

**Senate File 2418 - Reprinted**

SENATE FILE 2418  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3222)

(As Amended and Passed by the Senate May 4, 2018)

**A BILL FOR**

1 An Act relating to appropriations for health and human  
2 services and veterans and including other related provisions  
3 and appropriations, providing penalties, and including  
4 effective date and retroactive and other applicability date  
5 provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DEPARTMENT ON AGING — FY 2018-2019

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Section 1. 2017 Iowa Acts, chapter 174, section 40, unnumbered paragraphs 1 and 2, are amended to read as follows:

There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2018, and ending June 30, 2019, 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:

.....	\$	5,521,238
		<u>11,042,924</u>
.....	FTEs	27.00

Sec. 2. 2017 Iowa Acts, chapter 174, section 40, subsections 2, 4, 5, 6, and 7, are amended to read as follows:

2. Of the funds appropriated in this section, ~~\$139,973~~ \$279,946 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

~~4. Of the funds appropriated in this section, at least \$125,000 shall be used to fund the unmet needs identified through Iowa's aging and disability resource center network.~~

5. Of the funds appropriated in this section, at least ~~\$300,000~~ \$600,000 shall be used to fund home and community-based services through the area agencies on aging

1 that enable older individuals to avoid more costly utilization  
2 of residential or institutional services and remain in their  
3 own homes.

4 6. Of the funds appropriated in this section, ~~\$406,268~~  
5 \$812,537 shall be used for the purposes of [chapter 231E](#) and  
6 ~~[section 231.56A](#)~~, of which ~~\$175,000~~ shall be used for the office  
7 of ~~substitute decision maker pursuant to [chapter 231E](#)~~, and the  
8 remainder shall be distributed equally to the area agencies on  
9 aging to administer the prevention of elder abuse, neglect, and  
10 exploitation program pursuant to [section 231.56A](#), in accordance  
11 with the requirements of the federal Older Americans Act of  
12 1965, 42 U.S.C. §3001 et seq., as amended.

13 7. Of the funds appropriated in this section, ~~\$375,000~~  
14 \$1,000,000 shall be used to fund continuation of the aging  
15 and disability resource center lifelong links to provide  
16 individuals and caregivers with information and services to  
17 plan for and maintain independence.

18 Sec. 3. 2017 Iowa Acts, chapter 174, section 40, subsection  
19 8, is amended by striking the subsection.

20 Sec. 4. 2017 Iowa Acts, chapter 174, section 40, is amended  
21 by adding the following new subsection:

22 NEW SUBSECTION. 9. Of the funds appropriated in this  
23 section, \$100,000 shall be used by the department on aging,  
24 in collaboration with the department of human services and  
25 affected stakeholders, to design a pilot initiative to provide  
26 long-term care options counseling utilizing support planning  
27 protocols, to assist non-Medicaid eligible consumers who  
28 indicate a preference to return to the community and are  
29 deemed appropriate for discharge, to return to their community  
30 following a nursing facility stay. The department on aging  
31 shall submit the design plan as well as recommendations for  
32 legislation necessary to administer the initiative, including  
33 but not limited to legislation to allow the exchange of contact  
34 information for nursing facility residents appropriate for  
35 discharge planning, to the governor and the general assembly by

1 December 15, 2018.

2 DIVISION II

3 OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2018-2019

4 Sec. 5. 2017 Iowa Acts, chapter 174, section 41, is amended  
5 to read as follows:

6 SEC. 41. OFFICE OF LONG-TERM CARE OMBUDSMAN. There is  
7 appropriated from the general fund of the state to the office  
8 of long-term care ombudsman for the fiscal year beginning July  
9 1, 2018, and ending June 30, 2019, the following amount, or  
10 so much thereof as is necessary, to be used for the purposes  
11 designated:

12 For salaries, support, administration, maintenance, and  
13 miscellaneous purposes, and for not more than the following  
14 full-time equivalent positions:

15 .....	\$	580,140
16 .....		<u>1,149,821</u>
17 .....	FTEs	16.00

18 DIVISION III

19 DEPARTMENT OF PUBLIC HEALTH — FY 2018-2019

20 Sec. 6. 2017 Iowa Acts, chapter 174, section 42, subsections  
21 1, 2, 3, 4, 5, 6, 7, and 8, are amended to read as follows:

22 1. ADDICTIVE DISORDERS

23 For reducing the prevalence of the use of tobacco, alcohol,  
24 and other drugs, and treating individuals affected by addictive  
25 behaviors, including gambling, and for not more than the  
26 following full-time equivalent positions:

27 .....	\$	<del>12,492,915</del>
28 .....		<u>24,804,344</u>
29 .....	FTEs	<del>10.00</del>
30 .....		<u>11.00</u>

31 a. (1) Of the funds appropriated in this subsection,  
32 ~~\$2,010,612~~ \$4,021,225 shall be used for the tobacco use  
33 prevention and control initiative, including efforts at the  
34 state and local levels, as provided in [chapter 142A](#). The  
35 commission on tobacco use prevention and control established

1 pursuant to [section 142A.3](#) shall advise the director of  
2 public health in prioritizing funding needs and the allocation  
3 of moneys appropriated for the programs and initiatives.  
4 Activities of the programs and initiatives shall be in  
5 alignment with the United States centers for disease control  
6 and prevention best practices for comprehensive tobacco control  
7 programs that include the goals of preventing youth initiation  
8 of tobacco usage, reducing exposure to secondhand smoke,  
9 and promotion of tobacco cessation. To maximize resources,  
10 the department shall determine if third-party sources are  
11 available to instead provide nicotine replacement products  
12 to an applicant prior to provision of such products to an  
13 applicant under the initiative. The department shall track and  
14 report to the individuals specified in this Act, any reduction  
15 in the provision of nicotine replacement products realized  
16 by the initiative through implementation of the prerequisite  
17 screening.

18 (2) (a) The department shall collaborate with the  
19 alcoholic beverages division of the department of commerce for  
20 enforcement of tobacco laws, regulations, and ordinances and to  
21 engage in tobacco control activities approved by the division  
22 of tobacco use prevention and control of the department of  
23 public health as specified in the memorandum of understanding  
24 entered into between the divisions.

25 (b) For the fiscal year beginning July 1, 2018, and ending  
26 June 30, 2019, the terms of the memorandum of understanding,  
27 entered into between the division of tobacco use prevention  
28 and control of the department of public health and the  
29 alcoholic beverages division of the department of commerce,  
30 governing compliance checks conducted to ensure licensed retail  
31 tobacco outlet conformity with tobacco laws, regulations, and  
32 ordinances relating to persons under 18 years of age, shall  
33 continue to restrict the number of such checks to one check per  
34 retail outlet, and one additional check for any retail outlet  
35 found to be in violation during the first check.

1 b. Of the funds appropriated in this subsection,  
2 ~~\$10,482,303~~ \$20,783,119 shall be used for problem gambling and  
3 substance-related disorder prevention, treatment, and recovery  
4 services, including a 24-hour helpline, public information  
5 resources, professional training, youth prevention, and program  
6 evaluation.

7 c. The requirement of section 123.17, subsection 5, is met  
8 by the appropriations and allocations made in this division of  
9 this Act for purposes of substance-related disorder treatment  
10 and addictive disorders for the fiscal year beginning July 1,  
11 2018.

12 d. The department of public health, in collaboration with  
13 the department of human services, shall engage a stakeholder  
14 workgroup to review reimbursement provisions applicable  
15 to substance use disorder services providers. The issues  
16 considered by the workgroup shall include but are not limited  
17 to the adequacy of reimbursement provisions including for  
18 both outpatient and residential treatment, whether it is  
19 appropriate to rebase reimbursement, whether there is equity in  
20 reimbursement compared to the reimbursement methodologies used  
21 for providers of similar behavioral health services, and access  
22 to substance use disorder services providers including whether  
23 the designated number of community mental health centers in the  
24 state is sufficient. The workgroup shall review the reports  
25 of previous workgroups including those authorized in 2014 Iowa  
26 Acts, chapter 1140, section 3, subsection 1, and shall report  
27 the workgroup's findings and recommendations to the general  
28 assembly on or before December 15, 2018.

29 2. HEALTHY CHILDREN AND FAMILIES

30 For promoting the optimum health status for children,  
31 adolescents from birth through 21 years of age, and families,  
32 and for not more than the following full-time equivalent  
33 positions:

34 ..... \$ ~~2,662,816~~  
35 ..... 5,820,625

1 ..... FTEs ~~12.00~~ 13.00

2 a. Of the funds appropriated in this subsection, not  
3 more than ~~\$367,420~~ \$734,841 shall be used for the healthy  
4 opportunities for parents to experience success (HOPES)-healthy  
5 families Iowa (HFI) program established pursuant to section  
6 135.106. The funding shall be distributed to renew the grants  
7 that were provided to the grantees that operated the program  
8 during the fiscal year ending June 30, 2018.

9 b. In order to implement the legislative intent stated in  
10 sections 135.106 and 256I.9, that priority for home visitation  
11 program funding be given to programs using evidence-based or  
12 promising models for home visitation, it is the intent of the  
13 general assembly to phase in the funding priority in accordance  
14 with 2012 Iowa Acts, chapter 1133, section 2, subsection 2,  
15 paragraph "0b".

16 c. Of the funds appropriated in this subsection, ~~\$1,537,550~~  
17 \$3,075,101 shall be used for continuation of the department's  
18 initiative to provide for adequate developmental surveillance  
19 and screening during a child's first five years. The funds  
20 shall be used first to fully fund the current sites to ensure  
21 that the sites are fully operational, with the remaining  
22 funds to be used for expansion to additional sites. The full  
23 implementation and expansion shall include enhancing the scope  
24 of the initiative through collaboration with the child health  
25 specialty clinics to promote healthy child development through  
26 early identification and response to both biomedical and social  
27 determinants of healthy development; by monitoring child  
28 health metrics to inform practice, document long-term health  
29 impacts and savings, and provide for continuous improvement  
30 through training, education, and evaluation; and by providing  
31 for practitioner consultation particularly for children with  
32 behavioral conditions and needs. The department of public  
33 health shall also collaborate with the Iowa Medicaid enterprise  
34 and the child health specialty clinics to integrate the  
35 activities of the first five initiative into the establishment

1 of patient-centered medical homes, community utilities,  
2 accountable care organizations, and other integrated care  
3 models developed to improve health quality and population  
4 health while reducing health care costs. To the maximum extent  
5 possible, funding allocated in this paragraph shall be utilized  
6 as matching funds for medical assistance program reimbursement.

7 d. Of the funds appropriated in this subsection, ~~\$32,320~~  
8 \$64,640 shall be distributed to a statewide dental carrier to  
9 provide funds to continue the donated dental services program  
10 patterned after the projects developed by the lifeline network  
11 to provide dental services to indigent individuals who are  
12 elderly or with disabilities.

13 e. Of the funds appropriated in this subsection, ~~\$78,241~~  
14 \$156,482 shall be used to provide audiological services and  
15 hearing aids for children. The department may enter into a  
16 contract to administer this paragraph.

17 f. Of the funds appropriated in this subsection, ~~\$11,500~~  
18 \$23,000 is transferred to the university of Iowa college of  
19 dentistry for provision of primary dental services to children.  
20 State funds shall be matched on a dollar-for-dollar basis.  
21 The university of Iowa college of dentistry shall coordinate  
22 efforts with the department of public health, bureau of  
23 oral and health delivery systems, to provide dental care to  
24 underserved populations throughout the state.

25 g. Of the funds appropriated in this subsection, ~~\$25,000~~  
26 \$50,000 shall be used to address youth suicide prevention.

27 h. Of the funds appropriated in this subsection, ~~\$20,255~~  
28 \$40,511 shall be used to support the Iowa effort to address the  
29 survey of children who experience adverse childhood experiences  
30 known as ACEs.

31 i. The department of public health shall continue to  
32 administer the program to assist parents in this state with  
33 costs resulting from the death of a child in accordance with  
34 the provisions of 2014 Iowa Acts, chapter 1140, section 22,  
35 subsection 12.



1 j. Of the funds appropriated in this subsection, up to  
2 \$494,993 shall be used for childhood obesity prevention.

3 3. CHRONIC CONDITIONS

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

7 .....	\$	<del>2,085,375</del>
8 .....		<u>4,528,109</u>
9 .....	FTEs	<del>5.00</del>
10 .....		<u>9.00</u>

11 a. Of the funds appropriated in this subsection, ~~\$76,877~~  
12 \$153,755 shall be used for grants to individual patients who  
13 have an inherited metabolic disorder to assist with the costs  
14 of medically necessary foods and formula.

15 b. Of the funds appropriated in this subsection, ~~\$510,397~~  
16 \$1,055,291 shall be used for the brain injury services program  
17 pursuant to [section 135.22B](#), including for contracting with an  
18 existing nationally affiliated and statewide organization whose  
19 purpose is to educate, serve, and support Iowans with brain  
20 injury and their families for resource facilitator services  
21 in accordance with [section 135.22B, subsection 9](#), and for  
22 contracting to enhance brain injury training and recruitment  
23 of service providers on a statewide basis. Of the amount  
24 allocated in this paragraph, ~~\$47,500~~ \$95,000 shall be used to  
25 fund one full-time equivalent position to serve as the state  
26 brain injury services program manager.

27 c. Of the funds appropriated in this subsection, ~~\$72,048~~  
28 \$144,097 shall be used for the public purpose of continuing  
29 to contract with an existing national-affiliated organization  
30 to provide education, client-centered programs, and client  
31 and family support for people living with epilepsy and their  
32 families. The amount allocated in this paragraph in excess  
33 of ~~\$50,000~~ \$100,000 shall be matched dollar-for-dollar by the  
34 organization specified.

35 d. Of the funds appropriated in this subsection, ~~\$404,775~~

1 \$809,550 shall be used for child health specialty clinics.

2 e. Of the funds appropriated in this subsection,  
3 ~~\$192,276~~ \$384,552 shall be used by the regional autism  
4 assistance program established pursuant to [section 256.35](#),  
5 and administered by the child health specialty clinic located  
6 at the university of Iowa hospitals and clinics. The funds  
7 shall be used to enhance interagency collaboration and  
8 coordination of educational, medical, and other human services  
9 for persons with autism, their families, and providers of  
10 services, including delivering regionalized services of care  
11 coordination, family navigation, and integration of services  
12 through the statewide system of regional child health specialty  
13 clinics and fulfilling other requirements as specified in  
14 chapter 225D. The university of Iowa shall not receive funds  
15 allocated under this paragraph for indirect costs associated  
16 with the regional autism assistance program.

17 f. Of the funds appropriated in this subsection, ~~\$288,687~~  
18 \$577,375 shall be used for the comprehensive cancer control  
19 program to reduce the burden of cancer in Iowa through  
20 prevention, early detection, effective treatment, and ensuring  
21 quality of life. Of the funds allocated in this paragraph "f",  
22 ~~\$75,000~~ \$150,000 shall be used to support a melanoma research  
23 symposium, a melanoma biorepository and registry, basic and  
24 translational melanoma research, and clinical trials.

25 g. Of the funds appropriated in this subsection, ~~\$48,766~~  
26 \$97,532 shall be used for cervical and colon cancer screening,  
27 and ~~\$88,860~~ \$177,720 shall be used to enhance the capacity of  
28 the cervical cancer screening program to include provision  
29 of recommended prevention and early detection measures to a  
30 broader range of low-income women.

31 h. Of the funds appropriated in this subsection, ~~\$253,177~~  
32 \$506,355 shall be used for the center for congenital and  
33 inherited disorders.

34 i. Of the funds appropriated in this subsection, ~~\$107,631~~  
35 \$225,263 shall be used by the department of public health

1 for reform-related activities, including but not limited to  
2 facilitation of communication to stakeholders at the state and  
3 local level, administering the patient-centered health advisory  
4 council pursuant to [section 135.159](#), and involvement in health  
5 care system innovation activities occurring across the state.

6 j. Of the funds appropriated in this subsection, ~~\$11,050~~  
7 \$322,100 shall be used for administration of ~~chapter 124D~~ [124E](#),  
8 the medical cannabidiol Act.

9 4. COMMUNITY CAPACITY

10 For strengthening the health care delivery system at the  
11 local level, and for not more than the following full-time  
12 equivalent positions:

13 .....	\$	<del>1,453,888</del>
14 .....		<u>4,970,152</u>
15 .....	FTEs	13.00

16 a. Of the funds appropriated in this subsection, ~~\$47,787~~  
17 \$95,575 is allocated for continuation of the child vision  
18 screening program implemented through the university of Iowa  
19 hospitals and clinics in collaboration with early childhood  
20 Iowa areas. The program shall submit a report to the  
21 individuals identified in this Act for submission of reports  
22 regarding the use of funds allocated under this paragraph  
23 "a". The report shall include the objectives and results for  
24 the program year including the target population and how the  
25 funds allocated assisted the program in meeting the objectives;  
26 the number, age, and location within the state of individuals  
27 served; the type of services provided to the individuals  
28 served; the distribution of funds based on service provided;  
29 and the continuing needs of the program.

30 ~~b. Of the funds appropriated in this subsection, \$52,828 is~~  
31 ~~allocated for continuation of an initiative implemented at the~~  
32 ~~university of Iowa to expand and improve the workforce engaged~~  
33 ~~in mental health treatment and services. The initiative shall~~  
34 ~~receive input from the university of Iowa, the department of~~  
35 ~~human services, the department of public health, and the mental~~

1 ~~health and disability services commission to address the focus~~  
2 ~~of the initiative.~~

3 ~~c. Of the funds appropriated in this section, \$41,657 shall~~  
4 ~~be deposited in the governmental public health system fund~~  
5 ~~created in [section 135A.8](#) to be used for the purposes of the~~  
6 ~~fund.~~

7 d. Of the funds appropriated in this subsection, ~~\$24,034~~  
8 \$48,069 shall be used for a grant to a statewide association  
9 of psychologists that is affiliated with the American  
10 psychological association to be used for continuation of a  
11 program to rotate intern psychologists in placements in urban  
12 and rural mental health professional shortage areas, as defined  
13 in [section 135.180](#).

14 e. Of the funds appropriated in this subsection, the  
15 following amounts are allocated to be used as follows to  
16 support the Iowa collaborative safety net provider network  
17 goals of increased access, health system integration, and  
18 engagement.

19 (1) Not less than ~~\$260,931~~ \$542,829 is allocated to the  
20 Iowa prescription drug corporation for continuation of the  
21 pharmaceutical infrastructure for safety net providers as  
22 described in [2007 Iowa Acts, chapter 218, section 108](#), and for  
23 the prescription drug donation repository program created in  
24 chapter 135M.

25 (2) Not less than ~~\$167,435~~ \$334,870 is allocated to free  
26 clinics and free clinics of Iowa for necessary infrastructure,  
27 statewide coordination, provider recruitment, service delivery,  
28 and provision of assistance to patients in securing a medical  
29 home inclusive of oral health care.

30 (3) Not less than ~~\$12,500~~ \$25,000 is allocated to the  
31 Iowa association of rural health clinics for necessary  
32 infrastructure and service delivery transformation.

33 (4) Not less than ~~\$50,000~~ \$205,493 is allocated to the  
34 Polk county medical society for continuation of the safety net  
35 provider patient access to a specialty health care initiative

1 as described in [2007 Iowa Acts, chapter 218, section 109](#).

2 f. Of the funds appropriated in this subsection, ~~\$38,115~~  
3 \$15,000 shall be used by the department in implementing  
4 the recommendations in the final report submitted by the  
5 direct care worker advisory council to the governor and the  
6 general assembly in March 2012, including by continuing to  
7 develop, promote, and make available on a statewide basis the  
8 prepare-to-care core curriculum and its associated modules  
9 and specialties through various formats including online  
10 access, community colleges, and other venues; exploring new and  
11 maintaining existing specialties including but not limited to  
12 oral health and dementia care; supporting instructor training;  
13 and assessing and making recommendations concerning the Iowa  
14 care book and information technology systems and infrastructure  
15 uses and needs.

16 g. Of the funds appropriated in this subsection, ~~\$95,594~~  
17 \$176,188 shall be allocated for continuation of the contract  
18 with an independent statewide direct care worker organization  
19 previously selected through a request for proposals process.  
20 The contract shall continue to include performance and outcomes  
21 measures, and shall continue to allow the contractor to use a  
22 portion of the funds received under the contract to collect  
23 data to determine results based on the performance and outcomes  
24 measures.

25 h. Of the funds appropriated in this subsection, the  
26 department may use up to ~~\$29,087~~ \$58,175 for up to one  
27 full-time equivalent position to administer the volunteer  
28 health care provider program pursuant to [section 135.24](#).

29 i. Of the funds appropriated in this subsection, ~~\$48,069~~  
30 \$96,138 shall be used for a matching dental education loan  
31 repayment program to be allocated to a dental nonprofit health  
32 service corporation to continue to develop the criteria and  
33 implement the loan repayment program.

34 ~~j. Of the funds appropriated in this subsection, \$26,455 is~~  
35 ~~transferred to the college student aid commission for deposit~~

1 ~~in the rural Iowa primary care trust fund created in section~~  
2 ~~261.113 to be used for the purposes of the fund.~~

3 k. Of the funds appropriated in this subsection, ~~\$75,000~~  
4 \$100,000 shall be used for the purposes of the Iowa donor  
5 registry as specified in [section 142C.18](#).

6 l. Of the funds appropriated in this subsection, ~~\$48,069~~  
7 \$96,138 shall be used for continuation of a grant to a  
8 nationally affiliated volunteer eye organization that has an  
9 established program for children and adults and that is solely  
10 dedicated to preserving sight and preventing blindness through  
11 education, nationally certified vision screening and training,  
12 and community and patient service programs. The organization  
13 shall submit a report to the individuals identified in this  
14 Act for submission of reports regarding the use of funds  
15 allocated under this paragraph "l". The report shall include  
16 the objectives and results for the program year including  
17 the target population and how the funds allocated assisted  
18 the program in meeting the objectives; the number, age, and  
19 location within the state of individuals served; the type of  
20 services provided to the individuals served; the distribution  
21 of funds based on services provided; and the continuing needs  
22 of the program.

23 m. Of the funds appropriated in this subsection, ~~\$436,327~~  
24 \$2,000,000 shall be deposited in the medical residency training  
25 account created in [section 135.175, subsection 5](#), paragraph  
26 "a", and is appropriated from the account to the department  
27 of public health to be used for the purposes of the medical  
28 residency training state matching grants program as specified  
29 in [section 135.176](#).

30 n. Of the funds appropriated in this subsection, \$250,000  
31 shall be used for the public purpose of providing funding to  
32 Des Moines university to establish a provider education project  
33 to provide primary care physicians with the training and skills  
34 necessary to recognize signs of mental illness in patients.

35 5. ESSENTIAL PUBLIC HEALTH SERVICES

1 To provide public health services that reduce risks and  
2 invest in promoting and protecting good health over the  
3 course of a lifetime with a priority given to older Iowans and  
4 vulnerable populations:

5 ..... \$ ~~4,098,939~~  
6 ..... 7,662,464

7 6. INFECTIOUS DISEASES

8 For reducing the incidence and prevalence of communicable  
9 diseases, and for not more than the following full-time  
10 equivalent positions:

11 ..... \$ 823,213  
12 ..... 1,796,426  
13 ..... FTEs 4.00

14 7. PUBLIC PROTECTION

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

18 ..... \$ ~~2,097,569~~  
19 ..... 4,095,139  
20 ..... FTEs ~~138.00~~  
21 ..... 141.00

22 a. Of the funds appropriated in this subsection, not more  
23 than ~~\$152,350~~ \$304,700 shall be credited to the emergency  
24 medical services fund created in [section 135.25](#). Moneys in  
25 the emergency medical services fund are appropriated to the  
26 department to be used for the purposes of the fund.

