatment  
9 of persons placed by the other states at the unit for sexually  
10 violent predators at Cherokee. The moneys received under  
11 such a contract shall be considered to be repayment receipts  
12 and used for the purposes of the appropriation made in this  
13 section.

14 Sec. 154. FIELD OPERATIONS. There is appropriated from the  
15 general fund of the state to the department of human services  
16 for the fiscal year beginning July 1, 2012, and ending June 30,  
17 2013, the following amount, or so much thereof as is necessary,  
18 to be used for the purposes designated:

19 For field operations, including salaries, support,  
20 maintenance, and miscellaneous purposes, and for not more than  
21 the following full-time equivalent positions:

22 ..... \$ 27,394,961  
23 ..... FTEs 1,781.00

24 Priority in filling full-time equivalent positions shall be  
25 given to those positions related to child protection services  
26 and eligibility determination for low-income families.

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

32 Sec. 155. GENERAL ADMINISTRATION. There is appropriated  
33 from the general fund of the state to the department of human  
34 services for the fiscal year beginning July 1, 2012, and ending  
35 June 30, 2013, the following amount, or so much thereof as is

1 necessary, to be used for the purpose designated:

2 For general administration, including salaries, support,  
3 maintenance, and miscellaneous purposes, and for not more than  
4 the following full-time equivalent positions:

5 .....	\$	7,298,373
6 .....	FTEs	285.00

7 1. Of the funds appropriated in this section, \$19,272  
8 allocated for the prevention of disabilities policy council  
9 established in section 225B.3.

10 2. The department shall report at least monthly to the  
11 legislative services agency concerning the department's  
12 operational and program expenditures.

13 3. Of the funds appropriated in this section, \$66,150 shall  
14 be used to continue the contract for the provision of a program  
15 to provide technical assistance, support, and consultation to  
16 providers of habilitation services and home and community-based  
17 waiver services for adults with disabilities under the medical  
18 assistance program.

19 4. Of the funds appropriated in this section, \$88,200 shall  
20 be used to continue the contract to expand the provision of  
21 nationally accredited and recognized internet-based training to  
22 include mental health and disability services providers.

23 5. Of the funds appropriated in this section, \$250,000  
24 shall be used for continuation of child protection system  
25 improvements addressed in 2011 Iowa Acts, House File 562, as  
26 enacted.

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

32 Sec. 156. VOLUNTEERS. There is appropriated from the  
33 general fund of the state to the department of human services  
34 for the fiscal year beginning July 1, 2012, and ending June 30,  
35 2013, the following amount, or so much thereof as is necessary,

1 to be used for the purpose designated:

2 For development and coordination of volunteer services:

3 ..... \$ 42,330

4 Sec. 157. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY  
5 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE  
6 DEPARTMENT OF HUMAN SERVICES.

7 1. a. (1) For the fiscal year beginning July 1, 2012,  
8 the total state funding amount for the nursing facility budget  
9 shall not exceed \$223,202,551.

10 (2) The department, in cooperation with nursing facility  
11 representatives, shall review projections for state funding  
12 expenditures for reimbursement of nursing facilities on a  
13 quarterly basis and the department shall determine if an  
14 adjustment to the medical assistance reimbursement rate is  
15 necessary in order to provide reimbursement within the state  
16 funding amount for the fiscal year. Notwithstanding 2001  
17 Iowa Acts, chapter 192, section 4, subsection 2, paragraph  
18 "c", and subsection 3, paragraph "a", subparagraph (2),  
19 if the state funding expenditures for the nursing facility  
20 budget for the fiscal year is projected to exceed the amount  
21 specified in subparagraph (1), the department shall adjust  
22 the reimbursement for nursing facilities reimbursed under the  
23 case-mix reimbursement system to maintain expenditures of the  
24 nursing facility budget within the specified amount for the  
25 fiscal year.

26 (3) For the fiscal year beginning July 1, 2012, special  
27 population nursing facilities shall be reimbursed in accordance  
28 with the methodology in effect on June 30, 2012.

29 b. For the fiscal year beginning July 1, 2012, the  
30 department shall reimburse pharmacy dispensing fees using a  
31 single rate of \$4.34 per prescription or the pharmacy's usual  
32 and customary fee, whichever is lower. However, the department  
33 shall adjust the dispensing fee specified in this paragraph  
34 to distribute an additional \$2,400,000 in reimbursements for  
35 pharmacy dispensing fees under this paragraph for the fiscal

1 year.

2 c. (1) For the fiscal year beginning July 1, 2012,  
3 reimbursement rates for outpatient hospital services shall  
4 remain at the rates in effect on June 30, 2012.

5 (2) For the fiscal year beginning July 1, 2012,  
6 reimbursement rates for inpatient hospital services shall  
7 remain at the rates in effect on June 30, 2012.

8 (3) For the fiscal year beginning July 1, 2012, the graduate  
9 medical education and disproportionate share hospital fund  
10 shall remain at the amount in effect on June 30, 2012, except  
11 that the portion of the fund attributable to graduate medical  
12 education shall be reduced in an amount that reflects the  
13 elimination of graduate medical education payments made to  
14 out-of-state hospitals.

15 (4) In order to ensure the efficient use of limited state  
16 funds in procuring health care services for low-income Iowans,  
17 funds appropriated in this Act for hospital services shall  
18 not be used for activities which would be excluded from a  
19 determination of reasonable costs under the federal Medicare  
20 program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

21 d. For the fiscal year beginning July 1, 2012, reimbursement  
22 rates for rural health clinics, hospices, and acute mental  
23 hospitals shall be increased in accordance with increases under  
24 the federal Medicare program or as supported by their Medicare  
25 audited costs.

26 e. For the fiscal year beginning July 1, 2012, independent  
27 laboratories and rehabilitation agencies shall be reimbursed  
28 using the same methodology in effect on June 30, 2012.

29 f. For the fiscal year beginning July 1, 2012, reimbursement  
30 rates for home health agencies shall remain at the rates in  
31 effect on June 30, 2012, not to exceed a home health agency's  
32 actual allowable cost.

33 g. For the fiscal year beginning July 1, 2012, federally  
34 qualified health centers shall receive cost-based reimbursement  
35 for 100 percent of the reasonable costs for the provision of

1 services to recipients of medical assistance.

2 h. For the fiscal year beginning July 1, 2012, the  
3 reimbursement rates for dental services shall remain at the  
4 rates in effect on June 30, 2012.

5 i. (1) For the fiscal year beginning July 1, 2012,  
6 state-owned psychiatric medical institutions for children shall  
7 receive cost-based reimbursement for 100 percent of the actual  
8 and allowable costs for the provision of services to recipients  
9 of medical assistance.

10 (2) For the nonstate-owned psychiatric medical institutions  
11 for children, reimbursement rates shall be based on the  
12 reimbursement methodology developed by the department to  
13 include all ancillary medical services costs and any other  
14 changes required for federal compliance.

15 j. For the fiscal year beginning July 1, 2012, unless  
16 otherwise specified in this Act, all noninstitutional medical  
17 assistance provider reimbursement rates shall remain at the  
18 rates in effect on June 30, 2012, except for area education  
19 agencies, local education agencies, infant and toddler services  
20 providers, and those providers whose rates are required to be  
21 determined pursuant to section 249A.20.

22 k. Notwithstanding any provision to the contrary, for the  
23 fiscal year beginning July 1, 2012, the reimbursement rate for  
24 anesthesiologists shall remain at the rate in effect on June  
25 30, 2012.

26 l. Notwithstanding section 249A.20, for the fiscal year  
27 beginning July 1, 2012, the average reimbursement rate for  
28 health care providers eligible for use of the federal Medicare  
29 resource-based relative value scale reimbursement methodology  
30 under that section shall remain at the rate in effect on June  
31 30, 2012; however, this rate shall not exceed the maximum level  
32 authorized by the federal government.

33 m. For the fiscal year beginning July 1, 2012, the  
34 reimbursement rate for residential care facilities shall not  
35 be less than the minimum payment level as established by the

1 federal government to meet the federally mandated maintenance  
2 of effort requirement. The flat reimbursement rate for  
3 facilities electing not to file annual cost reports shall not  
4 be less than the minimum payment level as established by the  
5 federal government to meet the federally mandated maintenance  
6 of effort requirement.

7 n. For the fiscal year beginning July 1, 2012, inpatient  
8 mental health services provided at hospitals shall remain at  
9 the rates in effect on June 30, 2012, subject to Medicaid  
10 program upper payment limit rules; community mental health  
11 centers and providers of mental health services to county  
12 residents pursuant to a waiver approved under section 225C.7,  
13 subsection 3, shall be reimbursed at 100 percent of the  
14 reasonable costs for the provision of services to recipients of  
15 medical assistance; and psychiatrists shall be reimbursed at  
16 the medical assistance program fee for service rate.

17 o. For the fiscal year beginning July 1, 2012, the  
18 reimbursement rate for consumer-directed attendant care shall  
19 remain at the rates in effect on June 30, 2012.

20 p. For the fiscal year beginning July 1, 2012, the  
21 reimbursement rate for providers of family planning services  
22 that are eligible to receive a 90 percent federal match shall  
23 remain at the rates in effect on June 30, 2012.

24 q. For the fiscal year beginning July 1, 2012, the  
25 department shall adjust the rates in effect on June 30,  
26 2012, for providers of home and community-based services  
27 waiver services to distribute an additional \$1,500,000 in  
28 reimbursements to such providers for the fiscal year.

29 2. For the fiscal year beginning July 1, 2012, the  
30 reimbursement rate for providers reimbursed under the  
31 in-home-related care program shall not be less than the minimum  
32 payment level as established by the federal government to meet  
33 the federally mandated maintenance of effort requirement.

34 3. Unless otherwise directed in this section, when the  
35 department's reimbursement methodology for any provider

1 reimbursed in accordance with this section includes an  
2 inflation factor, this factor shall not exceed the amount  
3 by which the consumer price index for all urban consumers  
4 increased during the calendar year ending December 31, 2002.

5 4. For the fiscal year beginning July 1, 2012,  
6 notwithstanding section 234.38, the foster family basic daily  
7 maintenance rate and the maximum adoption subsidy rate for  
8 children ages 0 through 5 years shall be \$15.74, the rate for  
9 children ages 6 through 11 years shall be \$16.37, the rate for  
10 children ages 12 through 15 years shall be \$17.92, and the  
11 rate for children and young adults ages 16 and older shall be  
12 \$18.16. The maximum supervised apartment living foster care  
13 reimbursement rate shall be \$25.00 per day. For youth ages  
14 18 to 21 who have exited foster care, the maximum preparation  
15 for adult living program maintenance rate shall be \$574.00 per  
16 month. The maximum payment for adoption subsidy nonrecurring  
17 expenses shall be limited to \$500 and the disallowance of  
18 additional amounts for court costs and other related legal  
19 expenses implemented pursuant to 2010 Iowa Acts, chapter 1031,  
20 section 408 shall be continued.