27 b. Of the funds appropriated in this subsection, up  
28 to ~~\$121,630~~ \$243,260 shall be used for sexual violence  
29 prevention programming through a statewide organization  
30 representing programs serving victims of sexual violence  
31 through the department's sexual violence prevention program,  
32 and for continuation of a training program for sexual assault  
33 response team (SART) members, including representatives of  
34 law enforcement, victim advocates, prosecutors, and certified  
35 medical personnel. The amount allocated in this paragraph "b"

1 shall not be used to supplant funding administered for other  
2 sexual violence prevention or victims assistance programs.

3 c. Of the funds appropriated in this subsection, up to  
4 ~~\$287,813~~ \$500,000 shall be used for the state poison control  
5 center. Pursuant to the directive under 2014 Iowa Acts,  
6 chapter 1140, section 102, the federal matching funds available  
7 to the state poison control center from the department of human  
8 services under the federal Children's Health Insurance Program  
9 Reauthorization Act allotment shall be subject to the federal  
10 administrative cap rule of 10 percent applicable to funding  
11 provided under Tit. XXI of the federal Social Security Act and  
12 included within the department's calculations of the cap.

13 d. Of the funds appropriated in this subsection, up to  
14 ~~\$258,491~~ \$504,796 shall be used for childhood lead poisoning  
15 provisions.

16 8. RESOURCE MANAGEMENT

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

20 .....	\$	485,607
21 .....		<u>971,215</u>
22 .....	FTEs	4.00

23 Sec. 7. 2017 Iowa Acts, chapter 174, section 42, subsections  
24 10 and 11, are amended by striking the subsections.

25 DIVISION IV

26 DEPARTMENT OF VETERANS AFFAIRS — FY 2018-2019

27 Sec. 8. 2017 Iowa Acts, chapter 174, section 43, is amended  
28 to read as follows:

29 SEC. 43. DEPARTMENT OF VETERANS AFFAIRS. There is  
30 appropriated from the general fund of the state to the  
31 department of veterans affairs for the fiscal year beginning  
32 July 1, 2018, and ending June 30, 2019, the following amounts,  
33 or so much thereof as is necessary, to be used for the purposes  
34 designated:

35 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION



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

4 .....	\$	<del>571,278</del>
5 .....		<u>1,150,500</u>
6 .....	FTEs	15.00

7 2. IOWA VETERANS HOME

8 For salaries, support, maintenance, and miscellaneous  
9 purposes:

10 .....	\$	<del>3,614,070</del>
11 .....		<u>7,162,976</u>

12 a. The Iowa veterans home billings involving the department  
13 of human services shall be submitted to the department on at  
14 least a monthly basis.

15 b. Within available resources and in conformance with  
16 associated state and federal program eligibility requirements,  
17 the Iowa veterans home may implement measures to provide  
18 financial assistance to or on behalf of veterans or their  
19 spouses who are participating in the community reentry program.

20 d. The Iowa veterans home shall continue to include in the  
21 annual discharge report applicant information and to provide  
22 for the collection of demographic information including but not  
23 limited to the number of individuals applying for admission and  
24 admitted or denied admittance and the basis for the admission  
25 or denial; the age, gender, and race of such individuals;  
26 and the level of care for which such individuals applied for  
27 admission including residential or nursing level of care.

28 3. HOME OWNERSHIP ASSISTANCE PROGRAM

29 For transfer to the Iowa finance authority for the  
30 continuation of the home ownership assistance program for  
31 persons who are or were eligible members of the armed forces of  
32 the United States, pursuant to [section 16.54](#):

33 .....	\$	<del>1,000,000</del>
34 .....		<u>2,000,000</u>

35 Sec. 9. 2017 Iowa Acts, chapter 174, section 44, is amended

1 to read as follows:

2 SEC. 44. LIMITATION OF COUNTY COMMISSIONS OF VETERAN  
3 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the  
4 standing appropriation in section 35A.16 for the fiscal year  
5 beginning July 1, 2018, and ending June 30, 2019, the amount  
6 appropriated from the general fund of the state pursuant to  
7 that section for the following designated purposes shall not  
8 exceed the following amount:

9 For the county commissions of veteran affairs fund under  
10 section 35A.16:

11 .....	\$	473,962
12		<u>990,000</u>

13 DIVISION V

14 DEPARTMENT OF HUMAN SERVICES — FY 2018-2019

15 Sec. 10. 2017 Iowa Acts, chapter 174, section 45, is amended  
16 to read as follows:

17 SEC. 45. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK  
18 GRANT. There is appropriated from the fund created in section  
19 8.41 to the department of human services for the fiscal year  
20 beginning July 1, 2018, and ending June 30, 2019, from moneys  
21 received under the federal temporary assistance for needy  
22 families (TANF) block grant pursuant to the federal Personal  
23 Responsibility and Work Opportunity Reconciliation Act of 1996,  
24 Pub. L. No. 104-193, and successor legislation, the following  
25 amounts, or so much thereof as is necessary, to be used for the  
26 purposes designated:

27 1. To be credited to the family investment program account  
28 and used for assistance under the family investment program  
29 under chapter 239B:

30 .....	\$	<del>2,556,231</del>
31		<u>4,539,006</u>

32 2. To be credited to the family investment program account  
33 and used for the job opportunities and basic skills (JOBS)  
34 program and implementing family investment agreements in  
35 accordance with chapter 239B:

1 .....	\$	<del>2,787,846</del>
2		<u>5,412,060</u>

3 3. To be used for the family development and  
4 self-sufficiency grant program in accordance with section  
5 216A.107:

6 .....	\$	<del>1,449,490</del>
7		<u>2,883,980</u>

8 Notwithstanding [section 8.33](#), moneys appropriated in this  
9 subsection that remain unencumbered or unobligated at the close  
10 of the fiscal year shall not revert but shall remain available  
11 for expenditure for the purposes designated until the close of  
12 the succeeding fiscal year. However, unless such moneys are  
13 encumbered or obligated on or before September 30, 2019, the  
14 moneys shall revert.

15 4. For field operations:

16 .....	\$	<del>15,648,116</del>
17		<u>31,296,232</u>

18 5. For general administration:

19 .....	\$	<del>1,872,000</del>
20		<u>3,744,000</u>

21 6. For state child care assistance:

22 .....	\$	<del>23,933,413</del>
23		<u>47,166,826</u>

24 a. Of the funds appropriated in this subsection,  
25 ~~\$13,164,048~~ \$26,205,412 is transferred to the child care  
26 and development block grant appropriation made by the  
27 Eighty-seventh General Assembly, 2018 session, for the federal  
28 fiscal year beginning October 1, 2018, and ending September  
29 30, 2019. Of this amount, ~~\$100,000~~ \$200,000 shall be used  
30 for provision of educational opportunities to registered  
31 child care home providers in order to improve services and  
32 programs offered by this category of providers and to increase  
33 the number of providers. The department may contract with  
34 institutions of higher education or child care resource and  
35 referral centers to provide the educational opportunities.

1 Allowable administrative costs under the contracts shall not  
2 exceed 5 percent. The application for a grant shall not exceed  
3 two pages in length.

4 b. Any funds appropriated in this subsection remaining  
5 unallocated shall be used for state child care assistance  
6 payments for families who are employed including but not  
7 limited to individuals enrolled in the family investment  
8 program.

9 7. For child and family services:

10 ..... \$ ~~16,190,327~~  
11 32,380,654

12 8. For child abuse prevention grants:

13 ..... \$ ~~62,500~~  
14 125,000

15 9. For pregnancy prevention grants on the condition that  
16 family planning services are funded:

17 ..... \$ ~~965,033~~  
18 1,913,203

19 Pregnancy prevention grants shall be awarded to programs  
20 in existence on or before July 1, 2018, if the programs have  
21 demonstrated positive outcomes. Grants shall be awarded to  
22 pregnancy prevention programs which are developed after July  
23 1, 2018, if the programs are based on existing models that  
24 have demonstrated positive outcomes. Grants shall comply with  
25 the requirements provided in 1997 Iowa Acts, chapter 208,  
26 section 14, subsections 1 and 2, including the requirement that  
27 grant programs must emphasize sexual abstinence. Priority in  
28 the awarding of grants shall be given to programs that serve  
29 areas of the state which demonstrate the highest percentage of  
30 unplanned pregnancies of females of childbearing age within the  
31 geographic area to be served by the grant.

32 10. For technology needs and other resources necessary  
33 to meet federal welfare reform reporting, tracking, and case  
34 management requirements:

35 ..... \$ ~~518,593~~

1 1,037,186

2 11. a. Notwithstanding any provision to the contrary,  
3 including but not limited to requirements in [section 8.41](#) or  
4 provisions in 2017 or 2018 Iowa Acts regarding the receipt and  
5 appropriation of federal block grants, federal funds from the  
6 temporary assistance for needy families block grant received  
7 by the state and not otherwise appropriated in this section  
8 and remaining available for the fiscal year beginning July 1,  
9 2018, are appropriated to the department of human services to  
10 the extent as may be necessary to be used in the following  
11 priority order: the family investment program, for state child  
12 care assistance program payments for families who are employed,  
13 and for the family investment program share of system costs  
14 ~~to develop and maintain a new, integrated for~~ eligibility  
15 determination system and related functions. The federal funds  
16 appropriated in this paragraph "a" shall be expended only after  
17 all other funds appropriated in subsection 1 for assistance  
18 under the family investment program, in subsection 6 for child  
19 care assistance, or in subsection 10 for technology costs  
20 related to the family investment program, as applicable, have  
21 been expended. For the purposes of this subsection, the funds  
22 appropriated in subsection 6, paragraph "a", for transfer  
23 to the child care and development block grant appropriation  
24 are considered fully expended when the full amount has been  
25 transferred.

26 b. The department shall, on a quarterly basis, advise the  
27 legislative services agency and department of management of  
28 the amount of funds appropriated in this subsection that was  
29 expended in the prior quarter.

30 12. Of the amounts appropriated in this section, ~~\$6,481,004~~  
31 \$12,962,008 for the fiscal year beginning July 1, 2018, is  
32 transferred to the appropriation of the federal social services  
33 block grant made to the department of human services for that  
34 fiscal year.

35 13. For continuation of the program providing categorical

1 eligibility for the food assistance program as specified  
2 for the program in the section of this division of this Act  
3 relating to the family investment program account:

4 ..... \$ ~~12,500~~  
5 14,236

6 14. The department may transfer funds allocated in this  
7 section to the appropriations made in this division of this Act  
8 for the same fiscal year for general administration and field  
9 operations for resources necessary to implement and operate the  
10 services referred to in this section and those funded in the  
11 appropriation made in this division of this Act for the same  
12 fiscal year for the family investment program from the general  
13 fund of the state.

14 15. With the exception of moneys allocated under this  
15 section for the family development and self-sufficiency grant  
16 program, to the extent moneys allocated in this section are  
17 deemed by the department not to be necessary to support the  
18 purposes for which they are allocated, such moneys may be  
19 ~~credited~~ used in the same fiscal year for any other purpose  
20 for which funds are allocated in this section or in section 7  
21 of this division for the family investment program account.  
22 If there are conflicting needs, priority shall first be given  
23 to the family investment program account as specified under  
24 subsection 1 of this section and used for the purposes of  
25 assistance under the family investment program under chapter  
26 239B in the same fiscal year, followed by state child care  
27 assistance program payments for families who are employed,  
28 followed by other priorities as specified by the department.

29 Sec. 11. 2017 Iowa Acts, chapter 174, section 46, subsection  
30 4, is amended to read as follows:

31 4. Moneys appropriated in this division of this Act and  
32 credited to the FIP account for the fiscal year beginning July  
33 1, 2018, and ending June 30, 2019, are allocated as follows:

34 a. To be retained by the department of human services to  
35 be used for coordinating with the department of human rights

1 to more effectively serve participants in FIP and other shared  
2 clients and to meet federal reporting requirements under the  
3 federal temporary assistance for needy families block grant:

4 ..... \$ ~~10,000~~  
5 5,000

6 b. To the department of human rights for staffing,  
7 administration, and implementation of the family development  
8 and self-sufficiency grant program in accordance with section  
9 216A.107:

10 ..... \$ ~~3,096,417~~  
11 6,192,834

12 (1) Of the funds allocated for the family development  
13 and self-sufficiency grant program in this paragraph "b",  
14 not more than 5 percent of the funds shall be used for the  
15 administration of the grant program.

16 (2) The department of human rights may continue to implement  
17 the family development and self-sufficiency grant program  
18 statewide during fiscal year 2018-2019.

19 (3) The department of human rights may engage in activities  
20 to strengthen and improve family outcomes measures and  
21 data collection systems under the family development and  
22 self-sufficiency grant program.

23 c. For the diversion subaccount of the FIP account:

24 ..... \$ ~~407,500~~  
25 749,694

26 A portion of the moneys allocated for the subaccount may  
27 be used for field operations, salaries, data management  
28 system development, and implementation costs and support  
29 deemed necessary by the director of human services in order to  
30 administer the FIP diversion program. To the extent moneys  
31 allocated in this paragraph "c" are deemed by the department  
32 not to be necessary to support diversion activities, such  
33 moneys may be used for other efforts intended to increase  
34 engagement by family investment program participants in work,  
35 education, or training activities, or for the purposes of

1 assistance under the family investment program in accordance  
2 with [chapter 239B](#).

3 d. For the food assistance employment and training program:  
4 ..... \$ ~~33,294~~  
5 66,588

6 (1) The department shall apply the federal supplemental  
7 nutrition assistance program (SNAP) employment and training  
8 state plan in order to maximize to the fullest extent permitted  
9 by federal law the use of the 50 percent federal reimbursement  
10 provisions for the claiming of allowable federal reimbursement  
11 funds from the United States department of agriculture  
12 pursuant to the federal SNAP employment and training program  
13 for providing education, employment, and training services  
14 for eligible food assistance program participants, including  
15 but not limited to related dependent care and transportation  
16 expenses.

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

26 e. For the JOBS program:  
27 ..... \$ ~~6,761,645~~  
28 12,139,821

29 Sec. 12. 2017 Iowa Acts, chapter 174, section 46, is amended  
30 by adding the following new subsection:

31 NEW SUBSECTION. 7. The department of human services shall  
32 convene a workgroup to review opportunities to increase state  
33 engagement in the supplemental nutrition assistance program  
34 (SNAP) employment and training program. The workgroup shall  
35 explore the feasibility of expansion of the current pilot



1 program to a statewide basis, the potential involvement of  
2 community-based organizations to the extent allowed by federal  
3 law, and the leveraging of state and private funding to match  
4 available federal funds. The membership of the workgroup  
5 shall include representatives of the department of human  
6 services, community colleges, community-based organizations  
7 serving SNAP recipients, philanthropic organizations, and other  
8 stakeholders with relevant interest or expertise as determined  
9 by the department. The workgroup shall submit a report of its  
10 findings and recommendations to the governor and the general  
11 assembly by December 15, 2018.

12 Sec. 13. 2017 Iowa Acts, chapter 174, section 47, unnumbered  
13 paragraph 2, is amended to read as follows:

14 To be credited to the family investment program (FIP)  
15 account and used for family investment program assistance under  
16 chapter 239B:

17 ..... \$ ~~21,502,240~~  
18 40,365,715

19 Sec. 14. 2017 Iowa Acts, chapter 174, section 47,  
20 subsections 1, 2, 4, and 5, are amended to read as follows:

21 1. Of the funds appropriated in this section, ~~\$3,973,798~~  
22 \$6,727,761 is allocated for the JOBS program.

23 2. Of the funds appropriated in this section, ~~\$1,656,927~~  
24 \$3,313,854 is allocated for the family development and  
25 self-sufficiency grant program.

26 4. Of the funds appropriated in this section, ~~\$97,839~~  
27 \$195,678 shall be used for continuation of a grant to an  
28 Iowa-based nonprofit organization with a history of providing  
29 tax preparation assistance to low-income Iowans in order to  
30 expand the usage of the earned income tax credit. The purpose  
31 of the grant is to supply this assistance to underserved areas  
32 of the state.

33 5. Of the funds appropriated in this section, ~~\$30,000~~  
34 \$70,000 shall be used for the continuation of ~~an unfunded pilot~~  
35 ~~project~~ the parenting program, as ~~defined~~ specified in 441 IAC

1 ~~100.~~ 100, relating to parental obligations, in which the child  
2 support recovery unit participates, to support the efforts  
3 of a nonprofit organization committed to strengthening the  
4 community through youth development, healthy living, and social  
5 responsibility headquartered in a county with a population  
6 over 350,000 according to the latest certified federal  
7 census. The funds allocated in this subsection shall be used  
8 by the recipient organization to develop a larger community  
9 effort, through public and private partnerships, to support a  
10 broad-based multi-county ~~fatherhood~~ parenthood initiative that  
11 promotes payment of child support obligations, improved family  
12 relationships, and full-time employment.

13 Sec. 15. 2017 Iowa Acts, chapter 174, section 48, unnumbered  
14 paragraph 2, is amended to read as follows:

15 For child support recovery, including salaries, support,  
16 maintenance, and miscellaneous purposes, and for not more than  
17 the following full-time equivalent positions:

18 .....	\$	<del>6,293,317</del>
19 .....		<u>14,586,635</u>
20 .....	FTEs	459.00

21 Sec. 16. 2017 Iowa Acts, chapter 174, section 48, subsection  
22 1, is amended to read as follows:

23 1. The department shall expend up to ~~\$12,164~~ \$24,329,  
24 including federal financial participation, for the fiscal year  
25 beginning July 1, 2018, for a child support public awareness  
26 campaign. The department and the office of the attorney  
27 general shall cooperate in continuation of the campaign. The  
28 public awareness campaign shall emphasize, through a variety  
29 of media activities, the importance of maximum involvement of  
30 both parents in the lives of their children as well as the  
31 importance of payment of child support obligations.

32 Sec. 17. 2017 Iowa Acts, chapter 174, section 48, subsection  
33 4, is amended by striking the subsection.

34 Sec. 18. 2017 Iowa Acts, chapter 174, section 51, unnumbered  
35 paragraph 2, is amended to read as follows:

1 For medical assistance program reimbursement and associated  
2 costs as specifically provided in the reimbursement  
3 methodologies in effect on June 30, 2018, except as otherwise  
4 expressly authorized by law, consistent with options under  
5 federal law and regulations, and contingent upon receipt of  
6 approval from the office of the governor of reimbursement for  
7 each abortion performed under the program:

8 ..... ~~\$642,202,870~~  
9 1,337,841,375

10 Sec. 19. 2017 Iowa Acts, chapter 174, section 51,  
11 subsections 3, 4, 5, 6, 7, 8, 14, 17, 18, and 19, are amended  
12 to read as follows:

13 3. The department shall utilize not more than ~~\$30,000~~  
14 \$60,000 of the funds appropriated in this section to continue  
15 the AIDS/HIV health insurance premium payment program as  
16 established in 1992 Iowa Acts, Second Extraordinary Session,  
17 chapter 1001, section 409, subsection 6. Of the funds  
18 allocated in this subsection, not more than ~~\$2,500~~ \$5,000 may  
19 be expended for administrative purposes.

20 4. Of the funds appropriated in this Act to the  
21 department of public health for addictive disorders, ~~\$475,000~~  
22 \$950,000 for the fiscal year beginning July 1, 2018, is  
23 transferred to the department of human services for an  
24 integrated substance-related disorder managed care system.  
25 The departments of human services and public health shall  
26 work together to maintain the level of mental health and  
27 substance-related disorder treatment services provided by the  
28 managed care contractors. Each department shall take the steps  
29 necessary to continue the federal waivers as necessary to  
30 maintain the level of services.

31 5. a. The department shall aggressively pursue options for  
32 providing medical assistance or other assistance to individuals  
33 with special needs who become ineligible to continue receiving  
34 services under the early and periodic screening, diagnostic,  
35 and treatment program under the medical assistance program

1 due to becoming 21 years of age who have been approved for  
2 additional assistance through the department's exception to  
3 policy provisions, but who have health care needs in excess  
4 of the funding available through the exception to policy  
5 provisions.

6 b. Of the funds appropriated in this section, ~~\$50,000~~  
7 \$100,000 shall be used for participation in one or more  
8 pilot projects operated by a private provider to allow the  
9 individual or individuals to receive service in the community  
10 in accordance with principles established in *Olmstead v.*  
11 *L.C.*, 527 U.S. 581 (1999), for the purpose of providing  
12 medical assistance or other assistance to individuals with  
13 special needs who become ineligible to continue receiving  
14 services under the early and periodic screening, diagnostic,  
15 and treatment program under the medical assistance program  
16 due to becoming 21 years of age who have been approved for  
17 additional assistance through the department's exception to  
18 policy provisions, but who have health care needs in excess  
19 of the funding available through the exception to the policy  
20 provisions.

21 6. Of the funds appropriated in this section, up to  
22 ~~\$1,525,041~~ \$3,050,082 may be transferred to the field  
23 operations or general administration appropriations in this  
24 division of this Act for operational costs associated with Part  
25 D of the federal Medicare Prescription Drug Improvement and  
26 Modernization Act of 2003, Pub. L. No. 108-173.

27 7. Of the funds appropriated in this section, up to  
28 ~~\$221,050~~ \$442,100 may be transferred to the appropriation in  
29 this division of this Act for medical contracts to be used  
30 for clinical assessment services and prior authorization of  
31 services.

32 8. A portion of the funds appropriated in this section  
33 may be transferred to the appropriations in this division of  
34 this Act for general administration, medical contracts, the  
35 children's health insurance program, or field operations to be

1 used for the state match cost to comply with the payment error  
2 rate measurement (PERM) program for both the medical assistance  
3 and children's health insurance programs as developed by the  
4 centers for Medicare and Medicaid services of the United States  
5 department of health and human services to comply with the  
6 federal Improper Payments Information Act of 2002, Pub. L.  
7 No. 107-300, and to support other reviews and quality control  
8 activities to improve the integrity of these programs.

9 14. Of the funds appropriated in this section, ~~\$174,505~~  
10 \$349,011 shall be used for the administration of the health  
11 insurance premium payment program, including salaries, support,  
12 maintenance, and miscellaneous purposes.

13 17. a. Of the funds appropriated in this section, up  
14 to ~~\$25,000~~ \$50,000 may be transferred by the department to  
15 the appropriation made in this division of this Act to the  
16 department for the same fiscal year for general administration  
17 to be used for associated administrative expenses and for not  
18 more than one full-time equivalent position, in addition to  
19 those authorized for the same fiscal year, to be assigned to  
20 implementing the children's mental health home project.

21 b. Of the funds appropriated in this section, up to  
22 ~~\$200,000~~ \$400,000 may be transferred by the department to  
23 the appropriation made to the department in this division of  
24 this Act for the same fiscal year for Medicaid program-related  
25 general administration planning and implementation activities.  
26 The funds may be used for contracts or for personnel in  
27 addition to the amounts appropriated for and the positions  
28 authorized for general administration for the fiscal year.

29 c. Of the funds appropriated in this section, up to  
30 ~~\$1,500,000~~ \$3,000,000 may be transferred by the department  
31 to the appropriations made in this division of this Act  
32 for the same fiscal year for general administration or  
33 medical contracts to be used to support the development  
34 and implementation of standardized assessment tools for  
35 persons with mental illness, an intellectual disability, a

1 developmental disability, or a brain injury.