21 5. For the fiscal year beginning July 1, 2012, the maximum  
22 reimbursement rates under the supervised apartment living  
23 program and for social services providers under contract  
24 shall remain at the rates in effect on June 30, 2012, or the  
25 provider's actual and allowable cost plus inflation for each  
26 service, whichever is less. However, if a new service or  
27 service provider is added after June 30, 2012, the initial  
28 reimbursement rate for the service or provider shall be  
29 based upon actual and allowable costs. Providers may also  
30 be eligible for an additional amount as specified under the  
31 department's request for proposal, bid number ACFS-11-115.

32 6. For the fiscal year beginning July 1, 2012, the  
33 reimbursement rates for family-centered service providers,  
34 family foster care service providers, group foster care service  
35 providers, and the resource family recruitment and retention

1 contractor shall remain at the rates in effect on June 30,  
2 2012.

3 7. The group foster care reimbursement rates paid for  
4 placement of children out of state shall be calculated  
5 according to the same rate-setting principles as those used for  
6 in-state providers, unless the director of human services or  
7 the director's designee determines that appropriate care cannot  
8 be provided within the state. The payment of the daily rate  
9 shall be based on the number of days in the calendar month in  
10 which service is provided.

11 8. a. For the fiscal year beginning July 1, 2012, the  
12 reimbursement rate paid for shelter care and the child welfare  
13 emergency services implemented to provide or prevent the need  
14 for shelter care shall be established in a contract based on  
15 the requirements of the department's request for proposal, bid  
16 number ACFS-11-114.

17 b. For the fiscal year beginning July 1, 2012, the combined  
18 service and maintenance components of the reimbursement rate  
19 paid for shelter care services shall be based on the financial  
20 and statistical report submitted to the department. The  
21 maximum reimbursement rate shall be \$92.36 per day. The  
22 department shall reimburse a shelter care provider at the  
23 provider's actual and allowable unit cost, plus inflation, not  
24 to exceed the maximum reimbursement rate.

25 c. Notwithstanding section 232.141, subsection 8, for the  
26 fiscal year beginning July 1, 2012, the amount of the statewide  
27 average of the actual and allowable rates for reimbursement of  
28 juvenile shelter care homes that is utilized for the limitation  
29 on recovery of unpaid costs shall remain at the amount in  
30 effect for this purpose in the fiscal year beginning July 1,  
31 2011.

32 9. For the fiscal year beginning July 1, 2012, the  
33 department shall calculate reimbursement rates for intermediate  
34 care facilities for persons with mental retardation at the  
35 80th percentile. Beginning July 1, 2012, the rate calculation



1 methodology shall utilize the consumer price index inflation  
2 factor applicable to the fiscal year beginning July 1, 2012.

3 10. For the fiscal year beginning July 1, 2012, for child  
4 care providers reimbursed under the state child care assistance  
5 program, the department shall set provider reimbursement  
6 rates based on the rate reimbursement survey completed in  
7 December 2004. Effective July 1, 2012, the child care provider  
8 reimbursement rates shall remain at the rates in effect on June  
9 30, 2012. The department shall set rates in a manner so as  
10 to provide incentives for a nonregistered provider to become  
11 registered by applying the increase only to registered and  
12 licensed providers.

13 11. The department may adopt emergency rules to implement  
14 this section.

15 Sec. 158. EMERGENCY RULES.

16 1. If specifically authorized by a provision of this  
17 division of this Act, the department of human services or  
18 the mental health, and disability services commission may  
19 adopt administrative rules under section 17A.4, subsection  
20 3, and section 17A.5, subsection 2, paragraph "b", to  
21 implement the provisions and the rules shall become effective  
22 immediately upon filing or on a later effective date specified  
23 in the rules, unless the effective date is delayed by the  
24 administrative rules review committee. Any rules adopted in  
25 accordance with this section shall not take effect before  
26 the rules are reviewed by the administrative rules review  
27 committee. The delay authority provided to the administrative  
28 rules review committee under section 17A.4, subsection 7, and  
29 section 17A.8, subsection 9, shall be applicable to a delay  
30 imposed under this section, notwithstanding a provision in  
31 those sections making them inapplicable to section 17A.5,  
32 subsection 2, paragraph "b". Any rules adopted in accordance  
33 with the provisions of this section shall also be published as  
34 notice of intended action as provided in section 17A.4.

35 2. If during the fiscal year beginning July 1, 2012, the

1 department of human services is adopting rules in accordance  
2 with this section or as otherwise directed or authorized by  
3 state law, and the rules will result in an expenditure increase  
4 beyond the amount anticipated in the budget process or if the  
5 expenditure was not addressed in the budget process for the  
6 fiscal year, the department shall notify the persons designated  
7 by this division of this Act for submission of reports,  
8 the chairpersons and ranking members of the committees on  
9 appropriations, and the department of management concerning the  
10 rules and the expenditure increase. The notification shall be  
11 provided at least 30 calendar days prior to the date notice of  
12 the rules is submitted to the administrative rules coordinator  
13 and the administrative code editor.

14 Sec. 159. REPORTS. Any reports or information required to  
15 be compiled and submitted under this Act shall be submitted  
16 to the chairpersons and ranking members of the joint  
17 appropriations subcommittee on health and human services, the  
18 legislative services agency, and the legislative caucus staffs  
19 on or before the dates specified for submission of the reports  
20 or information.

21 Sec. 160. EFFECTIVE DATE. The following provision of this  
22 division of this Act, being deemed of immediate importance,  
23 take effect upon enactment:

24 The provision under the appropriation for child and family  
25 services, relating to requirements of section 232.143 for  
26 representatives of the department of human services and  
27 juvenile court services to establish a plan for continuing  
28 group foster care expenditures for fiscal year 2012-2013.