2 18. Of the funds appropriated in this section, ~~\$75,000~~  
3 \$150,000 shall be used for lodging expenses associated with  
4 care provided at the university of Iowa hospitals and clinics  
5 for patients with cancer whose travel distance is 30 miles or  
6 more and whose income is at or below 200 percent of the federal  
7 poverty level as defined by the most recently revised poverty  
8 income guidelines published by the United States department of  
9 health and human services. The department of human services  
10 shall establish the maximum number of overnight stays and the  
11 maximum rate reimbursed for overnight lodging, which may be  
12 based on the state employee rate established by the department  
13 of administrative services. The funds allocated in this  
14 subsection shall not be used as nonfederal share matching  
15 funds.

16 19. Of the funds appropriated in this section, up to  
17 ~~\$1,691,940~~ \$3,383,880 shall be used for administration of the  
18 state family planning services program as enacted in this 2017  
19 Act, and of this amount the department may use ~~to up to \$100,000~~  
20 up to \$200,000 for administrative expenses.

21 Sec. 20. 2017 Iowa Acts, chapter 174, section 51, is amended  
22 by adding the following new subsections:

23 NEW SUBSECTION. 22. Of the funds appropriated in this  
24 section, \$195,000 shall be used by the department of human  
25 services through a request for proposals process to establish  
26 a partnership between the university of Iowa hospitals  
27 and clinics and a durable medical equipment provider and  
28 manufacturer to provide new, refurbished, or repaired durable  
29 medical equipment to Medicaid members in the state. Such  
30 durable medical equipment provider and manufacturer shall be  
31 authorized as a Medicaid provider in the state on or after  
32 April 1, 2018, and shall have the capability to provide  
33 assessments for customized wheelchairs, manufacture bathing aid  
34 equipment and mobility bathing aids, offer in-home care, and  
35 sell durable medical equipment at cost in Iowa and online.

1     NEW SUBSECTION. 23. The department of human services shall  
2 expand Medicaid coverage to provide care for young adults with  
3 complex medical conditions in a special population nursing  
4 facility as specified by rule of the department pursuant to  
5 this subsection. The department shall adopt rules pursuant to  
6 chapter 17A to expand the criteria for a special population  
7 nursing facility under the Medicaid program to include a  
8 nursing facility that serves residents, 100 percent of whom are  
9 aged 30 and under and require the skilled level of care, and to  
10 include a nursing facility that serves residents, 100 percent  
11 of whom require care from a facility licensed by the department  
12 of inspections and appeals as an intermediate care facility  
13 for persons with medical complexity as defined by rule of the  
14 department.

15     NEW SUBSECTION. 24. Consistent with the informational  
16 bulletin published May 9, 2017, by the centers for Medicare and  
17 Medicaid services of the United States department of health and  
18 human services, in implementing the regulation that finalized  
19 criteria for home and community-based settings appropriate for  
20 provision of home and community-based services, the department  
21 of human services shall continue progress with the statewide  
22 transition plan to be approved by March 17, 2019, but shall  
23 extend the transition period to demonstrate compliance with  
24 the home and community-based settings criteria until March 17,  
25 2022, for those settings to which a transition period applies.

26     NEW SUBSECTION. 25. The department of human services shall  
27 utilize \$3,000,000 of the funds appropriated under this section  
28 to adjust current supported community living provider daily  
29 rate cells under the tiered rate reimbursement methodology  
30 effective with dates of service beginning July 1, 2018. The  
31 department shall work with the Medicaid program actuary to  
32 evaluate the current tiered rates and the tiered rates phase-in  
33 plan to determine the necessary apportionment of such funds.  
34 In addition, the department, working with the Medicaid program  
35 actuary, shall review the current tiered rates and the tiered

1 rates phase-in plan and shall propose recommendations for any  
2 changes. The department shall convene the tiered rate provider  
3 workgroup initially convened in the fiscal year beginning July  
4 1, 2016, to review the actuarial findings and recommendations.  
5 The tiered rates may be adjusted based upon the actuarial  
6 findings and recommendations if such adjustments are budget  
7 neutral. A report of the actuarial findings, recommendations,  
8 and comments provided by the tiered rate provider workgroup  
9 shall be submitted to the governor and the general assembly by  
10 December 15, 2018. If additional funding is appropriated to  
11 implement the recommendations, the additional funding shall be  
12 incorporated into the managed care organization capitation rate  
13 setting process for the fiscal year beginning July 1, 2019.

14 NEW SUBSECTION. 26. The department of human services shall  
15 review all current Medicaid fee schedules and shall submit a  
16 report to the governor and the general assembly by January 15,  
17 2019, regarding how the current rates compare to the equivalent  
18 Medicare fee schedules or other appropriate reimbursement  
19 methodologies for specific services and including a plan for  
20 phased-in implementation of any changes.

21 NEW SUBSECTION. 27. Of the funds appropriated in this  
22 section, \$1,545,530 shall be used and may be transferred to  
23 other appropriations in this division of this Act as necessary  
24 to administer the provisions in the division of this Act  
25 relating to Medicaid program administration.

26 NEW SUBSECTION. 28. Of the funds appropriated in this  
27 section, \$876,015 shall be used and may be transferred to other  
28 appropriations in this division of this Act as necessary to  
29 administer the provisions of 2018 Iowa Acts, House File 2456,  
30 as enacted.

31 Sec. 21. 2017 Iowa Acts, chapter 174, section 52, is amended  
32 to read as follows:

33 SEC. 52. MEDICAL CONTRACTS. There is appropriated from the  
34 general fund of the state to the department of human services  
35 for the fiscal year beginning July 1, 2018, and ending June 30,



1 2019, the following amount, or so much thereof as is necessary,  
2 to be used for the purpose designated:

3 For medical contracts:

4 .....	\$ <del>8,813,232</del>
5	<u>16,603,198</u>

6 1. The department of inspections and appeals shall  
7 provide all state matching funds for survey and certification  
8 activities performed by the department of inspections  
9 and appeals. The department of human services is solely  
10 responsible for distributing the federal matching funds for  
11 such activities.

12 2. Of the funds appropriated in this section, ~~\$25,000~~  
13 \$50,000 shall be used for continuation of home and  
14 community-based services waiver quality assurance programs,  
15 including the review and streamlining of processes and policies  
16 related to oversight and quality management to meet state and  
17 federal requirements.

18 3. Of the amount appropriated in this section, up to  
19 ~~\$100,000~~ \$200,000 may be transferred to the appropriation  
20 for general administration in this division of this Act to  
21 be used for additional full-time equivalent positions in the  
22 development of key health initiatives such as cost containment,  
23 development and oversight of managed care programs, and  
24 development of health strategies targeted toward improved  
25 quality and reduced costs in the Medicaid program.

26 4. Of the funds appropriated in this section, ~~\$500,000~~  
27 \$1,000,000 shall be used for planning and development,  
28 in cooperation with the department of public health, of a  
29 phased-in program to provide a dental home for children.

30 5. Of the funds appropriated in this section,  
31 ~~\$475,000~~ \$573,000 shall be credited to the autism support  
32 program fund created in [section 225D.2](#) to be used for the  
33 autism support program created in [chapter 225D](#), with the  
34 exception of the following amounts of this allocation which  
35 shall be used as follows:

1 ~~a. Of the funds allocated in this subsection, \$125,000~~  
2 ~~shall be deposited in the board-certified behavior analyst and~~  
3 ~~board-certified assistant behavior analyst grants program fund~~  
4 ~~created in [section 135.181](#), to be used for the purposes of the~~  
5 ~~fund.~~

6 b. Of the funds allocated in this subsection, ~~\$12,500~~  
7 \$25,000 shall be used for the public purpose of continuation  
8 of a grant to a nonprofit provider of child welfare services  
9 provider headquartered that has been in existence for more than  
10 115 years, is located in a county with a population between  
11 ~~205,000~~ 200,000 and ~~215,000~~ in 220,000 according to the latest  
12 certified federal census ~~that provides multiple services~~  
13 including but not limited to, is licensed as a psychiatric  
14 medical institution for children, shelter, residential  
15 treatment, after school programs, and provides school-based  
16 programming, and an Asperger's syndrome program, to be used for  
17 support services for children with autism spectrum disorder and  
18 their families.

19 ~~c. Of the funds allocated in this subsection, \$12,500~~  
20 ~~shall be used for the public purpose of continuing a grant to~~  
21 ~~a hospital-based provider headquartered in a county with a~~  
22 ~~population between 90,000 and 95,000 in the latest certified~~  
23 ~~federal census that provides multiple services including~~  
24 ~~but not limited to diagnostic, therapeutic, and behavioral~~  
25 ~~services to individuals with autism spectrum disorder across~~  
26 ~~one's lifespan. The grant recipient shall utilize the funds~~  
27 ~~to continue the pilot project to determine the necessary~~  
28 ~~support services for children with autism spectrum disorder and~~  
29 ~~their families to be included in the children's disabilities~~  
30 ~~services system. The grant recipient shall submit findings and~~  
31 ~~recommendations based upon the results of the pilot project~~  
32 ~~to the individuals specified in this division of this Act for~~  
33 ~~submission of reports by December 31, 2018.~~

34 Sec. 22. 2017 Iowa Acts, chapter 174, section 53, unnumbered  
35 paragraph 2, is amended to read as follows:

1 For the state supplementary assistance program:

2 ..... \$ ~~5,186,329~~  
3 10,250,873

4 Sec. 23. 2017 Iowa Acts, chapter 174, section 53, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
7 appropriated in this section that remain unencumbered or  
8 unobligated at the close of the fiscal year shall not revert  
9 but shall remain available for expenditure for the purposes  
10 designated until the close of the succeeding fiscal year.

11 Sec. 24. 2017 Iowa Acts, chapter 174, section 54, is amended  
12 to read as follows:

13 SEC. 54. CHILDREN'S HEALTH INSURANCE 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, 2018, and ending June 30, 2019, the following  
17 amount, or so much thereof as is necessary, to be used for the  
18 purpose designated:

19 For maintenance of the healthy and well kids in Iowa (hawk-i)  
20 program pursuant to [chapter 514I](#), including supplemental dental  
21 services, for receipt of federal financial participation under  
22 Tit. XXI of the federal Social Security Act, which creates the  
23 children's health insurance program:

24 ..... \$ ~~4,259,226~~  
25 7,064,057

26 2. Of the funds appropriated in this section, ~~\$21,400~~  
27 \$42,800 is allocated for continuation of the contract for  
28 outreach with the department of public health.

29 Sec. 25. 2017 Iowa Acts, chapter 174, section 55, unnumbered  
30 paragraph 2, is amended to read as follows:

31 For child care programs:

32 ..... \$ ~~19,671,808~~  
33 40,816,931

34 Sec. 26. 2017 Iowa Acts, chapter 174, section 55,  
35 subsections 1 and 4, are amended to read as follows:

1 1. Of the funds appropriated in this section, ~~\$16,746,808~~  
2 \$34,966,931 shall be used for state child care assistance in  
3 accordance with [section 237A.13](#).

4 4. Of the funds appropriated in this section, ~~\$2,925,000~~  
5 \$5,850,000 shall be credited to the early childhood programs  
6 grants account in the early childhood Iowa fund created  
7 in [section 256I.11](#). The moneys shall be distributed for  
8 funding of community-based early childhood programs targeted  
9 to children from birth through five years of age developed  
10 by early childhood Iowa areas in accordance with approved  
11 community plans as provided in [section 256I.8](#).

12 Sec. 27. 2017 Iowa Acts, chapter 174, section 56, is amended  
13 to read as follows:

14 SEC. 56. JUVENILE INSTITUTION. There is appropriated  
15 from the general fund of the state to the department of human  
16 services for the fiscal year beginning July 1, 2018, and ending  
17 June 30, 2019, the following amounts, or so much thereof as is  
18 necessary, to be used for the purposes designated:

19 1. For operation of the state training school at Eldora and  
20 for salaries, support, maintenance, and miscellaneous purposes,  
21 and for not more than the following full-time equivalent  
22 positions:

23 .....	\$	<del>5,675,221</del>
24 .....		<u>12,762,443</u>
25 .....	FTEs	189.00

26 Of the funds appropriated in this subsection, ~~\$45,575~~  
27 \$91,150 shall be used for distribution to licensed classroom  
28 teachers at this and other institutions under the control of  
29 the department of human services based upon the average student  
30 yearly enrollment at each institution as determined by the  
31 department.

32 2. A portion of the moneys appropriated in this section  
33 shall be used by the state training school at Eldora for  
34 grants for adolescent pregnancy prevention activities at the  
35 institution in the fiscal year beginning July 1, 2018.

1 3. Of the funds appropriated in this subsection, \$212,000  
2 shall be used by the state training school at Eldora for a  
3 substance use disorder treatment program at the institution in  
4 the fiscal year beginning July 1, 2018.

5 Sec. 28. 2017 Iowa Acts, chapter 174, section 57, is amended  
6 to read as follows:

7 SEC. 57. CHILD AND FAMILY SERVICES.

8 1. There is appropriated from the general fund of the  
9 state to the department of human services for the fiscal year  
10 beginning July 1, 2018, and ending June 30, 2019, the following  
11 amount, or so much thereof as is necessary, to be used for the  
12 purpose designated:

13 For child and family services:

14 ..... \$ ~~43,639,687~~  
15 84,939,774

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

26 3. a. Of the funds appropriated in this section, up  
27 to ~~\$17,868,324~~ \$34,536,648 is allocated as the statewide  
28 expenditure target under [section 232.143](#) for group foster care  
29 maintenance and services. If the department projects that such  
30 expenditures for the fiscal year will be less than the target  
31 amount allocated in this paragraph "a", the department may  
32 reallocate the excess to provide additional funding for shelter  
33 care or the child welfare emergency services addressed with the  
34 allocation for shelter care.

35 b. If at any time after September 30, 2018, annualization

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

15 4. In accordance with the provisions of [section 232.188](#),  
16 the department shall continue the child welfare and juvenile  
17 justice funding initiative during fiscal year 2018-2019. Of  
18 the funds appropriated in this section, ~~\$858,876~~ \$1,717,753  
19 is allocated specifically for expenditure for fiscal year  
20 2018-2019 through the decategorization services funding pools  
21 and governance boards established pursuant to [section 232.188](#).

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

27 6. Notwithstanding [section 234.35](#) or any other provision  
28 of law to the contrary, state funding for shelter care and  
29 the child welfare emergency services contracting implemented  
30 to provide for or prevent the need for shelter care shall be  
31 limited to ~~\$4,048,079~~ \$8,096,158.

32 7. Federal funds received by the state during the fiscal  
33 year beginning July 1, 2018, as the result of the expenditure  
34 of state funds appropriated during a previous state fiscal  
35 year for a service or activity funded under this section are

1 appropriated to the department to be used as additional funding  
2 for services and purposes provided for under this section.  
3 Notwithstanding [section 8.33](#), moneys received in accordance  
4 with this subsection that remain unencumbered or unobligated at  
5 the close of the fiscal year shall not revert to any fund but  
6 shall remain available for the purposes designated until the  
7 close of the succeeding fiscal year.

8 8. a. Of the funds appropriated in this section, up to  
9 ~~\$1,645,000~~ \$3,290,000 is allocated for the payment of the  
10 expenses of court-ordered services provided to juveniles  
11 who are under the supervision of juvenile court services,  
12 which expenses are a charge upon the state pursuant to  
13 section 232.141, subsection 4. Of the amount allocated in  
14 this paragraph "a", up to ~~\$778,143~~ \$1,556,287 shall be made  
15 available to provide school-based supervision of children  
16 adjudicated under [chapter 232](#), of which not more than ~~\$7,500~~  
17 \$15,000 may be used for the purpose of training. A portion of  
18 the cost of each school-based liaison officer shall be paid by  
19 the school district or other funding source as approved by the  
20 chief juvenile court officer.

21 b. Of the funds appropriated in this section, up to ~~\$374,492~~  
22 \$748,985 is allocated for the payment of the expenses of  
23 court-ordered services provided to children who are under the  
24 supervision of the department, which expenses are a charge upon  
25 the state pursuant to [section 232.141, subsection 4](#).

26 c. Notwithstanding [section 232.141](#) or any other provision  
27 of law to the contrary, the amounts allocated in this  
28 subsection shall be distributed to the judicial districts  
29 as determined by the state court administrator and to the  
30 department's service areas as determined by the administrator  
31 of the department of human services' division of child and  
32 family services. The state court administrator and the  
33 division administrator shall make the determination of the  
34 distribution amounts on or before June 15, 2018.

35 d. Notwithstanding [chapter 232](#) or any other provision of

1 law to the contrary, a district or juvenile court shall not  
2 order any service which is a charge upon the state pursuant  
3 to [section 232.141](#) if there are insufficient court-ordered  
4 services funds available in the district court or departmental  
5 service area distribution amounts to pay for the service. The  
6 chief juvenile court officer and the departmental service area  
7 manager shall encourage use of the funds allocated in this  
8 subsection such that there are sufficient funds to pay for  
9 all court-related services during the entire year. The chief  
10 juvenile court officers and departmental service area managers  
11 shall attempt to anticipate potential surpluses and shortfalls  
12 in the distribution amounts and shall cooperatively request the  
13 state court administrator or division administrator to transfer  
14 funds between the judicial districts' or departmental service  
15 areas' distribution amounts as prudent.

16 e. Notwithstanding any provision of law to the contrary,  
17 a district or juvenile court shall not order a county to pay  
18 for any service provided to a juvenile pursuant to an order  
19 entered under [chapter 232](#) which is a charge upon the state  
20 under [section 232.141, subsection 4](#).

21 f. Of the funds allocated in this subsection, not more  
22 than ~~\$41,500~~ \$83,000 may be used by the judicial branch for  
23 administration of the requirements under this subsection.

24 g. Of the funds allocated in this subsection, ~~\$8,500~~ \$17,000  
25 shall be used by the department of human services to support  
26 the interstate commission for juveniles in accordance with  
27 the interstate compact for juveniles as provided in section  
28 232.173.

29 9. Of the funds appropriated in this section, ~~\$6,126,613~~  
30 \$12,253,227 is allocated for juvenile delinquent graduated  
31 sanctions services. Any state funds saved as a result of  
32 efforts by juvenile court services to earn a federal Tit. IV-E  
33 match for juvenile court services administration may be used  
34 for the juvenile delinquent graduated sanctions services.

35 10. Of the funds appropriated in this section, ~~\$829,142~~



1 \$1,658,285 is transferred to the department of public health  
2 to be used for the child protection center grant program for  
3 child protection centers located in Iowa in accordance with  
4 section 135.118. The grant amounts under the program shall be  
5 equalized so that each center receives a uniform base amount  
6 of ~~\$122,500~~ \$245,000, so that ~~\$25,000~~ \$50,000 is awarded to  
7 establish a satellite child protection center in a city in  
8 north central Iowa that is the county seat of a county with  
9 a population between 44,000 and 45,000 according to the 2010  
10 federal decennial census, and so that the remaining funds are  
11 awarded through a funding formula based upon the volume of  
12 children served.

13 11. If the department receives federal approval to  
14 implement a waiver under Tit. IV-E of the federal Social  
15 Security Act to enable providers to serve children who remain  
16 in the children's families and communities, for purposes of  
17 eligibility under the medical assistance program through 25  
18 years of age, children who participate in the waiver shall be  
19 considered to be placed in foster care.

20 12. Of the funds appropriated in this section, ~~\$2,012,583~~  
21 \$4,025,167 is allocated for the preparation for adult living  
22 program pursuant to [section 234.46](#).

23 13. Of the funds appropriated in this section, ~~\$113,668~~  
24 \$227,337 shall be used for the public purpose of continuing  
25 a grant to a nonprofit human services organization providing  
26 services to individuals and families in multiple locations in  
27 southwest Iowa and Nebraska for support of a project providing  
28 immediate, sensitive support and forensic interviews, medical  
29 exams, needs assessments, and referrals for victims of child  
30 abuse and their nonoffending family members.

31 14. Of the funds appropriated in this section, ~~\$150,310~~  
32 \$300,620 is allocated for the foster care youth council  
33 approach of providing a support network to children placed in  
34 foster care.

35 15. Of the funds appropriated in this section, ~~\$101,000~~

1 \$202,000 is allocated for use pursuant to [section 235A.1](#) for  
2 continuation of the initiative to address child sexual abuse  
3 implemented pursuant to 2007 Iowa Acts, chapter 218, section  
4 18, subsection 21.

5 16. Of the funds appropriated in this section, ~~\$315,120~~  
6 \$630,240 is allocated for the community partnership for child  
7 protection sites.

8 17. Of the funds appropriated in this section, ~~\$185,625~~  
9 \$371,250 is allocated for the department's minority youth and  
10 family projects under the redesign of the child welfare system.

11 18. Of the funds appropriated in this section, ~~\$568,297~~  
12 \$851,595 is allocated for funding of the community circle of  
13 care collaboration for children and youth in northeast Iowa.

14 19. Of the funds appropriated in this section, at least  
15 ~~\$73,579~~ \$147,158 shall be used for the continuation of the  
16 child welfare provider training academy, a collaboration  
17 between the coalition for family and children's services in  
18 Iowa and the department.

19 20. Of the funds appropriated in this section, ~~\$105,936~~  
20 \$211,872 shall be used for continuation of the central Iowa  
21 system of care program grant through June 30, 2019.

22 21. Of the funds appropriated in this section, ~~\$117,500~~  
23 \$235,000 shall be used for the public purpose of the  
24 continuation and expansion of a system of care program grant  
25 implemented in Cerro Gordo and Linn counties to utilize a  
26 comprehensive and long-term approach for helping children  
27 and families by addressing the key areas in a child's life  
28 of childhood basic needs, education and work, family, and  
29 community.

30 22. Of the funds appropriated in this section, at least  
31 ~~\$12,500~~ \$25,000 shall be used to continue and to expand the  
32 foster care respite pilot program in which postsecondary  
33 students in social work and other human services-related  
34 programs receive experience by assisting family foster care  
35 providers with respite and other support.

1 23. Of the funds appropriated in this section, ~~\$55,000~~  
2 \$110,000 shall be used for the public purpose of funding  
3 community-based services and other supports with a system of  
4 care approach for children with a serious emotional disturbance  
5 and their families through a nonprofit provider of child  
6 welfare services that has been in existence for more than  
7 115 years, is located in a county with a population of more  
8 than 200,000 but less than 220,000 according to the latest  
9 certified federal census, is licensed as a psychiatric medical  
10 institution for children, and was a system of care grantee  
11 prior to July 1, 2018.

12 Sec. 29. 2017 Iowa Acts, chapter 174, section 58, subsection  
13 1, paragraph a, is amended to read as follows:

14 a. For adoption subsidy payments and services:

15 ..... \$ ~~20,388,955~~  
16 40,445,137

17 Sec. 30. 2017 Iowa Acts, chapter 174, section 60, is amended  
18 to read as follows:

19 SEC. 60. FAMILY SUPPORT SUBSIDY 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, 2018, and ending June 30, 2019, the following  
23 amount, or so much thereof as is necessary, to be used for the  
24 purpose designated:

25 For the family support subsidy program subject to the  
26 enrollment restrictions in [section 225C.37, subsection 3](#):

27 ..... \$ ~~534,641~~  
28 949,282

29 2. At least ~~\$393,750~~ \$787,500 of the moneys appropriated in  
30 this section is transferred to the department of public health  
31 for the family support center component of the comprehensive  
32 family support program under [chapter 225C](#), subchapter V.

33 3. If at any time during the fiscal year, the amount of  
34 funding available for the family support subsidy program  
35 is reduced from the amount initially used to establish the

1 figure for the number of family members for whom a subsidy  
2 is to be provided at any one time during the fiscal year,  
3 notwithstanding [section 225C.38, subsection 2](#), the department  
4 shall revise the figure as necessary to conform to the amount  
5 of funding available.

6 Sec. 31. 2017 Iowa Acts, chapter 174, section 61, is amended  
7 to read as follows:

8 SEC. 61. CONNER DECREE. 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, 2018, and ending June 30,  
11 2019, the following amount, or so much thereof as is necessary,  
12 to be used for the purpose designated:

13 For building community capacity through the coordination  
14 and provision of training opportunities in accordance with the  
15 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.  
16 Iowa, July 14, 1994):

17 .....	\$	<del>16,816</del>
18		<u>33,632</u>

19 Sec. 32. 2017 Iowa Acts, chapter 174, section 62, subsection  
20 1, is amended to read as follows:

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, 2018, and ending June 30, 2019, the following  
24 amounts, or so much thereof as is necessary, to be used for the  
25 purposes designated:

26 a. For operation of the state mental health institute at  
27 Cherokee as required by [chapters 218](#) and [226](#) for salaries,  
28 support, maintenance, and miscellaneous purposes, and for not  
29 more than the following full-time equivalent positions:

30 .....	\$	<del>6,935,127</del>
31		<u>13,870,254</u>
32 .....	FTEs	162.00

33 b. For operation of the state mental health institute at  
34 Independence as required by [chapters 218](#) and [226](#) for salaries,  
35 support, maintenance, and miscellaneous purposes, and for not

1 more than the following full-time equivalent positions:

2 .....	\$	<del>8,756,810</del>
3		<u>17,513,621</u>
4 .....	FTEs	204.00

5 Sec. 33. 2017 Iowa Acts, chapter 174, section 63, subsection  
6 1, is amended to read as follows:

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, 2018, and ending June 30, 2019, the following  
10 amounts, or so much thereof as is necessary, to be used for the  
11 purposes designated:

12 a. For the state resource center at Glenwood for salaries, 13 support, maintenance, and miscellaneous purposes:		
14 .....	\$	<del>8,943,890</del>
15		<u>16,858,523</u>

16 b. For the state resource center at Woodward for salaries, 17 support, maintenance, and miscellaneous purposes:		
18 .....	\$	<del>6,038,517</del>
19		<u>11,386,679</u>

20 Sec. 34. 2017 Iowa Acts, chapter 174, section 64, subsection  
21 1, is amended to read as follows:

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, 2018, and ending June 30, 2019, the following  
25 amount, or so much thereof as is necessary, to be used for the  
26 purpose designated:

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

33 .....	\$	<del>4,732,373</del>
34		<u>10,864,747</u>
35 .....	FTEs	<del>112.00</del>

1 132.00

2 Sec. 35. 2017 Iowa Acts, chapter 174, section 65, is amended  
3 to read as follows:

4 SEC. 65. FIELD OPERATIONS. There is appropriated from the  
5 general fund of the state to the department of human services  
6 for the fiscal year beginning July 1, 2018, and ending June 30,  
7 2019, the following amount, or so much thereof as is necessary,  
8 to be used for the purposes designated:

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

12 .....	\$ <del>24,242,217</del>
13 .....	<u>49,074,517</u>
14 .....	FTEs <del>1,583.00</del>
15 .....	<u>1,539.00</u>

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

19 Sec. 36. 2017 Iowa Acts, chapter 174, section 66, is amended  
20 to read as follows:

21 SEC. 66. GENERAL ADMINISTRATION. There is appropriated  
22 from the general fund of the state to the department of human  
23 services for the fiscal year beginning July 1, 2018, and ending  
24 June 30, 2019, the following amount, or so much thereof as is  
25 necessary, to be used for the purpose designated:

26 For general administration, including salaries, support,  
27 maintenance, and miscellaneous purposes, and for not more than  
28 the following full-time equivalent positions:

29 .....	\$ <del>7,016,520</del>
30 .....	<u>13,833,040</u>
31 .....	FTEs 294.00

32 2. Of the funds appropriated in this section, ~~\$75,000~~  
33 \$150,000 shall be used to continue the contract for the  
34 provision of a program to provide technical assistance,  
35 support, and consultation to providers of habilitation services

1 and home and community-based services waiver services for  
2 adults with disabilities under the medical assistance program.

3 3. Of the funds appropriated in this section, ~~\$25,000~~  
4 \$50,000 is transferred to the Iowa finance authority to be  
5 used for administrative support of the council on homelessness  
6 established in [section 16.2D](#) and for the council to fulfill its  
7 duties in addressing and reducing homelessness in the state.

8 4. Of the funds appropriated in this section, ~~\$100,000~~  
9 \$200,000 shall be transferred to and deposited in the  
10 administrative fund of the Iowa ABLE savings plan trust  
11 created in [section 12I.4](#), to be used for implementation and  
12 administration activities of the Iowa ABLE savings plan trust.

13 5. Of the funds appropriated in this section, ~~\$100,000~~  
14 \$200,000 is transferred to the economic development authority  
15 for the Iowa commission on volunteer services to continue  
16 to be used for RefugeeRISE AmeriCorps program established  
17 under [section 15H.8](#) for member recruitment and training to  
18 improve the economic well-being and health of economically  
19 disadvantaged refugees in local communities across Iowa. Funds  
20 transferred may be used to supplement federal funds under  
21 federal regulations.

22 7. Of the funds appropriated in this section, \$300,000 shall  
23 be used to contract for children's well-being collaboratives  
24 grants for the development and implementation of children's  
25 well-being collaboratives to establish and coordinate  
26 prevention and early intervention services to promote improved  
27 mental health and well-being for children and families, as  
28 enacted in 2017 Iowa Acts, chapter 174, section 88.

29 8. The department of human services shall submit the  
30 strategic plan to create and implement a children's mental  
31 health system submitted to the governor by the children's  
32 system state board established by Executive Order Number Two  
33 issued April 23, 2018, to the general assembly by November 15,  
34 2018.

35 Sec. 37. 2017 Iowa Acts, chapter 174, section 67, is amended

1 to read as follows:

2 SEC. 67. DEPARTMENT-WIDE DUTIES. There is appropriated  
3 from the general fund of the state to the department of human  
4 services for the fiscal year beginning July 1, 2018, and ending  
5 June 30, 2019, the following amount, or so much thereof as is  
6 necessary, to be used for the purposes designated:

7 For salaries, support, maintenance, and miscellaneous  
8 purposes at facilities under the purview of the department of  
9 human services:

10 ..... \$ ~~1,439,637~~  
11 2,879,274

12 Sec. 38. 2017 Iowa Acts, chapter 174, section 68, is amended  
13 to read as follows:

14 SEC. 68. VOLUNTEERS. There is appropriated from the general  
15 fund of the state to the department of human services for the  
16 fiscal year beginning July 1, 2018, and ending June 30, 2019,  
17 the following amount, or so much thereof as is necessary, to be  
18 used for the purpose designated:

19 For development and coordination of volunteer services:

20 ..... \$ ~~42,343~~  
21 84,686

22 Sec. 39. 2017 Iowa Acts, chapter 174, section 70, subsection  
23 1, paragraph f, subparagraph (1), is amended to read as  
24 follows:

25 (1) For the fiscal year beginning July 1, 2018,  
26 reimbursement rates for home health agencies shall continue to  
27 be based on the Medicare low utilization payment adjustment  
28 (LUPA) methodology with state geographic wage adjustments and  
29 shall be adjusted to increase the rates to the extent possible  
30 within the \$1,000,000 of state funding appropriated for this  
31 purpose. The department shall continue to update the rates  
32 every two years to reflect the most recent Medicare LUPA rates  
33 to the extent possible within the state funding appropriated  
34 for this purpose.

35 Sec. 40. 2017 Iowa Acts, chapter 174, section 70, subsection



1 l, paragraphs j and k, are amended to read as follows:

2 j. For the fiscal year beginning July 1, 2018, unless  
3 otherwise specified in this Act, all noninstitutional medical  
4 assistance provider reimbursement rates shall remain at the  
5 rates in effect on June 30, 2018, except for area education  
6 agencies, local education agencies, infant and toddler  
7 services providers, home and community-based services providers  
8 including consumer-directed attendant care providers under a  
9 section 1915(c) or 1915(i) waiver, targeted case management  
10 providers, ~~and~~ those providers whose rates are required to be  
11 determined pursuant to section 249A.20, or to meet federal  
12 mental health parity requirements.

13 k. Notwithstanding any provision to the contrary, for the  
14 fiscal year beginning July 1, 2018, the reimbursement rate  
15 for anesthesiologists shall ~~be adjusted to implement the cost~~  
16 ~~containment strategies authorized for the medical assistance~~  
17 ~~program in this 2017 Act~~ remain at the rate in effect on June  
18 30, 2018, and updated on January 1, 2019, to align with the  
19 most current Iowa Medicare anesthesia base rate.

20 Sec. 41. 2017 Iowa Acts, chapter 174, section 70, subsection  
21 7, is amended to read as follows:

22 7. a. For the purposes of this subsection, "combined  
23 reimbursement rate" means the combined service and maintenance  
24 reimbursement rate ~~for a service level under the department's~~  
25 ~~reimbursement methodology. Effective July 1, 2018, the~~  
26 ~~combined reimbursement rate for a group foster care service~~  
27 ~~level shall be the amount designated in this subsection.~~  
28 ~~However, if a group foster care provider's reimbursement rate~~  
29 ~~for a service level as of June 30, 2018, is more than the rate~~  
30 ~~designated in this subsection, the provider's reimbursement~~  
31 ~~shall remain at the higher rate.~~

32 b. ~~Unless a group foster care provider is subject to the~~  
33 ~~exception provided in paragraph "a", effective July 1, 2018,~~  
34 ~~the combined reimbursement rates for the service levels under~~  
35 ~~the department's reimbursement methodology shall be as follows:~~

1 ~~(1) For service level, community - D1, the daily rate shall~~  
2 ~~be at least \$84.17.~~

3 ~~(2) For service level, comprehensive - D2, the daily rate~~  
4 ~~shall be at least \$119.09.~~

5 ~~(3) For service level, enhanced - D3, the daily rate shall~~  
6 ~~be at least \$131.09 established by contract.~~

7 Sec. 42. 2017 Iowa Acts, chapter 174, section 70, subsection  
8 11, is amended to read as follows:

9 11. a. For the fiscal year beginning July 1, 2018,  
10 Effective July 1, 2018, the child care provider reimbursement  
11 rates shall remain at the rates in effect on June 30, 2018.  
12 Effective January 1, 2019, for child care providers reimbursed  
13 under the state child care assistance program, the department  
14 shall set utilize \$3,000,000 of the amount appropriated for  
15 child care assistance under this division to increase provider  
16 reimbursement rates based on the rate reimbursement survey  
17 completed in December 2004 2014. ~~Effective July 1, 2018,~~  
18 the child care provider reimbursement rates shall remain at  
19 the rates in effect on June 30, 2018. The department shall  
20 increase the lowest rate that is furthest from the fiftieth  
21 percentile to a rate consistent with the relative percentage of  
22 the second lowest rate as compared to the fiftieth percentile.  
23 As funds remain available, the department shall increase  
24 the subsequent lowest rates in a similar manner until the  
25 \$3,000,000 is projected to be fully expended in the fiscal  
26 year. The department shall set rates in a manner so as to  
27 provide incentives for a nonregistered provider to become  
28 registered by applying the increase only to registered and  
29 licensed providers.

30 b. Effective January 1, 2019, for infant and toddler  
31 child care providers reimbursed under the state child  
32 care assistance program, the department shall set provider  
33 reimbursement rates at the seventy-fifth percentile of the rate  
34 reimbursement survey completed in December 2014, within the  
35 expected increase for the federal child care and development

1 block grant expenditure requirement for infant and toddler  
2 quality improvement, subject to quality rating system criteria  
3 developed pursuant to section 237A.30. The department shall  
4 set rates in a manner so as to provide incentives for a  
5 nonregistered provider to become registered by applying the  
6 increase only to registered and licensed providers.

7 Sec. 43. 2017 Iowa Acts, chapter 174, section 70, subsection  
8 13, is amended by striking the subsection.

9 Sec. 44. REPEAL. 2017 Iowa Acts, chapter 174, section 69,  
10 is repealed.

11 DIVISION VI

12 HEALTH CARE ACCOUNTS AND FUNDS — FY 2018-2019

13 Sec. 45. 2017 Iowa Acts, chapter 174, section 75, is amended  
14 to read as follows:

15 SEC. 75. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
16 appropriated from the pharmaceutical settlement account created  
17 in section 249A.33 to the department of human services for the  
18 fiscal year beginning July 1, 2018, and ending June 30, 2019,  
19 the following amount, or so much thereof as is necessary, to be  
20 used for the purpose designated:

21 Notwithstanding any provision of law to the contrary, to  
22 supplement the appropriations made in this Act for medical  
23 contracts under the medical assistance program for the fiscal  
24 year beginning July 1, 2018, and ending June 30, 2019:

25 ..... \$ 400,000  
26 1,446,266

27 Sec. 46. 2017 Iowa Acts, chapter 174, section 76, is amended  
28 to read as follows:

29 SEC. 76. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN  
30 SERVICES. Notwithstanding any provision to the contrary and  
31 subject to the availability of funds, there is appropriated  
32 from the quality assurance trust fund created in section  
33 249L.4 to the department of human services for the fiscal year  
34 beginning July 1, 2018, and ending June 30, 2019, the following  
35 amounts, or so much thereof as is necessary, for the purposes

1 designated:

2 To supplement the appropriation made in this Act from the  
3 general fund of the state to the department of human services  
4 for medical assistance for the same fiscal year:

5 ..... \$ ~~18,352,604~~  
6 36,705,208

7 Sec. 47. 2017 Iowa Acts, chapter 174, section 77, is amended  
8 to read as follows:

9 SEC. 77. HOSPITAL HEALTH CARE ACCESS TRUST FUND —  
10 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to  
11 the contrary and subject to the availability of funds, there is  
12 appropriated from the hospital health care access trust fund  
13 created in [section 249M.4](#) to the department of human services  
14 for the fiscal year beginning July 1, 2018, and ending June  
15 30, 2019, the following amounts, or so much thereof as is  
16 necessary, for the purposes designated:

17 To supplement the appropriation made in this Act from the  
18 general fund of the state to the department of human services  
19 for medical assistance for the same fiscal year:

20 ..... \$ ~~16,960,277~~  
21 33,920,554

22 DIVISION VII

23 PRIOR YEAR APPROPRIATIONS AND OTHER PROVISIONS

24 FEDERAL FUNDING

25 Sec. 48. 2017 Iowa Acts, chapter 165, section 13, subsection  
26 3, paragraphs b and e, are amended to read as follows:

27 b. Child and family services:

28 (1) FFY 2017-2018:

29 ..... \$ ~~7,672,390~~  
30 8,022,390

31 (2) FFY 2018-2019:

32 ..... \$ ~~7,672,390~~  
33 8,272,390

34 e. For distribution to counties for state case services  
35 provided for persons with mental illness, intellectual

1 disability, or a developmental disability in accordance with  
2 section 331.440, Code 2013, or in accordance with a dispute  
3 resolution process implemented in accordance with section  
4 331.394, subsections 5 or 6:

5	(1) FFY 2017-2018:	
6	.....	\$ <del>600,000</del>
7		<u>250,000</u>
8	(2) FFY 2018-2019:	
9	.....	\$ <del>600,000</del>
10		<u>0</u>

11 Moneys appropriated in this lettered paragraph "e"  
12 that remain unencumbered or unallocated at the close of a  
13 federal fiscal year shall not revert but shall be retained  
14 by the department and used to supplement amounts otherwise  
15 appropriated for child and family services under paragraph "b".

16 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

17 Sec. 49. 2017 Iowa Acts, chapter 174, section 6, is amended  
18 to read as follows:

19 SEC. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK  
20 GRANT. There is appropriated from the fund created in section  
21 8.41 to the department of human services for the fiscal year  
22 beginning July 1, 2017, and ending June 30, 2018, from moneys  
23 received under the federal temporary assistance for needy  
24 families (TANF) block grant pursuant to the federal Personal  
25 Responsibility and Work Opportunity Reconciliation Act of 1996,  
26 Pub. L. No. 104-193, and successor legislation, the following  
27 amounts, or so much thereof as is necessary, to be used for the  
28 purposes designated:

29	1. To be credited to the family investment program account	
30	and used for assistance under the family investment program	
31	under <a href="#">chapter 239B</a> :	
32	.....	\$ <del>5,112,462</del>
33		<u>4,539,006</u>

34 2. To be credited to the family investment program account  
35 and used for the job opportunities and basic skills (JOBS)

1 program and implementing family investment agreements in  
2 accordance with [chapter 239B](#):

3 ..... \$ ~~5,575,693~~  
4 5,412,060

5 3. To be used for the family development and  
6 self-sufficiency grant program in accordance with section  
7 216A.107:

8 ..... \$ ~~2,898,980~~  
9 2,883,980

10 Notwithstanding [section 8.33](#), moneys appropriated in this  
11 subsection that remain unencumbered or unobligated at the close  
12 of the fiscal year shall not revert but shall remain available  
13 for expenditure for the purposes designated until the close of  
14 the succeeding fiscal year. However, unless such moneys are  
15 encumbered or obligated on or before September 30, 2018, the  
16 moneys shall revert.

17 4. For field operations:

18 ..... \$ 31,296,232

19 5. For general administration:

20 ..... \$ 3,744,000

21 6. For state child care assistance:

22 ..... \$ ~~47,866,826~~  
23 53,603,561

24 a. Of the funds appropriated in this subsection,  
25 ~~\$26,328,097~~ \$26,205,412 is transferred to the child care  
26 and development block grant appropriation made by the  
27 Eighty-seventh General Assembly, 2017 session, for the federal  
28 fiscal year beginning October 1, 2017, and ending September 30,  
29 2018. Of this amount, \$200,000 shall be used for provision  
30 of educational opportunities to registered child care home  
31 providers in order to improve services and programs offered  
32 by this category of providers and to increase the number of  
33 providers. The department may contract with institutions  
34 of higher education or child care resource and referral  
35 centers to provide the educational opportunities. Allowable

1 administrative costs under the contracts shall not exceed 5  
2 percent. The application for a grant shall not exceed two  
3 pages in length.

4 b. Any funds appropriated in this subsection remaining  
5 unallocated shall be used for state child care assistance  
6 payments for families who are employed including but not  
7 limited to individuals enrolled in the family investment  
8 program.

9 7. For child and family services:

10 ..... \$ 32,380,654

11 8. For child abuse prevention grants:

12 ..... \$ 125,000

13 9. For pregnancy prevention grants on the condition that  
14 family planning services are funded:

15 ..... \$ ~~1,930,067~~

16 ..... 1,913,203

17 Pregnancy prevention grants shall be awarded to programs  
18 in existence on or before July 1, 2017, if the programs have  
19 demonstrated positive outcomes. Grants shall be awarded to  
20 pregnancy prevention programs which are developed after July  
21 1, 2017, if the programs are based on existing models that  
22 have demonstrated positive outcomes. Grants shall comply with  
23 the requirements provided in 1997 Iowa Acts, chapter 208,  
24 section 14, subsections 1 and 2, including the requirement that  
25 grant programs must emphasize sexual abstinence. Priority in  
26 the awarding of grants shall be given to programs that serve  
27 areas of the state which demonstrate the highest percentage of  
28 unplanned pregnancies of females of childbearing age within the  
29 geographic area to be served by the grant.

30 10. For technology needs and other resources necessary  
31 to meet federal welfare reform reporting, tracking, and case  
32 management requirements:

33 ..... \$ ~~1,037,186~~

34 ..... 294,155

35 11. a. Notwithstanding any provision to the contrary,

1 including but not limited to requirements in [section 8.41](#) or  
2 provisions in 2016 or 2017 Iowa Acts regarding the receipt and  
3 appropriation of federal block grants, federal funds from the  
4 temporary assistance for needy families block grant received by  
5 the state and not otherwise appropriated in this section and  
6 remaining available for the fiscal year beginning July 1, 2017,  
7 are appropriated to the department of human services to the  
8 extent as may be necessary to be used in the following priority  
9 order: the family investment program, for state child care  
10 assistance program payments for families who are employed, and  
11 for the family investment program share of costs to develop and  
12 maintain a new, integrated eligibility determination system.  
13 The federal funds appropriated in this paragraph "a" shall be  
14 expended only after all other funds appropriated in subsection  
15 1 for assistance under the family investment program, in  
16 subsection 6 for child care assistance, or in subsection 10  
17 for technology costs related to the family investment program,  
18 as applicable, have been expended. For the purposes of this  
19 subsection, the funds appropriated in subsection 6, paragraph  
20 "a", for transfer to the child care and development block grant  
21 appropriation are considered fully expended when the full  
22 amount has been transferred.

23     b. The department shall, on a quarterly basis, advise the  
24 legislative services agency and department of management of  
25 the amount of funds appropriated in this subsection that was  
26 expended in the prior quarter.

27     12. Of the amounts appropriated in this section,  
28 \$12,962,008 for the fiscal year beginning July 1, 2017, is  
29 transferred to the appropriation of the federal social services  
30 block grant made to the department of human services for that  
31 fiscal year.

32     13. For continuation of the program providing categorical  
33 eligibility for the food assistance program as specified  
34 for the program in the section of this division of this Act  
35 relating to the family investment program account:



1 .....	\$	25,000
2		<u>14,236</u>

3 14. The department may transfer funds allocated in this  
4 section to the appropriations made in this division of this Act  
5 for the same fiscal year for general administration and field  
6 operations for resources necessary to implement and operate the  
7 services referred to in this section and those funded in the  
8 appropriation made in this division of this Act for the same  
9 fiscal year for the family investment program from the general  
10 fund of the state.

11 15. With the exception of moneys allocated under this  
12 section for the family development and self-sufficiency grant  
13 program, to the extent moneys allocated in this section are  
14 deemed by the department not to be necessary to support the  
15 purposes for which they are allocated, such moneys may be  
16 ~~credited~~ used in the same fiscal year for any other purpose for  
17 which funds are allocated in this section or in section 7 of  
18 this division for the family investment program account. If  
19 there are competing needs, priority shall first be given to the  
20 family investment program account as specified under subsection  
21 1 of this section and used for the purposes of assistance  
22 under the family investment program in accordance with chapter  
23 239B in the same fiscal year, followed by state child care  
24 assistance program payments for families who are employed,  
25 followed by other priorities as specified by the department.

26 MEDICAID TRANSFERS TO SUPPORT REVIEWS AND QUALITY CONTROL  
27 ACTIVITIES

28 Sec. 50. 2017 Iowa Acts, chapter 174, section 12, subsection  
29 8, is amended to read as follows:

30 8. A portion of the funds appropriated in this section  
31 may be transferred to the appropriations in this division of  
32 this Act for general administration, medical contracts, the  
33 children's health insurance program, or field operations to be  
34 used for the state match cost to comply with the payment error  
35 rate measurement (PERM) program for both the medical assistance

1 and children's health insurance programs as developed by the  
2 centers for Medicare and Medicaid services of the United States  
3 department of health and human services to comply with the  
4 federal Improper Payments Information Act of 2002, Pub. L.  
5 No. 107-300, and to support other reviews and quality control  
6 activities to improve the integrity of these programs.