29 DIVISION XIX

30 PHARMACEUTICAL SETTLEMENT ACCOUNT,

31 IOWACARE ACCOUNT, NONPARTICIPATING PROVIDER

32 REIMBURSEMENT FUND, HEALTH CARE TRANSFORMATION ACCOUNT,

33 MEDICAID FRAUD ACCOUNT, QUALITY ASSURANCE TRUST FUND,

34 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND — FY 2012-2013

35 Sec. 161. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is

1 appropriated from the pharmaceutical settlement account created  
2 in section 249A.33 to the department of human services for the  
3 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
4 the following amount, or so much thereof as is necessary, to be  
5 used for the purpose designated:

6 Notwithstanding any provision of law to the contrary, to  
7 supplement the appropriations made in this Act for medical  
8 contracts under the medical assistance program:

9 ..... \$ 2,716,807

10 Sec. 162. APPROPRIATIONS FROM IOWACARE ACCOUNT.

11 1. There is appropriated from the IowaCare account  
12 created in section 249J.24 to the state board of regents for  
13 distribution to the university of Iowa hospitals and clinics  
14 for the fiscal year beginning July 1, 2012, and ending June 30,  
15 2013, the following amount, or so much thereof as is necessary,  
16 to be used for the purposes designated:

17 For salaries, support, maintenance, equipment, and  
18 miscellaneous purposes, for the provision of medical and  
19 surgical treatment of indigent patients, for provision of  
20 services to members of the expansion population pursuant to  
21 chapter 249J, and for medical education:

22 ..... \$ 27,284,584

23 a. Funds appropriated in this subsection shall not be used  
24 to perform abortions except medically necessary abortions, and  
25 shall not be used to operate the early termination of pregnancy  
26 clinic except for the performance of medically necessary  
27 abortions. For the purpose of this subsection, an abortion is  
28 the purposeful interruption of pregnancy with the intention  
29 other than to produce a live-born infant or to remove a dead  
30 fetus, and a medically necessary abortion is one performed  
31 under one of the following conditions:

32 (1) The attending physician certifies that continuing the  
33 pregnancy would endanger the life of the pregnant woman.

34 (2) The attending physician certifies that the fetus is  
35 physically deformed, mentally deficient, or afflicted with a

1 congenital illness.

2 (3) The pregnancy is the result of a rape which is reported  
3 within 45 days of the incident to a law enforcement agency or  
4 public or private health agency which may include a family  
5 physician.

6 (4) The pregnancy is the result of incest which is reported  
7 within 150 days of the incident to a law enforcement agency  
8 or public or private health agency which may include a family  
9 physician.

10 (5) The abortion is a spontaneous abortion, commonly known  
11 as a miscarriage, wherein not all of the products of conception  
12 are expelled.

13 b. Notwithstanding any provision of law to the contrary,  
14 the amount appropriated in this subsection shall be distributed  
15 based on claims submitted, adjudicated, and paid by the Iowa  
16 Medicaid enterprise.

17 c. The university of Iowa hospitals and clinics shall  
18 certify public expenditures in an amount equal to provide  
19 the nonfederal share on total expenditures not to exceed  
20 \$20,000,000.

21 2. There is appropriated from the IowaCare account  
22 created in section 249J.24 to the state board of regents for  
23 distribution to the university of Iowa hospitals and clinics  
24 for the fiscal year beginning July 1, 2012, and ending June 30,  
25 2013, the following amount, or so much thereof as is necessary,  
26 to be used for the purposes designated:

27 For salaries, support, maintenance, equipment, and  
28 miscellaneous purposes, for the provision of medical and  
29 surgical treatment of indigent patients, for provision of  
30 services to members of the expansion population pursuant to  
31 chapter 249J, and for medical education:  
32 ..... \$ 44,226,279

33 Notwithstanding any provision of law to the contrary, the  
34 amount appropriated in this subsection shall be distributed  
35 based on claims submitted, adjudicated, and paid by the Iowa

1 Medicaid enterprise.

2 3. There is appropriated from the IowaCare account  
3 created in section 249J.24, to the state board of regents for  
4 distribution to university of Iowa physicians for the fiscal  
5 year beginning July 1, 2012, and ending June 30, 2013, the  
6 following amount, or so much thereof as is necessary to be used  
7 for the purposes designated:

8 For salaries, support, maintenance, equipment, and  
9 miscellaneous purposes for the provision of medical and  
10 surgical treatment of indigent patients, for provision of  
11 services to members of the expansion population pursuant to  
12 chapter 249J, and for medical education:  
13 ..... \$ 16,277,753

14 Notwithstanding any provision of law to the contrary, the  
15 amount appropriated in this subsection shall be distributed  
16 based on claims submitted, adjudicated, and paid by the Iowa  
17 Medicaid enterprise. Once the entire amount appropriated in  
18 this subsection has been distributed, claims shall continue to  
19 be submitted and adjudicated by the Iowa Medicaid enterprise;  
20 however, no payment shall be made based upon such claims.