7 STATE SUPPLEMENTARY ASSISTANCE

8 Sec. 51. 2017 Iowa Acts, chapter 174, section 14, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
11 appropriated in this section that remain unencumbered or  
12 unobligated at the close of the fiscal year shall not revert  
13 but shall remain available for expenditure for the purposes  
14 designated until the close of the succeeding fiscal year.

15 JUVENILE INSTITUTION

16 Sec. 52. 2017 Iowa Acts, chapter 174, section 17, is amended  
17 by adding the following new subsection:

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

23 MENTAL HEALTH INSTITUTES

24 Sec. 53. 2017 Iowa Acts, chapter 174, section 23, is amended  
25 by adding the following new subsection:

26 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
27 appropriated in this section that remain unencumbered or  
28 unobligated at the close of the fiscal year shall not revert  
29 but shall remain available for expenditure for the purposes  
30 designated until the close of the succeeding fiscal year.

31 STATE RESOURCE CENTERS

32 Sec. 54. 2017 Iowa Acts, chapter 174, section 24, is amended  
33 by adding the following new subsection:

34 NEW SUBSECTION. 6. Notwithstanding section 8.33, and  
35 notwithstanding the amount limitation specified in section

1 222.92, moneys appropriated in this section that remain  
2 unencumbered or unobligated at the close of the fiscal year  
3 shall not revert but shall remain available for expenditure  
4 for the purposes designated until the close of the succeeding  
5 fiscal year.

6 SEXUALLY VIOLENT PREDATORS

7 Sec. 55. 2017 Iowa Acts, chapter 174, section 25, is amended  
8 by adding the following new subsection:

9 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys  
10 appropriated in this section that remain unencumbered or  
11 unobligated at the close of the fiscal year shall not revert  
12 but shall remain available for expenditure for the purposes  
13 designated until the close of the succeeding fiscal year.

14 Sec. 56. EFFECTIVE DATE. This division of this Act, being  
15 deemed of immediate importance, takes effect upon enactment.

16 Sec. 57. RETROACTIVE APPLICABILITY. This division of this  
17 Act applies retroactively to July 1, 2017.

18 DIVISION VIII

19 DECATEGORYIZATION

20 Sec. 58. DECATEGORYIZATION CARRYOVER FUNDING — TRANSFER TO  
21 MEDICAID PROGRAM. Notwithstanding section 232.188, subsection  
22 5, paragraph "b", any state appropriated moneys in the funding  
23 pool that remained unencumbered or unobligated at the close  
24 of the fiscal year beginning July 1, 2015, and were deemed  
25 carryover funding to remain available for the two succeeding  
26 fiscal years that still remain unencumbered or unobligated at  
27 the close of the fiscal year beginning July 1, 2017, shall  
28 not revert but shall be transferred to the medical assistance  
29 program for the fiscal year beginning July 1, 2018.

30 Sec. 59. EFFECTIVE DATE. This division of this Act, being  
31 deemed of immediate importance, takes effect upon enactment.

32 Sec. 60. RETROACTIVE APPLICABILITY. This division of this  
33 Act applies retroactively to July 1, 2017.

34 DIVISION IX

35 STATE CASES

1     Sec. 61. Section 218.99, Code 2018, is amended to read as  
2 follows:

3     **218.99 Counties to be notified of patients' personal**  
4 **accounts.**

5     The administrator in control of a state institution shall  
6 direct the business manager of each institution under the  
7 administrator's jurisdiction which is mentioned in section  
8 331.424, subsection 1, paragraph "a", subparagraphs (1) and  
9 (2), and for which services are paid under [section 331.424A](#),  
10 to quarterly inform the county of residence of any patient or  
11 resident who has an amount in excess of two hundred dollars on  
12 account in the patients' personal deposit fund and the amount  
13 on deposit. The administrators shall direct the business  
14 manager to further notify the county of residence at least  
15 fifteen days before the release of funds in excess of two  
16 hundred dollars or upon the death of the patient or resident.  
17 If the patient or resident has no residency in this state  
18 or the person's residency is unknown ~~so that the person is~~  
19 ~~deemed to be a state case~~, notice shall be made to the director  
20 of human services and the administrator in control of the  
21 institution involved.

22     Sec. 62. Section 222.60, subsection 1, paragraph b, Code  
23 2018, is amended to read as follows:

24     **b.** The state when the person is a resident in another state  
25 or in a foreign country, or when the person's residence is  
26 unknown. ~~The payment responsibility shall be deemed to be a~~  
27 ~~state case.~~

28     Sec. 63. Section 222.60, subsection 2, paragraph b, Code  
29 2018, is amended to read as follows:

30     **b.** The cost of a regional administrator-required diagnosis  
31 and an evaluation is at the mental health and disability  
32 services region's expense. For a state case When a person is  
33 a resident in another state or in a foreign country, or when  
34 the persons' residence is unknown, the state may apply the  
35 diagnosis and evaluation provisions of [this subsection](#) at the

1 state's expense.

2 Sec. 64. Section 222.65, subsection 1, Code 2018, is amended  
3 to read as follows:

4 1. If the administrator concurs with a certified  
5 determination as to residency of the person ~~so that the~~  
6 ~~person is deemed a state case~~ in another state or in a foreign  
7 country, or the person's residence is unknown under section  
8 222.60, the administrator shall cause the person either to be  
9 transferred to a resource center or a special unit or to be  
10 transferred to the place of foreign residency.

11 Sec. 65. Section 222.66, Code 2018, is amended to read as  
12 follows:

13 **222.66 Transfers — ~~state cases~~ no residency in the state or**  
14 **residency unknown — expenses.**

15 ~~1.~~ The transfer to a resource center or a special unit or  
16 to the place of residency of a person with an intellectual  
17 disability who has no residence in this state or whose  
18 residency is unknown, shall be made in accordance with such  
19 directions as shall be prescribed by the administrator and  
20 when practicable by employees of the state resource center or  
21 the special unit. The actual and necessary expenses of such  
22 transfers shall be paid by the department on itemized vouchers  
23 sworn to by the claimants and approved by the administrator and  
24 the approved amount is appropriated to the department from any  
25 funds in the state treasury not otherwise appropriated.

26 ~~2. The case of a person with an intellectual disability~~  
27 ~~who is determined to have no residence in this state or whose~~  
28 ~~residence is unknown shall be considered a state case.~~

29 Sec. 66. Section 222.67, Code 2018, is amended to read as  
30 follows:

31 **222.67 Charge on finding of residency.**

32 If a person has been received into a resource center or a  
33 special unit as a patient whose residency is unknown and the  
34 administrator determines that the residency of the patient  
35 was at the time of admission in a county of this state, the

1 administrator shall certify the determination and charge  
2 all legal costs and expenses pertaining to the admission  
3 and support of the patient to the county of residence. The  
4 certification shall be sent to the county of residence. The  
5 certification shall be accompanied by a copy of the evidence  
6 supporting the determination. If the person's residency status  
7 has been determined in accordance with [section 331.394](#), the  
8 legal costs and expenses shall be charged to the county ~~or as a~~  
9 ~~state case~~ in accordance with that determination. The costs  
10 and expenses shall be collected as provided by law in other  
11 cases.

12 Sec. 67. Section 222.70, Code 2018, is amended to read as  
13 follows:

14 **222.70 Residency disputes.**

15 If a dispute arises between counties or between the  
16 department and a county as to the residency of a person  
17 admitted to a resource center, or a special unit, ~~or a~~  
18 ~~community-based service~~, the dispute shall be resolved as  
19 provided in [section 331.394](#).

20 Sec. 68. Section 226.45, Code 2018, is amended to read as  
21 follows:

22 **226.45 Reimbursement to county or state.**

23 If a patient is not receiving medical assistance under  
24 chapter 249A and the amount ~~to~~ in the account of any patient  
25 in the patients' personal deposit fund exceeds two hundred  
26 dollars, the business manager of the hospital may apply any  
27 of the excess to reimburse the county of residence or the  
28 state ~~for a state case~~ when the patient is a resident in  
29 another state or in a foreign country, or when the patient's  
30 residence is unknown for liability incurred by the county or  
31 the state for the payment of care, support and maintenance of  
32 the patient, when billed by the county of residence or by the  
33 administrator ~~for a state case~~ when the patient is a resident  
34 in another state or in a foreign country, or when the patient's  
35 residence is unknown.

1     Sec. 69. Section 230.1, subsection 1, paragraph b, Code  
2 2018, is amended to read as follows:

3     **b.** By the state ~~as a state case~~ if such person has no  
4 residence in this state, if the person's residence is unknown,  
5 or if the person is under eighteen years of age.

6     Sec. 70. Section 230.2, Code 2018, is amended to read as  
7 follows:

8     **230.2 Finding of residence.**

9     If a person's residency status is disputed, the residency  
10 shall be determined in accordance with [section 331.394](#).  
11 Otherwise, the district court may, when the person is  
12 ordered placed in a hospital for psychiatric examination and  
13 appropriate treatment, or as soon thereafter as the court  
14 obtains the proper information, make one of the following  
15 determinations and enter of record whether the residence of the  
16 person is in a county or the person is ~~deemed to be a state case~~  
17 a resident in another state or in a foreign country, or when  
18 the person's residence is unknown, as follows:

19     1. That the person's residence is in the county from which  
20 the person was placed in the hospital.

21     2. That the person's residence is in another county of the  
22 state.

23     3. That the person's residence is in a foreign state or  
24 country ~~and the person is deemed to be a state case~~.

25     4. That the person's residence is unknown ~~and the person is~~  
26 ~~deemed to be a state case~~.

27     Sec. 71. Section 230.8, Code 2018, is amended to read as  
28 follows:

29     **230.8 Transfers of persons with mental illness — expenses.**

30     The transfer to any state hospitals or to the places of their  
31 residence of persons with mental illness who have no residence  
32 in this state or whose residence is unknown ~~and deemed to be a~~  
33 ~~state case~~, shall be made according to the directions of the  
34 administrator, and when practicable by employees of the state  
35 hospitals. The actual and necessary expenses of such transfers

1 shall be paid by the department on itemized vouchers sworn to  
2 by the claimants and approved by the administrator.

3 Sec. 72. Section 230.9, Code 2018, is amended to read as  
4 follows:

5 **230.9 Subsequent discovery of residence.**

6 If, after a person has been received by a state hospital  
7 for persons with mental illness ~~as a state case patient~~  
8 whose residence is supposed to be outside this state, the  
9 administrator determines that the residence of the person  
10 was, at the time of admission or commitment, in a county of  
11 this state, the administrator shall certify the determination  
12 and charge all legal costs and expenses pertaining to the  
13 admission or commitment and support of the person to the county  
14 of residence. The certification shall be sent to the county  
15 of residence. The certification shall be accompanied by a  
16 copy of the evidence supporting the determination. The costs  
17 and expenses shall be collected as provided by law in other  
18 cases. If the person's residency status has been determined in  
19 accordance with [section 331.394](#), the legal costs and expenses  
20 shall be charged ~~to the county of residence or as a state case~~  
21 in accordance with that determination.

22 Sec. 73. Section 230.11, Code 2018, is amended to read as  
23 follows:

24 **230.11 Recovery of costs from state.**

25 Costs and expenses attending the taking into custody,  
26 care, and investigation of a person who has been admitted  
27 or committed to a state hospital, United States department  
28 of veterans affairs hospital, or other agency of the United  
29 States government, for persons with mental illness and who  
30 has no residence in this state or whose residence is unknown,  
31 including cost of commitment, if any, shall be paid ~~as a state~~  
32 ~~ease~~ as approved by the administrator. The amount of the costs  
33 and expenses approved by the administrator is appropriated  
34 to the department from any money in the state treasury  
35 not otherwise appropriated. Payment shall be made by the



1 department on itemized vouchers executed by the auditor of the  
2 county which has paid them, and approved by the administrator.

3 Sec. 74. Section 249A.26, subsection 2, paragraph b, Code  
4 2018, is amended to read as follows:

5 b. The state shall pay for one hundred percent of the  
6 nonfederal share of the costs of case management provided for  
7 adults, day treatment, partial hospitalization, and the home  
8 and community-based services waiver services ~~for persons who~~  
9 ~~have no residence in this state or whose residence is unknown~~  
10 ~~so that the persons are deemed to be state cases.~~

11 Sec. 75. Section 249A.26, subsection 7, Code 2018, is  
12 amended by striking the subsection.

13 Sec. 76. Section 331.394, Code 2018, is amended to read as  
14 follows:

15 **331.394 County of residence — services to residents —**  
16 **service authorization appeals — disputes between counties or**  
17 **regions ~~and the department.~~**

18 1. For the purposes of **this section**, unless the context  
19 otherwise requires:

20 a. *“County of residence”* means the county in this state in  
21 which, at the time a person applies for or receives services,  
22 the person is living and has established an ongoing presence  
23 with the declared, good faith intention of living in the  
24 county for a permanent or indefinite period of time. The  
25 county of residence of a person who is a homeless person  
26 is the county where the homeless person usually sleeps. A  
27 person maintains residency in the county or state in which the  
28 person last resided while the person is present in another  
29 county or this state receiving services in a hospital, a  
30 correctional facility, a halfway house for community-based  
31 corrections or substance-related treatment, a nursing facility,  
32 an intermediate care facility for persons with an intellectual  
33 disability, or a residential care facility, or for the purpose  
34 of attending a college or university.

35 b. *“Homeless person”* means the same as defined in section

1 48A.2.

2 *c.* "Mental health professional" means the same as defined  
3 in [section 228.1](#).

4 *d.* "Person" means a person who is a United States citizen or  
5 a qualified alien as defined in 8 U.S.C. §1641.

6 2. If a person appeals a decision regarding a service  
7 authorization or other services-related decision made by a  
8 regional administrator that cannot be resolved informally,  
9 the appeal shall be heard in a contested case proceeding by a  
10 state administrative law judge. The administrative law judge's  
11 decision shall be considered final agency action under chapter  
12 17A.

13 3. If a service authorization or other services-related  
14 decision made by a regional administrator concerning a person  
15 varies from the type and amount of service identified to be  
16 necessary for the person in a clinical determination made by a  
17 mental health professional and the mental health professional  
18 believes that failure to provide the type and amount of service  
19 identified could cause an immediate danger to the person's  
20 health or safety, the person may request an expedited review  
21 of the regional administrator's decision to be made by the  
22 department of human services. An expedited review held in  
23 accordance with [this subsection](#) is subject to the following  
24 procedures:

25 *a.* The request for the expedited review shall be filed  
26 within five business days of receiving the notice of decision  
27 by the regional administrator. The request must be in writing,  
28 plainly state the request for an expedited review in the  
29 caption and body of the request, and be supported by written  
30 documentation from the mental health professional who made the  
31 clinical determination stating how the notice of decision on  
32 services could cause an immediate danger to the person's health  
33 or safety.

34 *b.* The expedited review shall be performed by a mental  
35 health professional, who is either the administrator of the

1 division of mental health and disability services of the  
2 department of human services or the administrator's designee.  
3 If the administrator is not a mental health professional,  
4 the expedited review shall be performed by a designee of the  
5 administrator who is a mental health professional and is free  
6 of any conflict of interest to perform the expedited review.  
7 The expedited review shall be performed within two business  
8 days of the time the request is filed. If the reviewer  
9 determines the information submitted in connection with the  
10 request is inadequate to perform the review, the reviewer shall  
11 request the submission of additional information and the review  
12 shall be performed within two business days of the time that  
13 adequate information is submitted. The regional administrator  
14 and the person, with the assistance of the mental health  
15 professional who made the clinical determination, shall each  
16 provide a brief statement of facts, conclusions, and reasons  
17 for the decision made. Supporting clinical information shall  
18 also be attached. All information related to the proceedings  
19 and any related filings shall be considered to be mental health  
20 information subject to [chapter 228](#).

21 *c.* The administrator or designee shall issue an order,  
22 including a brief statement of findings of fact, conclusions of  
23 law, and policy reasons for the order, to justify the decision  
24 made concerning the expedited review. If the decision concurs  
25 with the contention that there is an immediate danger to the  
26 person's health or safety, the order shall identify the type  
27 and amount of service which shall be provided for the person.  
28 The administrator or designee shall give such notice as is  
29 practicable to persons who are required to comply with the  
30 order. The order is effective when issued.

31 *d.* The decision of the administrator or designee shall be  
32 considered a final agency action and is subject to judicial  
33 review in accordance with [section 17A.19](#). The record for  
34 judicial review consists of any documents regarding the matter  
35 that were considered or prepared by the administrator or

1 designee. The administrator or designee shall maintain these  
2 documents as the official record of the decision. If the  
3 matter is appealed to the district court, the record shall be  
4 filed as confidential.

5 4. If a county of residence is part of a mental health and  
6 disability services region that has agreed to pool funding and  
7 liability for services, the responsibilities of the county  
8 under law regarding such services shall be performed on behalf  
9 of the county by the regional administrator. The county of  
10 residence or the county's mental health and disability services  
11 region, as applicable, is responsible for paying the public  
12 costs of the mental health and disability services that are  
13 not covered by the medical assistance program under chapter  
14 249A and are provided in accordance with the region's approved  
15 service management plan to persons who are residents of the  
16 county or region.

17 5. a. The dispute resolution process implemented in  
18 accordance with [this subsection](#) applies to residency disputes.  
19 The dispute resolution process is not applicable to disputes  
20 involving persons committed to a state facility pursuant to  
21 chapter 812 or [rule of criminal procedure 2.22](#), Iowa court  
22 rules, or to disputes involving service authorization decisions  
23 made by a region.

24 b. If a county, or region, ~~or the department~~, as applicable,  
25 receives a billing for services provided to a resident  
26 in another county or region, or objects to a residency  
27 determination certified by ~~the department~~ or another county's  
28 or region's regional administrator and asserts either that the  
29 person has residency in another county or region or the person  
30 is not a resident of this state ~~or the person's residency is~~  
31 ~~unknown so that the person is deemed a state case~~, the person's  
32 residency status shall be determined as provided in this  
33 subsection. ~~The county or region shall notify the department~~  
34 ~~of the county's or region's assertion within one hundred twenty~~  
35 ~~days of receiving the billing.~~ If the county or region asserts

1 that the person has residency in another county or region,  
2 ~~that the~~ county or region shall ~~be notified at the same time~~  
3 ~~as the department. If the department disputes a residency~~  
4 ~~determination certification made by a regional administrator,~~  
5 ~~the department shall notify the affected counties or regions of~~  
6 ~~the department's assertion~~ notify the other county or region  
7 within one hundred twenty days of receiving the billing for  
8 services.

9 c. The ~~department,~~ county, or region that received the  
10 notification, as applicable, shall respond to the party that  
11 provided the notification within forty-five days of receiving  
12 the notification. If the parties cannot agree to a settlement  
13 as to the person's residency status within ninety days of the  
14 date of notification, on motion of any of the parties, the  
15 matter shall be referred to the department of inspections and  
16 appeals for a contested case hearing under [chapter 17A](#) before  
17 an administrative law judge assigned in accordance with section  
18 10A.801 to determine the person's residency status.

19 d. (1) The administrative law judge's determination  
20 of the person's residency status shall be considered final  
21 agency action, notwithstanding contrary provisions of section  
22 17A.15. The party that does not prevail in the determination  
23 or subsequent judicial review is liable for costs associated  
24 with the proceeding, including reimbursement of the department  
25 of inspections and appeals' actual costs associated with  
26 the administrative proceeding. Judicial review of the  
27 determination may be sought in accordance with [section 17A.19](#).

28 (2) If following the determination of a person's residency  
29 status in accordance with [this subsection](#), additional evidence  
30 becomes available that merits a change in that determination,  
31 the parties affected may change the determination by mutual  
32 agreement. Otherwise, a party may move that the matter be  
33 reconsidered by the ~~department,~~ county, or region, or by the  
34 administrative law judge.

35 e. (1) Unless a petition is filed for judicial review,

1 the administrative law judge's determination of the person's  
2 residency status shall result in one of the following:

3 (a) If a county or region is determined to be the person's  
4 residence, the county or region shall pay the amounts due and  
5 shall reimburse any other amounts paid for services provided by  
6 the other county or region ~~or the department~~ on the person's  
7 behalf prior to the determination.

8 (b) If it is determined that the person is not a resident  
9 of this state ~~or the person's residency is unknown so that the~~  
10 ~~person is deemed to be a state case, the department shall pay~~  
11 ~~the amounts due and shall reimburse the county or region, as~~  
12 ~~applicable, for any payment made on behalf of the person prior~~  
13 ~~to the determination~~ neither the region in which the services  
14 were provided nor the state shall be liable for payment of  
15 amounts due for services provided to the person prior to the  
16 determination.

17 (2) The payment or reimbursement shall be remitted within  
18 forty-five days of the date the determination was issued.  
19 After the forty-five-day period, a penalty of not greater than  
20 one percent per month may be added to the amount due.

21 6. a. The dispute resolution process implemented in  
22 accordance with [this subsection](#) applies beginning July 1, 2012,  
23 to billing disputes between the state and a county or region,  
24 other than residency disputes or other dispute processes under  
25 this section, involving the responsibility for service costs  
26 for services provided on or after July 1, 2011, under any of  
27 the following:

- 28 (1) [Chapter 221.](#)
- 29 (2) [Chapter 222.](#)
- 30 (3) [Chapter 229.](#)
- 31 (4) [Chapter 230.](#)
- 32 (5) [Chapter 249A.](#)
- 33 (6) [Chapter 812.](#)

34 b. If a county, region, or the department, as applicable,  
35 disputes a billing for service costs listed in paragraph "a",

1 the dispute shall be resolved as provided in [this subsection](#).  
2 The county or region shall notify the department of the  
3 county's or region's assertion within ninety days of receiving  
4 the billing. However, for services provided on or after July  
5 1, 2011, for which a county has received the billing as of July  
6 1, 2012, the county shall notify the department of the county's  
7 assertion on or before October 1, 2012. If the department  
8 disputes such a billing of a regional administrator, the  
9 department shall notify the affected counties or regions of the  
10 department's assertion.

11 *c.* The department, county, or region that received the  
12 notification, as applicable, shall respond to the party  
13 that provided the notification within forty-five days of  
14 receiving the notification. If the parties cannot agree to a  
15 settlement as to the dispute within ninety days of the date  
16 of notification, on motion of any of the parties, the matter  
17 shall be referred to the department of inspections and appeals  
18 for a contested case hearing under [chapter 17A](#) before an  
19 administrative law judge assigned in accordance with section  
20 10A.801 to determine facts and issue a decision to resolve the  
21 dispute.

22 *d.* (1) The administrative law judge's decision is a final  
23 agency action, notwithstanding contrary provisions of section  
24 17A.15. The party that does not prevail in the decision or  
25 subsequent judicial review is liable for costs associated with  
26 the proceeding, including reimbursement of the department of  
27 inspections and appeals' actual costs associated with the  
28 administrative proceeding. Judicial review of the decision may  
29 be sought in accordance with [section 17A.19](#).

30 (2) If following the decision regarding a dispute in  
31 accordance with [this subsection](#), additional evidence becomes  
32 available that merits a change in that decision, the parties  
33 affected may change the decision by mutual agreement.  
34 Otherwise, a party may move that the matter be reconsidered by  
35 the department, county, or region, or by the administrative law

1 judge.

2 e. (1) Unless a petition is filed for judicial review,  
3 the administrative law judge's decision regarding a disputed  
4 billing shall result in one of the following:

5 (a) If a county or region is determined to be responsible  
6 for the disputed amounts, the county or region shall pay  
7 the amounts due and shall reimburse any other amounts paid  
8 for services provided by the other county or region or the  
9 department on the person's behalf prior to the decision.

10 (b) If it is determined that the state is responsible for  
11 the disputed amounts, the state shall pay the amounts due and  
12 shall reimburse the county or region, as applicable, for any  
13 payment made on behalf of the person prior to the decision.

14 (2) The payment or reimbursement shall be remitted within  
15 forty-five days of the date the decision was issued. After  
16 the forty-five-day period, a penalty of not greater than one  
17 percent per month may be added to the amount due.

18 Sec. 77. REPEAL. Section 226.9C, Code 2018, is repealed.

19

DIVISION X

20

IOWA DEPARTMENT ON AGING — MEDICAID CLAIMING

21 Sec. 78. IOWA DEPARTMENT ON AGING — MEDICAID CLAIMING. The  
22 department on aging and the department of human services shall  
23 collaborate to develop a cost allocation plan requesting  
24 Medicaid administrative funding to provide for the claiming  
25 of federal financial participation for aging and disability  
26 resource center activities that are performed to assist with  
27 administration of the Medicaid program. By January 1, 2019,  
28 the department of human services shall submit to the centers  
29 for Medicare and Medicaid services of the United States  
30 department of health and human services any Medicaid state plan  
31 amendment as necessary and shall enter into an interagency  
32 agreement with the department on aging to implement this  
33 section.

34 Sec. 79. EFFECTIVE DATE. This division of this Act, being  
35 deemed of immediate importance, takes effect upon enactment.



DIVISION XI

EXECUTIVE DIRECTOR — DEPARTMENT OF VETERANS AFFAIRS

1  
2       Sec. 80. 2008 Iowa Acts, chapter 1191, section 14,  
3 subsection 3, is amended to read as follows:

4       3. The following are range 3 positions: administrator of  
5 the division of criminal and juvenile justice planning of the  
6 department of human rights, administrator of the division of  
7 community action agencies of the department of human rights,  
8 ~~executive director of the department of veterans affairs,~~ and  
9 chairperson and members of the employment appeal board of the  
10 department of inspections and appeals.

11       Sec. 81. 2008 Iowa Acts, chapter 1191, section 14,  
12 subsection 5, as amended by 2013 Iowa Acts, chapter 123,  
13 section 63, is amended to read as follows:

14       5. The following are range 5 positions: administrator of  
15 the division of homeland security and emergency management of  
16 the department of public defense, state public defender, drug  
17 policy coordinator, labor commissioner, workers' compensation  
18 commissioner, director of the department of cultural affairs,  
19 director of the department of elder affairs, director of the  
20 law enforcement academy, members of the property assessment  
21 appeal board, executive director of the department of veterans  
22 affairs, and administrator of the historical division of the  
23 department of cultural affairs.

24       Sec. 82. EFFECTIVE DATE. This division of this Act, being  
25 deemed of immediate importance, takes effect upon enactment.

26  
27                                    DIVISION XII

28                                    FAMILY PLANNING SERVICES PROGRAM

29       Sec. 83. Section 217.41B, subsection 3, Code 2018, is  
30 amended to read as follows:

31       3. a. (1) Distribution of family planning services program  
32 funds shall not be made to any entity that performs abortions  
33 or that maintains or operates a facility where abortions  
34 are performed, which shall not be interpreted to include a  
35 nonpublic entity that is a distinct location of a nonprofit

1 health care delivery system, if the distinct location provides  
2 family planning services but does not perform abortions  
3 or maintain or operate as a facility where abortions are  
4 performed.

5 (2) The department of human services shall adopt rules  
6 pursuant to chapter 17A to require that as a condition of  
7 eligibility as a provider under the family planning services  
8 program, each distinct location of a nonprofit health care  
9 delivery system shall enroll in the program as a separate  
10 provider, be assigned a distinct provider identification  
11 number, and complete an attestation that abortions are not  
12 performed at the distinct location.

13 (3) For the purposes of this section, "nonprofit health  
14 care delivery system" means an Iowa nonprofit corporation  
15 that controls, directly or indirectly, a regional health  
16 care network consisting of hospital facilities and various  
17 ambulatory and clinic locations that provide a range of  
18 primary, secondary, and tertiary inpatient, outpatient, and  
19 physician services.

20 b. For the purposes of this section, "abortion" does not  
21 include any of the following:

22 a. (1) The treatment of a woman for a physical  
23 disorder, physical injury, or physical illness, including a  
24 life-endangering physical condition caused by or arising from  
25 the pregnancy itself, that would, as certified by a physician,  
26 place the woman in danger of death.

27 b. (2) The treatment of a woman for a spontaneous abortion,  
28 commonly known as a miscarriage, when not all of the products  
29 of human conception are expelled.

30 DIVISION XIII

31 PROVISIONAL REGIONALIZATION AUTHORIZATION

32 Sec. 84. Section 331.389, subsection 1, paragraphs b and c,  
33 Code 2018, are amended to read as follows:

34 ~~b. The director of human services shall exempt a county~~  
35 ~~from being required to enter into a regional service system if~~

~~1 the county furnishes evidence that the county complies with  
2 the requirements in [subsection 3](#), paragraphs "c", "d", "e",  
3 and "f", and is able to provide the core services required  
4 by law to the county's residents in a manner that is as cost  
5 effective and with outcomes that are at least equal to what  
6 could be provided to the residents if the county would provide  
7 the services through a regional service system. The director  
8 shall identify criteria for evaluating the evidence provided by  
9 counties applying for the exemption. The criteria identified  
10 shall be specified in rule adopted by the state commission.~~

~~11 e. b. If a county has been exempted pursuant to this  
12 subsection prior to July 1, 2014, from the requirement to enter  
13 into a regional service system, the county and the county's  
14 board of supervisors shall fulfill all requirements under  
15 this chapter and [chapter 225C](#) for a regional service system,  
16 regional service system management plan, regional governing  
17 board, and regional administrator, and any other provisions  
18 applicable to a region of counties providing local mental  
19 health and disability services.~~

20 Sec. 85. Section 331.389, subsection 2, Code 2018, is  
21 amended to read as follows:

22 2. The director of human services shall approve any region  
23 meeting the requirements of [subsection 3](#). ~~However, the  
24 director of human services, in consultation with the state  
25 commission, may grant a waiver from the requirement relating to  
26 the minimum number of counties if there is convincing evidence  
27 that compliance with such requirement is not workable.~~

28 Sec. 86. Section 331.389, subsection 3, paragraph a, Code  
29 2018, is amended to read as follows:

30 ~~a. The counties comprising the region are contiguous except  
31 that a region may include a county that is not contiguous with  
32 any of the other counties in the region, if the county that is  
33 not contiguous has had a formal relationship for two years or  
34 longer with one or more of the other counties in the region for  
35 the provision of mental health and disability services.~~

1     Sec. 87. Section 331.389, subsection 4, paragraph c, Code  
2 2018, is amended to read as follows:

3     ~~c. During the period of April 2, 2013, through July 1,~~  
4 ~~2013, the~~ The department shall work with any county that has  
5 not agreed to be part of a region in accordance with paragraph  
6 "a" and with the regions forming around the county to resolve  
7 issues preventing the county from joining a region. ~~By July~~  
8 ~~1, 2013, a~~ A county that has not agreed to be part of a region  
9 in accordance with paragraph "a" shall be assigned by the  
10 department to a region, unless exempted ~~pursuant to subsection~~  
11 ~~1~~ prior to July 1, 2014.

12     Sec. 88. Section 331.389, subsection 4, paragraph e,  
13 unnumbered paragraph 1, Code 2018, is amended to read as  
14 follows:

15     On or before June 30, 2014, unless exempted ~~pursuant to~~  
16 ~~subsection 1~~ prior to July 1, 2014, all counties shall be  
17 in compliance with all of the following mental health and  
18 disability services region implementation criteria:

19     Sec. 89. Section 331.424A, subsection 8, Code 2018, is  
20 amended to read as follows:

21     8. a. For the fiscal year beginning July 1, 2017, the  
22 regional per capita expenditure target amount is the sum of the  
23 base expenditure amount for all counties in the region divided  
24 by the population of the region. However, a regional per  
25 capita expenditure target amount shall not exceed the statewide  
26 per capita expenditure target amount. For the fiscal year  
27 beginning July 1, 2018, and each subsequent fiscal year, the  
28 regional per capita expenditure target amount for each region  
29 is equal to the regional per capita expenditure target amount  
30 for the fiscal year beginning July 1, 2017.

31     b. Notwithstanding paragraph "a", for the fiscal year  
32 beginning July 1, 2019, the regional per capita expenditure  
33 target amount for a region formed pursuant to the section of  
34 this Act which authorizes regionalization is the sum of the  
35 base expenditure amount for all counties in the region divided

1 by the population of the region. However, the regional per  
2 capita expenditure target amount shall not exceed the statewide  
3 per capita expenditure target amount. For the fiscal year  
4 beginning July 1, 2020, and each subsequent fiscal year, the  
5 regional per capita expenditure target amount for the region  
6 shall be equal to the regional per capita expenditure target  
7 amount for the fiscal year beginning July 1, 2019.

8       Sec. 90. MENTAL HEALTH AND DISABILITY SERVICES —  
9 REGIONALIZATION AUTHORIZATION.

10       1. Upon receiving a request from any county within the  
11 county social services mental health and disability services  
12 region to be removed from the region, the director of human  
13 services may authorize the county to join with other counties  
14 requesting to be removed from the county social services mental  
15 health and disability services region in the formation of a  
16 proposed new mental health and disability services region.

17       2. County formation of a proposed new mental health and  
18 disability services region pursuant to this section is subject  
19 to all of the following:

20       a. The aggregate population of all counties forming  
21 the region is at least 100,000 and includes at least one  
22 incorporated city with a population of more than 24,000. For  
23 purposes of this subparagraph, "population" means the same as  
24 defined in section 331.388, subsection 3, Code 2018.

25       b. Notwithstanding section 331.389, subsection 4, on or  
26 before February 1, 2019, the counties forming the region have  
27 complied with section 331.389, subsection 3, as amended in  
28 this division of this Act, and all of the following additional  
29 requirements:

30       (1) The board of supervisors of each county forming the  
31 region has voted to approve a chapter 28E agreement.

32       (2) The duly authorized representatives of all the counties  
33 forming the region have signed a chapter 28E agreement that is  
34 in compliance with section 331.392 and 441 IAC 25.14.

35       (3) The county board of supervisors' or supervisors'

1 designee members and other members of the region's governing  
2 board are appointed in accordance with section 331.390.

3 (4) Executive staff for the region's regional administrator  
4 are identified or engaged.

5 (5) The regional service management plan is developed in  
6 accordance with section 331.393 and 441 IAC 25.18 and 441 IAC  
7 25.21 and is submitted to the department.

8 (6) The initial regional service management plan shall  
9 identify the service provider network for the region, identify  
10 the information technology and data management capacity to be  
11 employed to support regional functions, and establish business  
12 functions, accounting procedures, and other administrative  
13 processes.

14 c. Each county forming the region shall submit the  
15 compliance information required in paragraph "b" to the  
16 director of human services on or before February 1, 2019.  
17 Within 45 days of receipt of such information, the director  
18 of human services shall determine if the region is in full  
19 compliance and shall approve the region if the region has met  
20 all of the requirements of this section.

21 d. The director of human services shall work with a county  
22 making a request under this section that has not agreed or  
23 is unable to join the proposed new region to resolve issues  
24 preventing the county from joining the proposed new region.

25 e. By February 1, 2019, the director of human services shall  
26 assign a county making a request under this section that has  
27 not reached an agreement to be part of the proposed new region  
28 to an existing region or to the new proposed region, consistent  
29 with this section.

30 3. If approved by the department, the region shall commence  
31 full operations no later than July 1, 2019.

32 Sec. 91. EFFECTIVE DATE. This division of this Act, being  
33 deemed of immediate importance, takes effect upon enactment.

34

DIVISION XIV

35 MANDATORY REPORTER TRAINING AND CERTIFICATION WORKGROUP

1     Sec. 92. DEPARTMENT OF HUMAN SERVICES — MANDATORY REPORTER  
2 TRAINING AND CERTIFICATION WORKGROUP. The department of human  
3 services, in cooperation with the departments of education  
4 and public health, shall facilitate a study by a workgroup of  
5 stakeholders to make recommendations relating to mandatory  
6 child abuse and mandatory dependent adult abuse reporter  
7 training and certification requirements. The workgroup shall  
8 develop interdepartmental strategies for improving mandatory  
9 child abuse and mandatory dependent adult abuse reporter  
10 training and certification requirements. The workgroup  
11 shall consist of representatives from the departments of  
12 human services, education, public health, public safety, and  
13 human rights, the department on aging, and the office of the  
14 attorney general; a court appointed special advocate; and other  
15 experts the department of human services deems necessary. The  
16 membership of the workgroup shall also include four members of  
17 the general assembly. The legislative members shall serve as  
18 ex officio, nonvoting members of the workgroup, with one member  
19 to be appointed by each of the following: the majority leader  
20 of the senate, the minority leader of the senate, the speaker  
21 of the house of representatives, and the minority leader of the  
22 house of representatives. The workgroup shall submit a report  
23 with recommendations, including but not limited to strategies  
24 developed and other proposed improvements, to the governor and  
25 the general assembly on or before December 15, 2018.

26                                   DIVISION XV

27                   NURSING FACILITY QUALITY ASSURANCE ASSESSMENT

28     Sec. 93. Section 249L.3, subsection 1, paragraph d, Code  
29 2018, is amended to read as follows:

30     d. The aggregate quality assurance assessments imposed under  
31 this chapter shall not exceed ~~the lower of three percent of the~~  
32 ~~aggregate non-Medicare revenues of a nursing facility or the~~  
33 maximum amount that may be assessed pursuant to the indirect  
34 guarantee threshold as established pursuant to 42 C.F.R.  
35 §433.68(f)(3)(i), and shall be stated on a per-patient-day

1 basis.

2 Sec. 94. Section 249L.4, subsection 2, Code 2018, is amended  
3 to read as follows:

4 2. Moneys in the trust fund shall be used, subject to  
5 their appropriation by the general assembly, by the department  
6 only for reimbursement of nursing facility services for which  
7 federal financial participation under the medical assistance  
8 program is available to match state funds. ~~Any moneys~~ Moneys  
9 appropriated from the trust fund for reimbursement of nursing  
10 facilities, in addition to the quality assurance assessment  
11 pass-through and the quality assurance assessment rate add-on  
12 which shall be used as specified in subsection 5, paragraph "b",  
13 shall be used in a manner such that no less than thirty-five  
14 percent of the amount received by a nursing facility is used  
15 for increases in compensation and costs of employment for  
16 direct care workers, and no less than sixty percent of the  
17 total is used to increase compensation and costs of employment  
18 for all nursing facility staff. For the purposes of use of  
19 such funds, "*direct care worker*", "*nursing facility staff*",  
20 "*increases in compensation*", and "*costs of employment*" mean as  
21 defined or specified in this chapter.

22 Sec. 95. DIRECTIVES TO DEPARTMENT OF HUMAN SERVICES.

23 1. The department of human services shall request approval  
24 from the centers for Medicare and Medicaid services of the  
25 United States department of health and human services for any  
26 waiver or state plan amendment necessary to administer this  
27 division of this Act.

28 2. The change in the quality assurance assessment shall  
29 accrue beginning on the first day of the calendar quarter  
30 following the date of approval of any waiver or state plan  
31 amendment.

32 DIVISION XVI

33 SEXUAL OFFENSES AND SEX OFFENDERS

34 Sec. 96. Section 229A.2, subsection 4, Code 2018, is amended  
35 to read as follows:



1 4. "Discharge" means an unconditional discharge from the  
2 sexually violent predator program. A person released from a  
3 secure facility into a transitional release program or released  
4 with ~~or without~~ supervision is not considered to be discharged.

5 Sec. 97. Section 229A.5B, subsection 1, unnumbered  
6 paragraph 1, Code 2018, is amended to read as follows:

7 A person who is detained pursuant to [section 229A.5](#) or is  
8 subject to an order of civil commitment under [this chapter](#)  
9 shall remain in custody unless released by court order or  
10 discharged under [section 229A.8](#) or [229A.10](#). A person who has  
11 been placed in a transitional release program or who is under  
12 release with ~~or without~~ supervision is considered to be in  
13 custody. A person in custody under [this chapter](#) shall not do  
14 any of the following:

15 Sec. 98. Section 229A.5C, subsection 4, Code 2018, is  
16 amended to read as follows:

17 4. A person who committed a public offense while in a  
18 transitional release program or on release with ~~or without~~  
19 supervision may be returned to a secure facility operated by  
20 the department of human services upon completion of any term  
21 of confinement that resulted from the commission of the public  
22 offense.

23 Sec. 99. Section 229A.6A, subsection 1, paragraph d, Code  
24 2018, is amended to read as follows:

25 d. To a facility for placement or treatment in a  
26 transitional release program or for release with ~~or without~~  
27 supervision. A transport order is not required under this  
28 paragraph.

29 Sec. 100. Section 229A.7, subsection 7, Code 2018, is  
30 amended to read as follows:

31 7. The control, care, and treatment of a person determined  
32 to be a sexually violent predator shall be provided at a  
33 facility operated by the department of human services. At all  
34 times prior to placement in a transitional release program  
35 or release with ~~or without~~ supervision, persons committed

1 for control, care, and treatment by the department of human  
2 services pursuant to [this chapter](#) shall be kept in a secure  
3 facility and those patients shall be segregated at all times  
4 from any other patient under the supervision of the department  
5 of human services. A person committed pursuant to [this chapter](#)  
6 to the custody of the department of human services may be kept  
7 in a facility or building separate from any other patient  
8 under the supervision of the department of human services.  
9 The department of human services may enter into a chapter  
10 28E agreement with the department of corrections or other  
11 appropriate agency in this state or another state for the  
12 confinement of patients who have been determined to be sexually  
13 violent predators. Patients who are in the custody of the  
14 director of the department of corrections pursuant to a chapter  
15 28E agreement and who have not been placed in a transitional  
16 release program or released with ~~or without~~ supervision shall  
17 be housed and managed separately from criminal offenders in  
18 the custody of the director of the department of corrections,  
19 and except for occasional instances of supervised incidental  
20 contact, shall be segregated from those offenders.

21 Sec. 101. Section 229A.8B, subsection 3, Code 2018, is  
22 amended to read as follows:

23 3. Upon the return of the committed person to a secure  
24 facility, the director of human services or the director's  
25 designee shall notify the court that issued the ex parte order  
26 that the absconder has been returned to a secure facility, and  
27 the court shall set a hearing ~~within five days~~ to determine if  
28 a violation occurred. If a court order was not issued, the  
29 director or the director's designee shall contact the nearest  
30 district court with jurisdiction to set a hearing to determine  
31 whether a violation of the rules or directives occurred. The  
32 court shall schedule a hearing ~~within five days of~~ after  
33 receiving notice that the committed person has been returned  
34 from the transitional release program to a secure facility.

35 Sec. 102. Section 229A.9A, Code 2018, is amended to read as

1 follows:

2 **229A.9A Release with ~~or without~~ supervision.**

3 1. In any proceeding under [section 229A.8](#), the court may  
4 order the committed person released with ~~or without~~ supervision  
5 if any of the following apply:

6 a. The attorney general stipulates to the release with ~~or~~  
7 ~~without~~ supervision.

8 b. The court or jury has determined that the person should  
9 be ~~discharged~~ released from the program a secure facility or  
10 a transitional release program, but the court has determined  
11 the person suffers from a mental abnormality and it is in the  
12 best interest of the community to order release with ~~or without~~  
13 supervision before the committed person is discharged.

14 2. If release with ~~or without~~ supervision is ordered, the  
15 department of human services shall prepare within sixty days of  
16 the order of the court a release plan addressing the person's  
17 needs for counseling, medication, community support services,  
18 residential services, vocational services, alcohol or other  
19 drug abuse treatment, sex offender treatment, or any other  
20 treatment or supervision necessary.

21 3. The court shall set a hearing on the release plan  
22 prepared by the department of human services before the  
23 committed person is released from a secure facility or a  
24 transitional release program.

25 4. If the court orders release with supervision, the court  
26 shall order supervision by an agency with jurisdiction that  
27 is familiar with the placement of criminal offenders in the  
28 community. The agency with jurisdiction shall be responsible  
29 for initiating proceedings for violations of the release plan  
30 as provided in [section 229A.9B](#). ~~If the court orders release~~  
31 ~~without supervision, the agency with jurisdiction shall also be~~  
32 ~~responsible for initiating proceedings for any violations of~~  
33 ~~the release plan as provided in [section 229A.9B](#).~~

34 5. A committed person may not petition the court for release  
35 with ~~or without~~ supervision.

1 6. A committed person released with ~~or without~~ supervision  
2 is not considered discharged from civil commitment under this  
3 chapter.

4 7. After being released with ~~or without~~ supervision, the  
5 person may petition the court for discharge as provided in  
6 section 229A.8.

7 8. The court shall retain jurisdiction over the committed  
8 person who has been released with ~~or without~~ supervision until  
9 the person is discharged from the program. The department  
10 of human services or a judicial district department of  
11 correctional services shall not be held liable for any acts  
12 committed by a committed person who has been ordered released  
13 with ~~or without~~ supervision.

14 Sec. 103. Section 229A.9B, Code 2018, is amended to read as  
15 follows:

16 **229A.9B Violations of release with ~~or without~~ supervision.**

17 1. If a committed person violates the release plan, the  
18 agency with jurisdiction over the person may request the  
19 ~~district~~ court to issue an emergency ex parte order directing  
20 any law enforcement officer to take the person into custody  
21 so that the person can be returned to a secure facility.  
22 The request for an ex parte order may be made orally or by  
23 telephone, but the original written request or a facsimile copy  
24 of the request shall be filed with the clerk of court no later  
25 than 4:30 p.m. on the next business day the office of the clerk  
26 of court is open.

27 2. If a committed person has absconded in violation of the  
28 conditions of the person's release plan, a presumption arises  
29 that the person poses a risk to public safety. The department  
30 of human services or contracting agency, in cooperation with  
31 local law enforcement agencies, may make a public announcement  
32 about the absconder. The public announcement may include a  
33 description of the committed person, that the committed person  
34 is on release with ~~or without~~ supervision from the sexually  
35 violent predator program, and any other information pertinent

1 to public safety.

2 3. Upon the return of the committed person to a secure  
3 facility, the director of human services or the director's  
4 designee shall notify the court that issued the ex parte  
5 order that the committed person has been returned to a secure  
6 facility, and the court shall set hearing ~~within five days~~ to  
7 determine if a violation occurred. If a court order was not  
8 issued, the director or the director's designee shall contact  
9 the nearest district court with jurisdiction to set a hearing  
10 to determine whether a violation of the conditions of the  
11 release plan occurred. The court shall schedule a hearing  
12 ~~within five days of~~ after receiving notice that the committed  
13 person has been returned to a secure facility.

14 4. At the hearing, the burden shall be upon the attorney  
15 general to show by a preponderance of the evidence that a  
16 violation of the release plan occurred.