21 4. There is appropriated from the IowaCare account created  
22 in section 249J.24 to the department of human services for the  
23 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
24 the following amount, or so much thereof as is necessary, to be  
25 used for the purposes designated:

26 For distribution to a publicly owned acute care teaching  
27 hospital located in a county with a population over 350,000 for  
28 the provision of medical and surgical treatment of indigent  
29 patients, for provision of services to members of the expansion  
30 population pursuant to chapter 249J, and for medical education:  
31 ..... \$ 65,000,000

32 a. Notwithstanding any provision of law to the contrary,  
33 the amount appropriated in this subsection shall be distributed  
34 based on claims submitted, adjudicated, and paid by the Iowa  
35 Medicaid enterprise plus a monthly disproportionate share

1 hospital payment. Any amount appropriated in this subsection  
2 in excess of \$60,000,000 shall be distributed only if the sum  
3 of the expansion population claims adjudicated and paid by the  
4 Iowa Medicaid enterprise plus the estimated disproportionate  
5 share hospital payments exceeds \$60,000,000. The amount paid  
6 in excess of \$60,000,000 shall not adjust the original monthly  
7 payment amount but shall be distributed monthly based on actual  
8 claims adjudicated and paid by the Iowa Medicaid enterprise  
9 plus the estimated disproportionate share hospital amount. Any  
10 amount appropriated in this subsection in excess of \$60,000,000  
11 shall be allocated only if federal funds are available to match  
12 the amount allocated. Pursuant to paragraph "b", of the amount  
13 appropriated in this subsection, not more than \$4,000,000 shall  
14 be distributed for prescription drugs and podiatry services.

15 b. Notwithstanding any provision of law to the contrary, the  
16 hospital identified in this subsection, shall be reimbursed for  
17 outpatient prescription drugs and podiatry services provided to  
18 members of the expansion population pursuant to all applicable  
19 medical assistance program rules, in an amount not to exceed  
20 \$4,000,000.

21 c. Notwithstanding the total amount of proceeds distributed  
22 pursuant to section 249J.24, subsection 4, paragraph "a",  
23 unnumbered paragraph 1, for the fiscal year beginning July  
24 1, 2012, and ending June 30, 2013, the county treasurer of a  
25 county with a population of over 350,000 in which a publicly  
26 owned acute care teaching hospital is located shall distribute  
27 the proceeds collected pursuant to section 347.7 in a total  
28 amount of \$38,000,000, which would otherwise be distributed to  
29 the county hospital, to the treasurer of state for deposit in  
30 the IowaCare account.

31 d. (1) Notwithstanding the amount collected and  
32 distributed for deposit in the IowaCare account pursuant to  
33 section 249J.24, subsection 4, paragraph "a", subparagraph  
34 (1), the first \$19,000,000 in proceeds collected pursuant to  
35 section 347.7 between July 1, 2012, and December 31, 2012,

1 shall be distributed to the treasurer of state for deposit in  
2 the IowaCare account and collections during this time period  
3 in excess of \$19,000,000 shall be distributed to the acute  
4 care teaching hospital identified in this subsection. Of the  
5 collections in excess of the \$19,000,000 received by the acute  
6 care teaching hospital under this subparagraph (1), \$2,000,000  
7 shall be distributed by the acute care teaching hospital to the  
8 treasurer of state for deposit in the IowaCare account in the  
9 month of January 2013, following the July 1 through December  
10 31, 2012, period.

11 (2) Notwithstanding the amount collected and distributed  
12 for deposit in the IowaCare account pursuant to section  
13 249J.24, subsection 4, paragraph "a", subparagraph (2),  
14 the first \$19,000,000 in collections pursuant to section  
15 347.7 between January 1, 2013, and June 30, 2013, shall be  
16 distributed to the treasurer of state for deposit in the  
17 IowaCare account and collections during this time period in  
18 excess of \$19,000,000 shall be distributed to the acute care  
19 teaching hospital identified in this subsection. Of the  
20 collections in excess of the \$19,000,000 received by the acute  
21 care teaching hospital under this subparagraph (2), \$2,000,000  
22 shall be distributed by the acute care teaching hospital to the  
23 treasurer of state for deposit in the IowaCare account in the  
24 month of July 2013, following the January 1 through June 30,  
25 2013, period.

26 5. There is appropriated from the IowaCare account created  
27 in section 249J.24 to the department of human services for the  
28 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
29 the following amount, or so much thereof as is necessary to be  
30 used for the purpose designated:

31 For payment to the regional provider network specified  
32 by the department pursuant to section 249J.7 for provision  
33 of covered services to members of the expansion population  
34 pursuant to chapter 249J:

35 ..... \$ 3,472,176

1 Notwithstanding any provision of law to the contrary, the  
2 amount appropriated in this subsection shall be distributed  
3 based on claims submitted, adjudicated, and paid by the Iowa  
4 Medicaid enterprise. Once the entire amount appropriated in  
5 this subsection has been distributed, claims shall continue to  
6 be submitted and adjudicated by the Iowa Medicaid enterprise;  
7 however, no payment shall be made based upon such claims.

8 6. There is appropriated from the IowaCare account created  
9 in section 249J.24 to the department of human services for the  
10 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
11 the following amount, or so much thereof as is necessary to be  
12 used for the purposes designated:

13 For a care coordination pool to pay the expansion population  
14 providers consisting of the university of Iowa hospitals and  
15 clinics, the publicly owned acute care teaching hospital as  
16 specified in section 249J.7, and current medical assistance  
17 program providers that are not expansion population network  
18 providers pursuant to section 249J.7, for services covered by  
19 the full benefit medical assistance program but not under the  
20 IowaCare program pursuant to section 249J.6, that are provided  
21 to expansion population members:

22 ..... \$ 1,500,000

23 a. Notwithstanding sections 249J.6 and 249J.7, the amount  
24 appropriated in this subsection is intended to provide  
25 payment for medically necessary services provided to expansion  
26 population members for continuation of care provided by the  
27 university of Iowa hospitals and clinics or the publicly owned  
28 acute care teaching hospital as specified in section 249J.7.  
29 Payment may only be made for services that are not otherwise  
30 covered under section 249J.6, and which are follow-up services  
31 to covered services provided by the hospitals specified in this  
32 paragraph "a".