17 5. If the court determines a violation occurred, the court  
18 shall receive release recommendations from the department of  
19 human services and either order that the committed person be  
20 returned to release with ~~or without~~ supervision or placed  
21 in a transitional release program, or be confined in a  
22 secure facility. The court may impose further conditions  
23 upon the committed person if returned to release with ~~or~~  
24 ~~without~~ supervision or placed in the transitional release  
25 program. If the court determines no violation occurred, the  
26 committed person shall be returned to release with ~~or without~~  
27 supervision.

28 Sec. 104. Section 232.68, subsection 2, paragraph a,  
29 subparagraph (3), Code 2018, is amended to read as follows:

30 (3) The commission of a sexual offense with or to a child  
31 pursuant to [chapter 709, section 726.2](#), or section 728.12,  
32 subsection 1, as a result of the acts or omissions of the  
33 person responsible for the care of the child or of a person who  
34 is fourteen years of age or older and resides in a home with  
35 the child. Notwithstanding [section 702.5](#), the commission of

1 a sexual offense under this subparagraph includes any sexual  
2 offense referred to in this subparagraph with or to a person  
3 under the age of eighteen years.

4 Sec. 105. Section 232.68, subsection 2, paragraph a,  
5 subparagraph (9), Code 2018, is amended to read as follows:

6 (9) (a) Knowingly A person who is responsible for the  
7 care of a child knowingly allowing a person another person  
8 custody or of, control of over, or unsupervised access to a  
9 child or minor child under the age of fourteen or a child with  
10 a physical or mental disability, after knowing the person  
11 other person is required to register or is on the sex offender  
12 registry under chapter 692A for a violation of section 726.6.

13 (b) This subparagraph does not apply in any of the following  
14 circumstances:

15 (i) A child living with a parent or guardian who is a sex  
16 offender required to register or on the sex offender registry  
17 under chapter 692A.

18 (ii) A child living with a parent or guardian who is married  
19 to and living with a sex offender required to register or on  
20 the sex offender registry under chapter 692A.

21 (iii) A child who is a sex offender required to register or  
22 on the sex offender registry under chapter 692A who is living  
23 with the child's parent, guardian, or foster parent and is also  
24 living with the child to whom access was allowed.

25 (c) For purposes of this subparagraph, "control over" means  
26 any of the following:

27 (i) A person who has accepted, undertaken, or assumed  
28 supervision of a child from the parent or guardian of the  
29 child.

30 (ii) A person who has undertaken or assumed temporary  
31 supervision of a child without explicit consent from the parent  
32 or guardian of the child.

33 Sec. 106. Section 901A.2, subsection 6, Code 2018, is  
34 amended to read as follows:

35 6. A person who has been placed in a transitional release

1 program, released with ~~or without~~ supervision, or discharged  
2 pursuant to [chapter 229A](#), and who is subsequently convicted of  
3 a sexually predatory offense or a sexually violent offense,  
4 shall be sentenced to life in prison on the same terms as  
5 a class "A" felon under [section 902.1](#), notwithstanding any  
6 other provision of the Code to the contrary. The terms and  
7 conditions applicable to sentences for class "A" felons under  
8 chapters 901 through 909 shall apply to persons sentenced under  
9 this subsection. However, if the person commits a sexually  
10 violent offense which is a misdemeanor offense under chapter  
11 709, the person shall be sentenced to life in prison, with  
12 eligibility for parole as provided in [chapter 906](#).

13 DIVISION XVII

14 MEDICAID RETROACTIVE ELIGIBILITY

15 Sec. 107. 2017 Iowa Acts, chapter 174, section 12,  
16 subsection 15, paragraph a, subparagraph (7), is amended to  
17 read as follows:

18 (7) (a) Elimination of the three-month retroactive  
19 Medicaid coverage benefit for Medicaid applicants effective  
20 October 1, 2017. The department shall seek a waiver from  
21 the centers for Medicare and Medicaid services of the United  
22 States department of health and human services to implement  
23 the strategy. If federal approval is received, an applicant's  
24 Medicaid coverage shall be effective on the first day of the  
25 month of application, as allowed under the Medicaid state plan.

26 (b) Effective July 1, 2018, a three-month retroactive  
27 Medicaid coverage benefit shall apply to a Medicaid applicant  
28 who is otherwise Medicaid-eligible and is a resident of a  
29 nursing facility licensed under chapter 135C. The department  
30 shall seek federal approval for any Medicaid waiver or state  
31 plan amendment necessary to implement this subparagraph (b).

32 Sec. 108. EFFECTIVE DATE. This division of this Act, being  
33 deemed of immediate importance, takes effect upon enactment.

34 DIVISION XVIII

35 MENTAL HEALTH AND DISABILITY SERVICES — TRANSFER OF FUNDS





1 4. Facilitating ongoing strategic planning and application  
2 of evidence-based research in oral health care policy  
3 development that improves oral health care access and the  
4 overall oral health of all Iowans.

5 5. Developing and implementing an ongoing oral health  
6 surveillance system for the evaluation and monitoring of  
7 the oral health status of children and other underserved  
8 populations.

9 6. Facilitating the provision of oral health services  
10 through dental homes. For the purposes of this section,  
11 "*dental home*" means a network of individualized care based on  
12 risk assessment, which includes oral health education, dental  
13 screenings, preventive services, diagnostic services, treatment  
14 services, and emergency services.

15 Sec. 111. Section 135.175, subsection 1, paragraph a, Code  
16 2018, is amended to read as follows:

17 a. A health care workforce support initiative is established  
18 to provide for the coordination and support of various efforts  
19 to address the health care workforce shortage in this state.  
20 This initiative shall include the medical residency training  
21 state matching grants program created in [section 135.176](#),  
22 the nurse residency state matching grants program created in  
23 section 135.178, and the fulfilling Iowa's need for dentists  
24 matching grant program created in [section 135.179](#).

25 Sec. 112. Section 135.175, subsection 5, Code 2018, is  
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. b. The nurse residency state matching grants  
28 program account. The nurse residency state matching grants  
29 program account shall be under the control of the department  
30 and the moneys in the account shall be used for the purposes of  
31 the nurse residency state matching grants program as specified  
32 in section 135.178. Moneys in the account shall consist of  
33 moneys appropriated or allocated for deposit in or received  
34 by the fund or the account and specifically dedicated to the  
35 nurse residency state matching grants program account for the

1 purposes of such account.

2 Sec. 113. Section 135.175, subsection 6, paragraph a, Code  
3 2018, is amended to read as follows:

4 a. Moneys in the fund and the accounts in the fund shall  
5 only be appropriated in a manner consistent with the principles  
6 specified and the strategic plan developed pursuant to section  
7 135.163 to support the medical residency training state  
8 matching grants program, the nurse residency state matching  
9 grants program, the fulfilling Iowa's need for dentists  
10 matching grant program, and to provide funding for state health  
11 care workforce shortage programs as provided in [this section](#).

12 DIVISION XX

13 STATE TRAINING SCHOOL — ELDORA

14 Sec. 114. Section 233A.1, Code 2018, is amended to read as  
15 follows:

16 **233A.1 State training school — Eldora and ~~Toledo~~.**

17 1. Effective January 1, 1992, a diagnosis and evaluation  
18 center and other units are established at Eldora the  
19 state training school to provide ~~to~~ court-committed  
20 male juvenile delinquents a program which focuses upon  
21 appropriate developmental skills, treatment, placements, and  
22 rehabilitation.

23 2. The diagnosis and evaluation center which is used to  
24 identify appropriate treatment and placement alternatives for  
25 juveniles and any other units for juvenile delinquents which  
26 are located at Eldora ~~and the unit for juvenile delinquents at~~  
27 ~~Toledo~~ shall ~~together~~ be known as the "state training school".  
28 For the purposes of [this chapter](#) "director" means the director  
29 of human services and "superintendent" means the administrator  
30 in charge of the diagnosis and evaluation center for juvenile  
31 delinquents and other units at Eldora ~~and the unit for juvenile~~  
32 ~~delinquents at Toledo~~ the state training school.

33 3. The number of children present at any one time at the  
34 state training school at ~~Eldora~~ shall not exceed the population  
35 guidelines established under [1990 Iowa Acts, ch. 1239, §21](#), as

1 adjusted for subsequent changes in the capacity at the training  
2 school.

3 Sec. 115. Section 233A.14, Code 2018, is amended to read as  
4 follows:

5 **233A.14 Transfers to other institutions.**

6 The administrator may transfer to the ~~schools~~ state training  
7 school minor wards of the state from any institution under the  
8 administrator's charge but no person shall be so transferred  
9 who is mentally ill or has an intellectual disability. Any  
10 child in the ~~schools~~ state training school who is mentally ill  
11 or has an intellectual disability may be transferred by the  
12 administrator to the proper state institution.

13 Sec. 116. Section 915.29, subsection 1, unnumbered  
14 paragraph 1, Code 2018, is amended to read as follows:

15 The department of human services shall notify a registered  
16 victim regarding a juvenile adjudicated delinquent for a  
17 violent crime, committed to the custody of the department of  
18 human services, and placed at the state training school at  
19 ~~Eldora or Toledo~~, of the following:

20 DIVISION XXI

21 GERIATRIC PATIENT HOUSING REVIEW

22 Sec. 117. GERIATRIC PATIENT HOUSING REVIEW.

23 1. During the 2018 legislative interim, the department  
24 on aging and the departments of human services, inspections  
25 and appeals, and corrections, cooperatively, shall review  
26 issues and develop policy recommendations relating to housing  
27 for geriatric persons, including geriatric individuals  
28 who are registered on the sex offender registry or who are  
29 sexually aggressive. The review shall address all aspects  
30 of the issue including the feasibility of private entities  
31 utilizing facilities located at Mount Pleasant, Clarinda,  
32 or other vacant, state-owned facilities to care for such  
33 geriatric persons; related workforce recruitment and training;  
34 requirements that a facility must meet in order to receive  
35 Medicaid reimbursement; and any other information or issues

1 deemed appropriate by the agencies.

2 2. The agencies shall submit a joint report with  
3 recommendations to the governor and general assembly by  
4 December 15, 2018.

5 DIVISION XXII

6 DISTRIBUTION OF FEDERAL FUNDS — RESTRICTIONS — ABORTION  
7 Sec. 118. DISTRIBUTION OF FEDERAL PUBLIC HEALTH SERVICES  
8 ACT FUNDS FOR FAMILY PLANNING.

9 1. The department of public health shall annually apply  
10 to the United States department of health and human services  
11 for grant funding under Tit. X of the federal Public Health  
12 Services Act, 42 U.S.C. §300 et seq. The department shall  
13 distribute all grant funding received to applicants in the  
14 following order of priority:

15 a. Public entities that provide family planning services  
16 including state, county, or local community health clinics and  
17 federally qualified health centers.

18 b. Nonpublic entities that, in addition to family planning  
19 services, provide required primary health services as described  
20 in 42 U.S.C. §254b(b)(1)(A).

21 c. Nonpublic entities that provide family planning  
22 services but do not provide required primary health services as  
23 described in 42 U.S.C. §254b(b)(1)(A).

24 2. Distribution of funds under this section shall be made in  
25 a manner that continues access to family planning services.

26 3. Distribution of funds shall not be made to any entity  
27 that performs abortions or that maintains or operates a  
28 facility where abortions are performed. For the purposes of  
29 this section, "abortion" does not include any of the following:

30 a. The treatment of a woman for a physical disorder,  
31 physical injury, or physical illness, including a  
32 life-endangering physical condition caused by or arising from  
33 the pregnancy itself, that would, as certified by a physician,  
34 place the woman in danger of death.

35 b. The treatment of a woman for a spontaneous abortion,

1 commonly known as a miscarriage.

2 3A. a. For the purposes of this section, an entity that  
3 performs abortions or that maintains or operates a facility  
4 where abortions are performed shall not be interpreted to  
5 include a nonpublic entity that is a distinct location of  
6 a nonprofit health care delivery system, if the distinct  
7 location provides family planning services but does not perform  
8 abortions or maintain or operate as a facility where abortions  
9 are performed.

10 b. The department of public health shall adopt rules  
11 pursuant to chapter 17A to require that as a condition of  
12 receiving funds under this section, each distinct location of  
13 a nonprofit health care delivery system shall apply for and  
14 be awarded funds as a separate provider, shall be assigned a  
15 distinct provider identification number, and shall complete an  
16 attestation that abortions are not performed at the distinct  
17 location.

18 c. For the purposes of this section, "nonprofit health  
19 care delivery system" means an Iowa nonprofit corporation  
20 that controls, directly or indirectly, a regional health  
21 care network consisting of hospital facilities and various  
22 ambulatory and clinic locations that provide a range of  
23 primary, secondary, and tertiary inpatient, outpatient, and  
24 physician services.

25 4. Funds distributed in accordance with this section shall  
26 not be used for direct or indirect costs, including but not  
27 limited to administrative costs or expenses, overhead, employee  
28 salaries, rent, and telephone and other utility costs, related  
29 to providing abortions as specified in this section.

30 5. The department of public health shall submit a report to  
31 the governor and the general assembly, annually by January 1,  
32 listing any entities that received funds pursuant to subsection  
33 1, paragraph "c", and the amount and type of funds received by  
34 such entities during the preceding calendar year. The report  
35 shall provide a detailed explanation of how the department

1 determined that distribution of funds to such an entity,  
2 instead of to an entity described in subsection 1, paragraph  
3 "a" or "b", was necessary to prevent severe limitation or  
4 elimination of access to family planning services in the region  
5 of the state where the entity is located.

6 Sec. 119. ADMINISTRATION OF PERSONAL RESPONSIBILITY  
7 EDUCATION PROGRAM AND ABSTINENCE EDUCATION GRANT PROGRAM  
8 FUNDS. Any project period entered into on or after July 1,  
9 2018, by the department of public health to administer the  
10 personal responsibility education program as specified in  
11 42 U.S.C. §713 or to administer the abstinence education  
12 grant program authorized pursuant to section 510 of Tit.  
13 V of the federal Social Security Act, shall exclude as  
14 an eligible applicant any applicant entity that provides  
15 abortions, maintains or operates a facility where abortions  
16 are performed, or regularly makes referrals to an entity that  
17 provides abortions or maintains or operates a facility where  
18 abortions are performed. For the purposes of this section,  
19 such referrals include but are not limited to referrals made by  
20 reference to an internet site or by linking to an internet site  
21 maintained by an entity that provides abortions or maintains or  
22 operates a facility where abortions are performed.

23 Sec. 120. AWARD OF COMMUNITY ADOLESCENT PREGNANCY  
24 PREVENTION AND SERVICES PROGRAM GRANT FUNDS. Any project  
25 period entered into on or after July 1, 2018, by the department  
26 of human services to award a community adolescent pregnancy  
27 prevention and services program grant using federal temporary  
28 assistance for needy families block grant funds appropriated  
29 to the department shall exclude as an eligible applicant any  
30 applicant entity that provides abortions, maintains or operates  
31 a facility where abortions are performed, or regularly makes  
32 referrals to an entity that provides abortions or maintains or  
33 operates a facility where abortions are performed. For the  
34 purposes of this section, such referrals include but are not  
35 limited to referrals made by reference to an internet site or

1 by linking to an internet site maintained by an entity that  
2 provides abortions or maintains or operates a facility where  
3 abortions are performed.

4 DIVISION XXIII

5 WRONGFUL BIRTH OR WRONGFUL LIFE CAUSE OF ACTION

6 Sec. 121. NEW SECTION. **613.15B Wrongful birth or wrongful**  
7 **life cause of action — prohibitions — exceptions.**

8 1. A cause of action shall not arise and damages shall not  
9 be awarded, on behalf of any person, based on a wrongful birth  
10 claim that, but for an act or omission of the defendant, a  
11 child would not or should not have been born.

12 2. A cause of action shall not arise and damages shall not  
13 be awarded, on behalf of any person, based on a wrongful life  
14 claim that, but for an act or omission of the defendant, the  
15 person bringing the action would not or should not have been  
16 born.

17 3. The prohibitions specified in this section apply to any  
18 claim regardless of whether the child is born healthy or with a  
19 birth defect or disorder or other adverse medical condition.  
20 However, the prohibitions specified in this section shall not  
21 apply to any of the following:

22 a. A civil action for damages for an intentional or grossly  
23 negligent act or omission, including any act or omission that  
24 constitutes a public offense.

25 b. A civil action for damages for the intentional failure  
26 of a physician to comply with the duty imposed by licensure  
27 pursuant to chapter 148 to provide a patient with all  
28 information reasonably necessary to make decisions about a  
29 pregnancy.

30 Sec. 122. **EFFECTIVE DATE.** This division of this Act, being  
31 deemed of immediate importance, takes effect upon enactment.

32 Sec. 123. **APPLICABILITY.** This division of this Act applies  
33 on or after the effective date of this division of this Act to  
34 causes of action that accrue on or after that date. A cause of  
35 action that accrues before the effective date of this division

1 of this Act is governed by the law in effect prior to the  
2 effective date of this division of this Act.

3 DIVISION XXIV

4 TRANSFERS OF FUNDS BETWEEN DHS INSTITUTIONS

5 Sec. 124. Section 218.6, Code 2018, is amended to read as  
6 follows:

7 **218.6 Transfer of appropriations made to institutions.**

8 1. 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 between the appropriations made for  
12 the institutions, listed as follows:

13 ~~1.~~ a. The state resource centers.

14 ~~2.~~ b. The state mental health institutes.

15 ~~3.~~ c. The state training school.

16 ~~4.~~ d. The civil commitment unit for sexual offenders.

17 2. The department shall report any transfer made pursuant  
18 to subsection 1 during a fiscal quarter to the legislative  
19 services agency within thirty days of the beginning of the  
20 subsequent fiscal quarter.

21 DIVISION XXV

22 MEDICAL CANNABIDIOL

23 Sec. 125. Section 124E.7, subsections 7 and 8, Code 2018,  
24 are amended to read as follows:

25 7. A medical cannabidiol manufacturer shall not employ  
26 a person who is under eighteen years of age or who has been  
27 convicted of a disqualifying felony offense. An employee  
28 of a medical cannabidiol manufacturer shall be subject to a  
29 background investigation conducted by the division of criminal  
30 investigation of the department of public safety and a national  
31 criminal history background check pursuant to section 124E.19.

32 8. A medical cannabidiol manufacturer owner shall not have  
33 been convicted of a disqualifying felony offense and shall be  
34 subject to a background investigation conducted by the division  
35 of criminal investigation of the department of public safety



1 and a national criminal history background check pursuant to  
2 section 124E.19.

3 Sec. 126. Section 124E.9, subsections 7 and 8, Code 2018,  
4 are amended to read as follows:

5 7. A medical cannabidiol dispensary shall not employ a  
6 person who is under eighteen years of age or who has been  
7 convicted of a disqualifying felony offense. An employee  
8 of a medical cannabidiol dispensary shall be subject to a  
9 background investigation conducted by the division of criminal  
10 investigation of the department of public safety and a national  
11 criminal history background check pursuant to section 124E.19.

12 8. A medical cannabidiol dispensary owner shall not have  
13 been convicted of a disqualifying felony offense and shall be  
14 subject to a background investigation conducted by the division  
15 of criminal investigation of the department of public safety  
16 and a national criminal history background check pursuant to  
17 section 124E.19.

18 Sec. 127. Section 124E.10, Code 2018, is amended by striking  
19 the section and inserting in lieu thereof the following:

20 **124E.10 Fees.**

21 All fees collected by the department under this chapter  
22 shall be retained by the department for operation of the  
23 medical cannabidiol registration card program and the medical  
24 cannabidiol manufacturer and medical cannabidiol dispensary  
25 licensing programs. The moneys retained by the department  
26 shall be considered repayment receipts as defined in section  
27 8.2 and shall be used for any of the department's duties  
28 under this chapter, including but not limited to the addition  
29 of full-time equivalent positions for program services and  
30 investigations. Notwithstanding section 8.33, moneys retained  
31 by the department pursuant to this section shall not revert to  
32 the general fund of the state but shall remain available for  
33 expenditure only for the purposes specified in this section.

34 Sec. 128. NEW SECTION. **124E.19 Background investigations.**

35 1. The division of criminal investigation of the

1 department of public safety shall conduct thorough  
2 background investigations for the purposes of licensing  
3 medical cannabidiol manufacturers and medical cannabidiol  
4 dispensaries under this chapter. The results of any background  
5 investigation conducted pursuant to this section shall be  
6 presented to the department.

7     *a.* An applicant for a medical cannabidiol manufacturer  
8 license or a medical cannabidiol dispensary license and their  
9 owners, investors, and employees shall submit all required  
10 information on a form prescribed by the department of public  
11 safety.

12     *b.* The department shall charge an applicant for a medical  
13 cannabidiol manufacturer license or a medical cannabidiol  
14 dispensary license a fee determined by the department of public  
15 safety and adopted by the department by rule to defray the  
16 costs associated with background investigations conducted  
17 pursuant to the requirements of this section. The fee shall  
18 be in addition to any other fees charged by the department.  
19 The fee may be retained by the department of public safety and  
20 shall be considered repayment receipts as defined in section  
21 8.2.

22     2. The department shall require an applicant for a medical  
23 cannabidiol manufacturer license or a medical cannabidiol  
24 dispensary license, their owners and investors, and applicants  
25 for employment at a medical cannabidiol manufacturer or  
26 medical cannabidiol dispensary to submit fingerprints and other  
27 required identifying information to the department on a form  
28 prescribed by the department of public safety. The department  
29 shall submit the fingerprint cards and other identifying  
30 information to the division of criminal investigation of the  
31 department of public safety for submission to the federal  
32 bureau of investigation for the purpose of conducting a  
33 national criminal history record check. The department may  
34 require employees and contractors involved in carrying out  
35 a background investigation to submit fingerprints and other

1 identifying information for the same purpose.

2 3. The department may enter into a chapter 28E agreement  
3 with the department of public safety to meet the requirements  
4 of this section.

5 4. An applicant for a medical cannabidiol manufacturer  
6 license or a medical cannabidiol dispensary license shall  
7 submit information and fees required by this section at the  
8 time of application.

9 5. The results of background investigations conducted  
10 pursuant to this section shall not be considered public records  
11 under chapter 22.

12 Sec. 129. EFFECTIVE UPON ENACTMENT. This division of this  
13 Act, being deemed of immediate importance, takes effect upon  
14 enactment.

15 DIVISION XXVI

16 DEPARTMENT OF HUMAN SERVICES PROGRAMS AND ACTIVITIES

17 INMATES OF PUBLIC INSTITUTIONS — MEDICAID

18 Sec. 130. Section 249A.38, Code 2018, is amended to read as  
19 follows:

20 **249A.38 Inmates of public institutions — suspension or**  
21 **termination of medical assistance.**

22 1. ~~The following conditions shall apply to~~ Following the  
23 first thirty days of commitment, the department shall suspend  
24 the eligibility of an individual who is an inmate of a public  
25 institution as defined in [42 C.F.R. §435.1010](#), who is enrolled  
26 in the medical assistance program at the time of commitment to  
27 the public institution, and who remains eligible for medical  
28 assistance as an individual except for the individual's  
29 institutional status:

30 ~~a. The department shall suspend the individual's~~  
31 ~~eligibility for up to the initial twelve months of the period~~  
32 ~~of commitment. The department shall delay the suspension~~  
33 ~~of eligibility for a period of up to the first thirty days~~  
34 ~~of commitment if such delay is approved by the centers for~~  
35 ~~Medicare and Medicaid services of the United States department~~

~~1 of health and human services. If such delay is not approved,  
2 the department shall suspend eligibility during the entirety  
3 of the initial twelve months of the period of commitment.  
4 Claims submitted on behalf of the individual under the medical  
5 assistance program for covered services provided during the  
6 delay period shall only be reimbursed if federal financial  
7 participation is applicable to such claims.~~

~~8 b. The department shall terminate an individual's  
9 eligibility following a twelve-month period of suspension  
10 of the individual's eligibility under paragraph "a", during  
11 the period of the individual's commitment to the public  
12 institution.~~

13 2. a. A public institution shall provide the department and  
14 the social security administration with a monthly report of the  
15 individuals who are committed to the public institution and of  
16 the individuals who are discharged from the public institution.  
17 The monthly report to the department shall include the date  
18 of commitment or the date of discharge, as applicable, of  
19 each individual committed to or discharged from the public  
20 institution during the reporting period. The monthly report  
21 shall be made through the reporting system created by the  
22 department for public, nonmedical institutions to report inmate  
23 populations. Any medical assistance expenditures, including  
24 but not limited to monthly managed care capitation payments,  
25 provided on behalf of an individual who is an inmate of a  
26 public institution but is not reported to the department  
27 in accordance with this subsection, shall be the financial  
28 responsibility of the respective public institution.