33 b. The funds appropriated in this subsection are intended  
34 to provide limited payment for continuity of care services for  
35 an expansion population member, and are intended to cover the



1 costs of services to expansion population members, regardless  
2 of the member's county of residence or medical home assignment,  
3 if the care is related to specialty or hospital services  
4 provided by the hospitals specified in paragraph "a".

5 c. The funds appropriated in this subsection are  
6 not intended to provide for expanded coverage under the  
7 IowaCare program, and shall not be used to cover emergency  
8 transportation services.

9 d. The department shall adopt administrative rules pursuant  
10 to chapter 17A to establish a prior authorization process and  
11 to identify covered services for reimbursement under this  
12 subsection.

13 7. There is appropriated from the IowaCare account created  
14 in section 249J.24 to the department of human services for the  
15 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
16 the following amount or so much thereof as is necessary to be  
17 used for the purposes designated:

18 For a laboratory test and radiology pool for services  
19 authorized by a federally qualified health center designated  
20 by the department as part of the IowaCare regional provider  
21 network that does not have the capability to provide these  
22 services on site:

23 ..... \$ 500,000

24 Notwithstanding sections 249J.6 and 249J.7, the amount  
25 appropriated in this subsection is intended to provide  
26 reimbursement for services provided to expansion population  
27 members that have previously been paid for through expenditure  
28 by designated regional provider network providers of their  
29 own funds, not to expand coverage under the IowaCare program  
30 or to expand the expansion population provider network. The  
31 department shall designate the laboratory and radiology  
32 provider associated with each designated regional provider  
33 network provider that may receive reimbursement. The  
34 department shall adopt administrative rules pursuant to chapter  
35 17A to establish a prior authorization process and to identify

1 covered services for reimbursement under this subsection.  
2 All other medical assistance program payment policies and  
3 rules for laboratory and radiology services shall apply to  
4 services provided under this subsection. If the entire amount  
5 appropriated under this subsection is expended, laboratory  
6 tests and radiology services ordered by a designated regional  
7 provider network provider shall be the financial responsibility  
8 of the regional provider network provider.

9     Sec. 163. APPROPRIATIONS FROM NONPARTICIPATING  
10 PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN  
11 SERVICES. Notwithstanding any provision to the contrary, and  
12 subject to the availability of funds, there is appropriated  
13 from the nonparticipating provider reimbursement fund created  
14 in section 249J.24A to the department of human services for the  
15 fiscal year beginning July 1, 2012, and ending June 30, 2013,  
16 the following amount or so much thereof as is necessary for the  
17 purposes designated:

18     To reimburse nonparticipating providers in accordance with  
19 section 249J.24A:  
20 ..... \$ 2,000,000

21     Sec. 164. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE  
22 TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.  
23 Notwithstanding any provision to the contrary, there is  
24 appropriated from the account for health care transformation  
25 created in section 249J.23 to the department of human services  
26 for the fiscal year beginning July 1, 2012, and ending June  
27 30, 2013, the following amounts, or so much thereof as is  
28 necessary, to be used for the purposes designated:

29     1. For the provision of an IowaCare nurse helpline for the  
30 expansion population as provided in section 249J.6:  
31 ..... \$ 50,000

32     2. For other health promotion partnership activities  
33 pursuant to section 249J.14:  
34 ..... \$ 300,000

35     3. For the costs related to audits, performance

1 evaluations, and studies required pursuant to chapter 249J:  
2 ..... \$ 62,500  
3 4. For administrative costs associated with chapter 249J:  
4 ..... \$ 566,206  
5 5. For planning and development, in cooperation with the  
6 department of public health, of a phased-in program to provide  
7 a dental home for children in accordance with section 249J.14:  
8 ..... \$ 500,000  
9 6. For continuation of the establishment of the tuition  
10 assistance for individuals serving individuals with  
11 disabilities pilot program, as enacted in 2008 Iowa Acts,  
12 chapter 1187, section 130:  
13 ..... \$ 25,000  
14 7. For medical contracts:  
15 ..... \$ 1,000,000  
16 8. For payment to the publicly owned acute care teaching  
17 hospital located in a county with a population of over 350,000  
18 that is a participating provider pursuant to chapter 249J:  
19 ..... \$ 145,000  
20 Disbursements under this subsection shall be made monthly.  
21 The hospital shall submit a report following the close of the  
22 fiscal year regarding use of the funds appropriated in this  
23 subsection to the persons specified in this Act to receive  
24 reports.  
25 9. For transfer to the department of public health to be  
26 used for the costs of medical home system advisory council  
27 established pursuant to section 135.159:  
28 ..... \$ 116,679  
29 Notwithstanding section 8.39, subsection 1, without the  
30 prior written consent and approval of the governor and the  
31 director of the department of management, the director of human  
32 services may transfer funds among the appropriations made in  
33 this section as necessary to carry out the purposes of the  
34 account for health care transformation. The department shall  
35 report any transfers made pursuant to this section to the

1 legislative services agency.

2 Sec. 165. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF  
3 INSPECTIONS AND APPEALS. There is appropriated from the  
4 Medicaid fraud account created in section 249A.7 to the  
5 department of inspections and appeals for the fiscal year  
6 beginning July 1, 2012, and ending June 30, 2013, the following  
7 amount, or so much thereof as is necessary, to be used for the  
8 purposes designated:

9 For the inspection and certification of assisted living  
10 programs and adult day care services, including program  
11 administration and costs associated with implementation:  
12 ..... \$ 669,764

13 Sec. 166. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF HUMAN  
14 SERVICES. There is appropriated from the Medicaid fraud  
15 account created in section 249A.7 to the department of human  
16 services for the fiscal year beginning July 1, 2012, and ending  
17 June 30, 2013, the following amount, or so much thereof as is  
18 necessary, to be used for the purposes designated:

19 To supplement the appropriation made in this Act from the  
20 general fund of the state to the department of human services  
21 for medical assistance:  
22 ..... \$ 2,000,000

23 Sec. 167. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF  
24 HUMAN SERVICES. Notwithstanding any provision to the contrary  
25 and subject to the availability of funds, there is appropriated  
26 from the quality assurance trust fund created in section  
27 249L.4 to the department of human services for the fiscal year  
28 beginning July 1, 2012, and ending June 30, 2013, the following  
29 amounts, or so much thereof as is necessary for the purposes  
30 designated:

31 To supplement the appropriation made in this Act from the  
32 general fund of the state to the department of human services  
33 for medical assistance:  
34 ..... \$ 29,000,000

35 Sec. 168. HOSPITAL HEALTH CARE ACCESS TRUST FUND —

1 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to  
2 the contrary and subject to the availability of funds, there is  
3 appropriated from the hospital health care access trust fund  
4 created in section 249M.4 to the department of human services  
5 for the fiscal year beginning July 1, 2012, and ending June  
6 30, 2013, the following amounts, or so much thereof as is  
7 necessary, for the purposes designated:

8 1. To supplement the appropriation made in this Act from the  
9 general fund of the state to the department of human services  
10 for medical assistance:

11 ..... \$ 39,223,800

12 2. For deposit in the nonparticipating provider  
13 reimbursement fund created in section 249J.24A to be used for  
14 the purposes of the fund:

15 ..... \$ 776,200

16 Sec. 169. MEDICAL ASSISTANCE PROGRAM — NONREVERSION  
17 FOR FY 2012-2013. Notwithstanding section 8.33, if moneys  
18 appropriated for purposes of the medical assistance program  
19 for the fiscal year beginning July 1, 2012, and ending June  
20 30, 2013, from the general fund of the state, the Medicaid  
21 fraud account, the quality assurance trust fund, and the  
22 hospital health care access trust fund, are in excess of actual  
23 expenditures for the medical assistance program and remain  
24 unencumbered or unobligated at the close of the fiscal year,  
25 the excess moneys shall not revert but shall remain available  
26 for expenditure for the purposes of the medical assistance  
27 program until the close of the succeeding fiscal year.

28 DIVISION XX

29 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR  
30 2012-2013

31 Sec. 170. MENTAL HEALTH, MENTAL RETARDATION, AND  
32 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX  
33 RELIEF. Notwithstanding the standing appropriation in section  
34 426B.1, subsection 2, for the fiscal year beginning July 1,  
35 2012, and ending June 30, 2013, the amount appropriated from

1 the general fund of the state pursuant to that provision shall  
2 not exceed the following amount:

3 ..... \$ 81,199,911

4 Sec. 171. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING —  
5 FY 2012-2013.

6 1. There is appropriated from the general fund of the  
7 state to the department of human services for the fiscal year  
8 beginning July 1, 2012, and ending June 30, 2013, the following  
9 amount, or so much thereof as is necessary, to be used for the  
10 purpose designated:

11 For distribution to counties of the county mental health,  
12 mental retardation, and developmental disabilities allowed  
13 growth factor adjustment for fiscal year 2012-2013 as provided  
14 in this section in lieu of the allowed growth factor provisions  
15 of section 331.438, subsection 2, and section 331.439,  
16 subsection 3, and chapter 426B:

17 ..... \$ 68,697,893

18 2. Of the amount appropriated in this section, \$12,000,000  
19 shall be distributed as provided in this subsection.

20 a. To be eligible to receive a distribution under this  
21 subsection, a county must meet the following requirements:

22 (1) The county is levying for the maximum amount allowed  
23 for the county's mental health, mental retardation, and  
24 developmental disabilities services fund under section 331.424A  
25 for taxes due and payable in the fiscal year beginning July 1,  
26 2012, or the county is levying for at least 90 percent of the  
27 maximum amount allowed for the county's services fund and that  
28 levy rate is more than \$2 per \$1,000 of the assessed value of  
29 all taxable property in the county.

30 (2) In the fiscal year beginning July 1, 2010, the  
31 county's mental health, mental retardation, and developmental  
32 disabilities services fund ending balance under generally  
33 accepted accounting principles was equal to or less than 15  
34 percent of the county's actual gross expenditures for that  
35 fiscal year.

1 b. The amount of a county's distribution from the allocation  
2 made in this subsection shall be determined based upon the  
3 county's proportion of the general population of the counties  
4 eligible to receive a distribution under this subsection. The  
5 most recent population estimates issued by the United States  
6 bureau of the census shall be applied in determining population  
7 for the purposes of this paragraph.

8 c. The distributions made pursuant to this subsection  
9 are subject to the distribution provisions and withholding  
10 requirements established in this section for the county mental  
11 health, mental retardation, and developmental disabilities  
12 allowed growth factor adjustment for the fiscal year beginning  
13 July 1, 2012.