29 b. The department shall provide a public institution with  
30 the forms necessary to be used by the individual in expediting  
31 restoration of the individual's medical assistance benefits  
32 upon discharge from the public institution.

33 ~~3. This section applies to individuals as specified in~~  
34 ~~subsection 1 on or after January 1, 2012.~~

35 ~~4. 3.~~ The department may adopt rules pursuant to chapter

1 17A to implement this section.

2 MEDICAID PROGRAM ADMINISTRATION

3 Sec. 131. MEDICAID PROGRAM ADMINISTRATION.

4 1. PROVIDER PROCESSES AND PROCEDURES.

5 a. When all of the required documents and other information  
6 necessary to process a claim have been received by a managed  
7 care organization, the managed care organization shall  
8 either provide payment to the claimant within the timelines  
9 specified in the managed care contract or, if the managed  
10 care organization is denying the claim in whole or in part,  
11 shall provide notice to the claimant including the reasons for  
12 such denial consistent with national industry best practice  
13 guidelines.

14 b. A managed care organization shall correct any identified  
15 system configuration error within a reasonable time frame  
16 approved by the department, and shall fully and accurately  
17 reprocess claims affected by such errors within thirty days  
18 of the successful system correction. The department shall  
19 define "system configuration error" as appropriate to include  
20 errors in provider data caused by a managed care organization  
21 or improper claims edits that result in incorrect payments to  
22 providers.

23 c. A managed care organization shall provide written notice  
24 to affected individuals at least sixty days prior to making  
25 any program or procedural change, as determined necessary by  
26 the department. The department shall develop and distribute a  
27 list of the types of changes that require the sixty-day notice  
28 to the managed care organizations effective July 1, 2018.

29 Such changes may include but are not limited to billing and  
30 collection provisions, provider network provisions, member or  
31 provider services, and prior authorization requirements.

32 d. The department of human services shall engage dedicated  
33 provider relations staff to assist Medicaid providers in  
34 resolving billing conflicts with managed care organizations  
35 including those involving denied claims, technical omissions,

1 or incomplete information. If the provider relations staff  
2 observe trends evidencing fraudulent claims or improper  
3 reimbursement, the staff shall forward such evidence to the  
4 department of human services for further review.

5 e. The department of human services shall adopt rules  
6 pursuant to chapter 17A to require the inclusion by a managed  
7 care organization of advanced registered nurse practitioners  
8 and physician assistants as primary care providers for the  
9 purposes of population health management.

10 f. The department of human services shall provide for the  
11 development and shall require the use of standardized Medicaid  
12 provider enrollment forms to be used by the department and  
13 uniform Medicaid provider credentialing specifications to be  
14 used by managed care organizations.

15 2. MEMBER SERVICES AND PROCESSES.

16 a. If a Medicaid member is receiving court-ordered services  
17 or treatment for a substance-related disorder pursuant to  
18 chapter 125 or for a mental illness pursuant to chapter 229,  
19 such services or treatment shall be provided and reimbursed  
20 for an initial period of three days before a managed care  
21 organization may apply medical necessity criteria to determine  
22 the most appropriate services, treatment, or placement for the  
23 Medicaid member.

24 b. The department of human services shall maintain and  
25 update Medicaid member eligibility files in a timely manner  
26 consistent with national industry best practices.

27 c. The department of human services shall utilize an  
28 independent, external quality review vendor to complete a  
29 review of a random case sample of decreased level of care  
30 determinations using national best practices to ensure that  
31 appropriate medically necessary services are provided to  
32 meet Medicaid member needs. The department shall report the  
33 findings of the review to the governor and the general assembly  
34 by December 15, 2018, including any plan necessary to address  
35 the findings.

1 d. The department of human services, on an annual basis,  
2 shall conduct an analysis of all Medicaid member appeals that  
3 have been dismissed, withdrawn, or overturned to determine  
4 if there are any negative patterns or trends based on the  
5 analysis. The services of any member whose appeal is subject  
6 to the analysis shall continue for the period during which an  
7 interdisciplinary team conducts a new assessment to determine  
8 which services are medically necessary for that member, which  
9 period shall not exceed ninety days. A report of the analysis  
10 and findings shall be submitted to the governor and the general  
11 assembly on a biannual basis and the department shall develop a  
12 plan as necessary to address any negative patterns or trends  
13 identified by the analysis.

14 3. MEDICAID PROGRAM REVIEW AND OVERSIGHT.

15 a. (1) The department of human services shall facilitate a  
16 workgroup, in collaboration with representatives of the managed  
17 care organizations and health home providers, to review the  
18 health home programs. The review shall include all of the  
19 following:

20 (a) An analysis of the state plan amendments applicable to  
21 health homes.

22 (b) An analysis of the current health home system, including  
23 the rationale for any recommended changes.

24 (c) The development of a clear and consistent delivery  
25 model linked to program-determined outcomes and data reporting  
26 requirements.

27 (d) A work plan to be used in communicating with  
28 stakeholders regarding the administration and operation of the  
29 health home programs.

30 (2) The department of human services shall submit a  
31 report of the workgroup's findings, recommendations, and  
32 any actions taken by December 15, 2018, to the governor and  
33 to the Eighty-eighth General Assembly, 2019 session, for  
34 consideration.

35 (3) The workgroup and the workgroup's activities shall

1 not affect the department's authority to apply or enforce the  
2 Medicaid state plan amendment relative to health homes.

3 b. The department of human services, in collaboration  
4 with Medicaid providers and managed care organizations, shall  
5 initiate a review process to determine the effectiveness of  
6 prior authorizations used by the managed care organizations  
7 with the goal of making adjustments based on relevant  
8 service costs and member outcomes data utilizing existing  
9 industry-accepted standards. Prior authorization policies  
10 shall comply with existing rules, guidelines, and procedures  
11 developed by the centers for Medicare and Medicaid services of  
12 the United States department of health and human services.

13 c. The department of human services shall enter into a  
14 contract with an independent review organization to perform  
15 an audit of a random sample of small dollar claims paid to  
16 or denied Medicaid long-term services and supports providers  
17 during the first quarter of the 2018 calendar year. The  
18 department of human services shall submit a report of  
19 the findings of the audit to the governor and the general  
20 assembly by February 1, 2019. The department may take any  
21 action specified in the managed care contract relative to  
22 any claim the auditor determines to be incorrectly paid or  
23 denied, subject to appeal by the managed care organization  
24 to the director of human services. For the purposes of this  
25 paragraph, "small dollar claims" means those claims less than  
26 or equal to two thousand five hundred dollars.

27 MEDICAID PROGRAM PHARMACY COPAYMENT

28 Sec. 132. 2005 Iowa Acts, chapter 167, section 42, is  
29 amended to read as follows:

30 SEC. 42. COPAYMENTS FOR PRESCRIPTION DRUGS UNDER THE  
31 MEDICAL ASSISTANCE PROGRAM. The department of human services  
32 shall require recipients of medical assistance to pay ~~the~~  
33 ~~following copayments~~ a copayment of \$1 on each prescription  
34 filled for a covered prescription drug, including each refill  
35 of such prescription, ~~as follows:~~



1 ~~1. A copayment of \$1 on each prescription filled for each~~  
2 ~~covered nonpreferred generic prescription drug.~~

3 ~~2. A copayment of \$1 for each covered preferred brand-name~~  
4 ~~or generic prescription drug.~~

5 ~~3. A copayment of \$1 for each covered nonpreferred~~  
6 ~~brand-name prescription drug for which the cost to the state is~~  
7 ~~up to and including \$25.~~

8 ~~4. A copayment of \$2 for each covered nonpreferred~~  
9 ~~brand-name prescription drug for which the cost to the state is~~  
10 ~~more than \$25 and up to and including \$50.~~

11 ~~5. A copayment of \$3 for each covered nonpreferred~~  
12 ~~brand-name prescription drug for which the cost to the state~~  
13 ~~is more than \$50.~~

14 MEDICAL ASSISTANCE ADVISORY COUNCIL

15 Sec. 133. Section 249A.4B, subsection 2, paragraph a,  
16 subparagraphs (27) and (28), Code 2018, are amended by striking  
17 the subparagraphs.

18 Sec. 134. MEDICAL ASSISTANCE ADVISORY COUNCIL — REVIEW OF  
19 MEDICAID MANAGED CARE REPORT DATA. The executive committee  
20 of the medical assistance advisory council shall review  
21 the data collected and analyzed for inclusion in periodic  
22 reports to the general assembly, including but not limited  
23 to the information and data specified in 2016 Iowa Acts,  
24 chapter 1139, section 93, to determine which data points and  
25 information should be included and analyzed to more accurately  
26 identify trends and issues with, and promote the effective and  
27 efficient administration of, Medicaid managed care for all  
28 stakeholders. At a minimum, the areas of focus shall include  
29 consumer protection, provider network access and safeguards,  
30 outcome achievement, and program integrity. The executive  
31 committee shall report its findings and recommendations to the  
32 medical assistance advisory council for review and comment by  
33 October 1, 2018, and shall submit a final report of findings  
34 and recommendations to the governor and the general assembly by  
35 December 31, 2018.

1 TARGETED CASE MANAGEMENT AND INPATIENT PSYCHIATRIC SERVICES  
2 REIMBURSEMENT

3 Sec. 135. Section 249A.31, Code 2018, is amended to read as  
4 follows:

5 **249A.31 Cost-based reimbursement.**

6 1. ~~Providers of individual case management services for~~  
7 ~~persons with an intellectual disability, a developmental~~  
8 ~~disability, or chronic mental illness shall receive cost-based~~  
9 ~~reimbursement for one hundred percent of the reasonable~~  
10 ~~costs for the provision of the services in accordance with~~  
11 ~~standards adopted by the mental health and disability services~~  
12 ~~commission pursuant to [section 225C.6](#). Effective July 1, 2018,~~  
13 targeted case management services shall be reimbursed based  
14 on a statewide fee schedule amount developed by rule of the  
15 department pursuant to chapter 17A.

16 2. ~~Effective July 1, 2010~~ 2014, ~~the department shall apply~~  
17 ~~a cost-based reimbursement methodology for reimbursement of~~  
18 ~~psychiatric medical institution for children providers of~~  
19 inpatient psychiatric services for individuals under twenty-one  
20 years of age shall be reimbursed as follows:

21 a. For non-state-owned providers, services shall be  
22 reimbursed according to a fee schedule without reconciliation.

23 b. For state-owned providers, services shall be reimbursed  
24 at one hundred percent of the actual and allowable cost of  
25 providing the service.

26 DIVISION XXVII

27 PREAPPLICATION SCREENING ASSESSMENT

28 Sec. 136. Section 229.5A, Code 2018, is amended to read as  
29 follows:

30 **229.5A Preapplication screening assessment — program.**

31 Prior to filing an application pursuant to [section 229.6](#),  
32 the clerk of the district court or the clerk's designee  
33 shall inform the interested person referred to in section  
34 229.6, subsection 1, about the option of requesting a  
35 preapplication screening assessment through a preapplication

1 screening assessment program, if available. ~~The state court~~  
2 ~~administrator shall prescribe practices and procedures for~~  
3 ~~implementation of the preapplication screening assessment~~  
4 ~~program.~~

5 Sec. 137. Section 602.1209, subsection 16, Code 2018, is  
6 amended to read as follows:

7 16. Prescribe practices and procedures for the  
8 implementation of the preapplication screening assessment  
9 program referred to in [sections section 125.74](#) and ~~229.5A~~.

10 DIVISION XXVIII

11 COVERAGE OF BEHAVIORAL HEALTH SERVICES PROVIDED BY CERTAIN  
12 PROVIDERS

13 Sec. 138. Section 249A.15, Code 2018, is amended to read as  
14 follows:

15 **249A.15 Licensed psychologists eligible for payment —**  
16 **provisional licensees.**

17 1. The department shall adopt rules pursuant to chapter  
18 17A entitling psychologists who are licensed pursuant to  
19 chapter 154B and psychologists who are licensed in the state  
20 where the services are provided and have a doctorate degree  
21 in psychology, have had at least two years of clinical  
22 experience in a recognized health setting, or have met the  
23 standards of a national register of health service providers  
24 in psychology, to payment for services provided to recipients  
25 of medical assistance, subject to limitations and exclusions  
26 the department finds necessary on the basis of federal laws and  
27 regulations and of funds available for the medical assistance  
28 program. The rules shall also provide that an individual, who  
29 holds a provisional license to practice psychology pursuant  
30 to section 154B.6, is entitled to payment under this section  
31 for services provided to recipients of medical assistance,  
32 when such services are provided under the supervision of a  
33 supervisor who meets the qualifications determined by the board  
34 of psychology by rule, and claims for payment for such services  
35 are submitted by the supervisor.

1     2. Entitlement to payment under this section is applicable  
2 to services provided to recipients of medical assistance  
3 under both the fee-for-service and managed care payment and  
4 delivery systems. Neither the fee-for-service nor the managed  
5 care payment and delivery system shall impose a practice  
6 or supervision restriction which is inconsistent with or  
7 more restrictive than the authority already granted by law,  
8 including the authority to provide supervision in person or  
9 remotely through electronic means as specified by rule of the  
10 board of psychology.

11     Sec. 139. Section 249A.15A, Code 2018, is amended to read  
12 as follows:

13     **249A.15A Licensed marital and family therapists, licensed**  
14 **master social workers, licensed mental health counselors, and**  
15 **certified alcohol and drug counselors — temporary licensees.**

16     1. The department shall adopt rules pursuant to chapter  
17 17A entitling marital and family therapists who are licensed  
18 pursuant to [chapter 154D](#) to payment for behavioral health  
19 services provided to recipients of medical assistance, subject  
20 to limitations and exclusions the department finds necessary  
21 on the basis of federal laws and regulations. The rules shall  
22 also provide that a marital and family therapist, who holds  
23 a temporary license to practice marital and family therapy  
24 pursuant to section 154D.7, is entitled to payment under this  
25 section for behavioral health services provided to recipients  
26 of medical assistance, when such services are provided under  
27 the supervision of a qualified supervisor as determined by the  
28 board of behavioral science by rule, and claims for payment for  
29 such services are submitted by the qualified supervisor.

30     2. The department shall adopt rules pursuant to chapter  
31 17A entitling master social workers who hold a master's  
32 degree approved by the board of social work, are licensed as  
33 a master social worker pursuant to section 154C.3, subsection  
34 1, paragraph "b", and provide treatment services under the  
35 supervision of an independent social worker licensed pursuant

1 to [section 154C.3, subsection 1](#), paragraph "c", to payment  
2 for behavioral health services provided to recipients of  
3 medical assistance, subject to limitations and exclusions the  
4 department finds necessary on the basis of federal laws and  
5 regulations.

6 3. The department shall adopt rules pursuant to [chapter 17A](#)  
7 entitling mental health counselors who are licensed pursuant  
8 to [chapter 154D](#) to payment for behavioral health services  
9 provided to recipients of medical assistance, subject to  
10 limitations and exclusions the department finds necessary on  
11 the basis of federal laws and regulations. The rules shall  
12 also provide that a mental health counselor, who holds a  
13 temporary license to practice mental health counseling pursuant  
14 to section 154D.7, is entitled to payment under this section  
15 for behavioral health services provided to recipients of  
16 medical assistance, when such services are provided under the  
17 supervision of a qualified supervisor as determined by the  
18 board of behavioral science by rule, and claims for payment for  
19 such services are submitted by the qualified supervisor.

20 4. The department shall adopt rules pursuant to [chapter 17A](#)  
21 entitling alcohol and drug counselors who are certified by the  
22 nongovernmental Iowa board of substance abuse certification to  
23 payment for behavioral health services provided to recipients  
24 of medical assistance, subject to limitations and exclusions  
25 the department finds necessary on the basis of federal laws and  
26 regulations.

27 5. Entitlement to payment under this section is applicable  
28 to services provided to recipients of medical assistance  
29 under both the fee-for-service and managed care payment and  
30 delivery systems. Neither the fee-for-service nor the managed  
31 care payment and delivery system shall impose a practice  
32 or supervision restriction which is inconsistent with or  
33 more restrictive than the authority already granted by law,  
34 including the authority to provide supervision in person or  
35 remotely through electronic means as specified by rule of the

1 applicable licensing board.

2     Sec. 140. NEW SECTION. 514C.32 **Services provided by**  
3 **certain licensed master social workers, licensed mental health**  
4 **counselors, and licensed marital and family therapists.**

5     1. Notwithstanding section 514C.6, a policy or contract  
6 providing for third-party payment or prepayment of health or  
7 medical expenses shall include a provision for the payment of  
8 necessary behavioral health services provided by any of the  
9 following:

10     *a.* A licensed master social worker who is licensed by the  
11 board of social work as a master social worker pursuant to  
12 section 154C.3, subsection 1, paragraph "b", and who provides  
13 services under the supervision of an independent social worker  
14 licensed pursuant to section 154C.3, subsection 1, paragraph  
15 "c".

16     *b.* A licensed mental health counselor or a licensed  
17 marital and family therapist who holds a temporary license to  
18 practice mental health counseling or marital and family therapy  
19 pursuant to section 154D.7, and who provides services under  
20 the supervision of a qualified supervisor as determined by the  
21 board of behavioral science by rule.

22     2. A policy or contract subject to this section shall  
23 not impose a practice or supervision restriction which is  
24 inconsistent with or more restrictive than the authority  
25 already granted by law, including the authority to provide  
26 supervision in person or remotely through electronic means as  
27 specified by rule of the applicable licensing board.

28     3. The requirements of this section apply to and supersede  
29 any conflicting requirements regarding services provided under  
30 a policy or contract, which is delivered, issued for delivery,  
31 continued, or renewed in this state on or after the effective  
32 date of this Act, and apply to and supersede any conflicting  
33 requirements regarding services contained in an existing policy  
34 or contract on the policy's or contract's anniversary or  
35 renewal date, whichever is later.

1 4. For the purposes of this section, third-party payment or  
2 prepayment includes an individual or group policy of accident  
3 or health insurance or individual or group hospital or health  
4 care service contract issued pursuant to chapter 509, 514, or  
5 514A, an individual or group health maintenance organization  
6 contract issued and regulated under chapter 514B, or a  
7 preferred provider organization contract regulated pursuant to  
8 chapter 514F.

9 5. Nothing in this section shall be interpreted to require  
10 an individual or group health maintenance organization or a  
11 preferred provider organization or arrangement to provide  
12 payment or prepayment for services provided by a licensed  
13 master social worker providing behavioral health services  
14 under the supervision of an independent social worker, or to  
15 a licensed mental health counselor or licensed marital and  
16 family therapist who holds a temporary license to practice  
17 mental health counseling or marital and family therapy  
18 providing behavioral health services under the supervision of  
19 a qualified supervisor, as specified in this section, unless  
20 the supervising independent social worker or the qualified  
21 supervisor, respectively, has entered into a contract or other  
22 agreement to provide behavioral health services with the  
23 individual or group health maintenance organization or the  
24 preferred provider organization or arrangement.

25 Sec. 141. NEW SECTION. 514C.33 **Services provided by**  
26 **provisionally licensed psychologists.**

27 1. Notwithstanding section 514C.6, a policy or contract  
28 providing for third-party payment or prepayment of health or  
29 medical expenses shall include a provision for the payment of  
30 necessary behavioral health services provided by a person who  
31 holds a provisional license to practice psychology pursuant to  
32 section 154B.6, and who practices under the supervision of a  
33 supervisor who meets the qualifications determined by the board  
34 of psychology by rule.

35 2. A policy or contract subject to this section shall

1 not impose a practice or supervision restriction which is  
2 inconsistent with or more restrictive than the authority  
3 already granted by law, including the authority to provide  
4 supervision in person or remotely through electronic means as  
5 specified by rule of the board of psychology.

6 3. The requirements of this section apply to and supersede  
7 any conflicting requirements regarding services provided under  
8 a policy or contract which is delivered, issued for delivery,  
9 continued, or renewed in this state on or after the effective  
10 date of this Act, and apply to and supersede any conflicting  
11 requirements regarding services contained in an existing policy  
12 or contract on the policy's or contract's anniversary or  
13 renewal date, whichever is later.

14 4. For the purposes of this section, third-party payment or  
15 prepayment includes an individual or group policy of accident  
16 or health insurance or individual or group hospital or health  
17 care service contract issued pursuant to chapter 509, 514, or  
18 514A, an individual or group health maintenance organization  
19 contract issued and regulated under chapter 514B, or a  
20 preferred provider organization contract regulated pursuant to  
21 chapter 514F.

22 5. Nothing in this section shall be interpreted to require  
23 an individual or group health maintenance organization or a  
24 preferred provider organization or arrangement to provide  
25 payment or prepayment for services provided by a provisionally  
26 licensed psychologist providing behavioral health services  
27 under the supervision of a supervisor as specified in this  
28 section, unless the supervisor has entered into a contract or  
29 other agreement to provide behavioral health services with the  
30 individual or group health maintenance organization or the  
31 preferred provider organization or arrangement.

32 Sec. 142. EFFECTIVE DATE. This division of this Act, being  
33 deemed of immediate importance, takes effect upon enactment.

34

DIVISION XXIX

35

PHARMACY BENEFITS MANAGER — RIGHTS OF COVERED INDIVIDUALS



1     Sec. 143. NEW SECTION. 510B.10 Rights related to covered  
2 individuals.

3     1. A pharmacy or pharmacist, as defined in section 155A.3,  
4 has the right to provide a covered individual information  
5 regarding the amount of the covered individual's cost share  
6 for a prescription drug. A pharmacy benefits manager shall  
7 not prohibit a pharmacy or pharmacist from discussing any such  
8 information or from selling a more affordable alternative to  
9 the covered individual, if one is available.

10    2. A health benefit plan, as defined in section 514J.102,  
11 issued or renewed on or after July 1, 2018, that provides  
12 coverage for pharmacy benefits shall not require a covered  
13 individual to pay a copayment for pharmacy benefits that  
14 exceeds the pharmacy's or pharmacist's submitted charges.

15    3. Any amount paid by a covered individual for a covered  
16 prescription drug pursuant to this section shall be applied  
17 toward any deductible imposed by the covered individual's  
18 health benefit plan in accordance with the covered individual's  
19 health benefit plan coverage documents.

20    4. To the extent that any provision of this section is  
21 inconsistent or conflicts with applicable federal law, rule,  
22 or regulation, such federal law, rule, or regulation shall  
23 prevail to the extent necessary to eliminate the inconsistency  
24 or conflict.