14 3. The following amount of the funding appropriated in this  
15 section is the allowed growth factor adjustment for fiscal  
16 year 2012-2013, and shall be credited to the allowed growth  
17 funding pool created in the property tax relief fund and for  
18 distribution in accordance with section 426B.5, subsection 1:  
19 ..... \$ 56,697,893

20 4. The following formula amounts shall be utilized only  
21 to calculate preliminary distribution amounts for the allowed  
22 growth factor adjustment for fiscal year 2012-2013 under this  
23 section by applying the indicated formula provisions to the  
24 formula amounts and producing a preliminary distribution total  
25 for each county:

26 a. For calculation of a distribution amount for eligible  
27 counties from the allowed growth funding pool created in the  
28 property tax relief fund in accordance with the requirements in  
29 section 426B.5, subsection 1:  
30 ..... \$ 69,773,346

31 b. For calculation of a distribution amount for counties  
32 from the mental health and developmental disabilities (MH/DD)  
33 community services fund in accordance with the formula provided  
34 in the appropriation made for the MH/DD community services fund  
35 for the fiscal year beginning July 1, 2012:

1 ..... \$ 14,187,556

2 5. a. After applying the applicable statutory distribution  
3 formulas to the amounts indicated in subsection 4 for purposes  
4 of producing preliminary distribution totals, the department  
5 of human services shall apply a withholding factor to adjust  
6 an eligible individual county's preliminary distribution  
7 total. In order to be eligible for a distribution under this  
8 section, a county must be levying 90 percent or more of the  
9 maximum amount allowed for the county's mental health, mental  
10 retardation, and developmental disabilities services fund under  
11 section 331.424A for taxes due and payable in the fiscal year  
12 for which the distribution is payable.

13 b. An ending balance percentage for each county shall  
14 be determined by expressing the county's ending balance on a  
15 modified accrual basis under generally accepted accounting  
16 principles for the fiscal year beginning July 1, 2010, in the  
17 county's mental health, mental retardation, and developmental  
18 disabilities services fund created under section 331.424A, as a  
19 percentage of the county's gross expenditures from that fund  
20 for that fiscal year. If a county borrowed moneys for purposes  
21 of providing services from the county's services fund on or  
22 before July 1, 2010, and the county's services fund ending  
23 balance for that fiscal year includes the loan proceeds or an  
24 amount designated in the county budget to service the loan for  
25 the borrowed moneys, those amounts shall not be considered  
26 to be part of the county's ending balance for purposes of  
27 calculating an ending balance percentage under this subsection.

28 c. For purposes of calculating withholding factors and for  
29 ending balance amounts used for other purposes under law, the  
30 county ending balances shall be adjusted, using forms developed  
31 for this purpose by the county finance committee, to disregard  
32 the temporary funding increase provided to the counties for  
33 the fiscal year through the federal American Recovery and  
34 Reinvestment Act of 2009, Pub. L. No. 111-5. In addition, a  
35 county may adjust the ending balance amount by rebating to the



1 department all or a portion of the allowed growth and MH/DD  
2 services fund moneys the county received for the fiscal year  
3 beginning July 1, 2011, in accordance with this Act, or from  
4 any other services fund moneys available to the county. The  
5 rebate must be remitted to the department on or before June 1,  
6 2012, in order to be counted. The amount rebated by a county  
7 shall be subtracted dollar-for-dollar from the county's ending  
8 balance amount for the fiscal year beginning July 1, 2010,  
9 for purposes of calculating the withholding factor and for  
10 other ending balance purposes for the fiscal year beginning  
11 July 1, 2012. The rebates received by the department shall be  
12 credited to the property tax relief fund and distributed as  
13 additional funding for the fiscal year beginning July 1, 2012,  
14 in accordance with the formula provisions in this section.

15 d. The withholding factor for a county shall be the  
16 following applicable percent:

17 (1) For an ending balance percentage of less than 5  
18 percent, a withholding factor of 0 percent. In addition,  
19 a county that is subject to this lettered paragraph shall  
20 receive an inflation adjustment equal to 3 percent of the gross  
21 expenditures reported for the county's services fund for the  
22 fiscal year.

23 (2) For an ending balance percentage of 5 percent or more  
24 but less than 10 percent, a withholding factor of 0 percent.  
25 In addition, a county that is subject to this lettered  
26 paragraph shall receive an inflation adjustment equal to 2  
27 percent of the gross expenditures reported for the county's  
28 services fund for the fiscal year.

29 (3) For an ending balance percentage of 10 percent or more  
30 but less than 25 percent, a withholding factor of 25 percent.  
31 However, for counties with an ending balance of 10 percent or  
32 more but less than 15 percent, the amount withheld shall be  
33 limited to the amount by which the county's ending balance was  
34 in excess of the ending balance percentage of 10 percent.

35 (4) For an ending balance percentage of 25 percent or more,

1 a withholding percentage of 100 percent.

2 6. The total withholding amounts applied pursuant to  
3 subsection 5 shall be equal to a withholding target amount of  
4 \$13,075,453. If the department of human services determines  
5 that the amount appropriated is insufficient or the amount to  
6 be withheld in accordance with subsection 5 is not equal to  
7 the target withholding amount, the department shall adjust the  
8 withholding factors listed in subsection 5 as necessary to  
9 achieve the target withholding amount. However, in making such  
10 adjustments to the withholding factors, the department shall  
11 strive to minimize changes to the withholding factors for those  
12 ending balance percentage ranges that are lower than others and  
13 shall only adjust the zero withholding factor or the inflation  
14 adjustment percentages specified in subsection 5, paragraph  
15 "d", when the amount appropriated is insufficient.

16 DIVISION XXI

17 CONDITIONAL RETROACTIVE APPLICABILITY

18 Sec. 172. EFFECTIVE DATE AND RETROACTIVE  
19 APPLICABILITY. Unless otherwise provided, this Act, if  
20 approved by the governor on or after July 1, 2011, takes effect  
21 upon enactment and applies retroactively to July 1, 2011.