

House File 690 - Reprinted

HOUSE FILE 690
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 206)

(As Amended and Passed by the House March 21, 2019)

A BILL FOR

1 An Act relating to mental health and disability services,
2 including the establishment of a children's behavioral
3 health system and a children's behavioral health system
4 state board, and requiring certain children's behavioral
5 health core services.

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

1 Section 1. Section 225C.2, Code 2019, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 1A. *“Child”* or *“children”* means a person or
4 persons under eighteen years of age.

5 NEW SUBSECTION. 1B. *“Children’s behavioral health*
6 *services”* means services for children with a serious emotional
7 disturbance.

8 NEW SUBSECTION. 1C. *“Children’s behavioral health system”* or
9 *“children’s system”* means the behavioral health service system
10 for children implemented pursuant to this subchapter.

11 NEW SUBSECTION. 11. *“Serious emotional disturbance”* means
12 a diagnosable mental, behavioral, or emotional disorder of
13 sufficient duration to meet diagnostic criteria specified
14 within the most current diagnostic and statistical manual
15 of mental disorders published by the American psychiatric
16 association that results in a functional impairment. *“Serious*
17 *emotional disturbance”* does not include substance use and
18 developmental disorders unless such disorders co-occur with
19 such a diagnosable mental, behavioral, or emotional disorder.

20 NEW SUBSECTION. 12. *“State board”* means the children’s
21 behavioral health system state board created in section
22 225C.51.

23 Sec. 2. Section 225C.2, subsection 9, Code 2019, is amended
24 by striking the subsection.

25 Sec. 3. Section 225C.4, subsection 1, Code 2019, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. *0c.* Assist the state board in planning for
28 community-based children’s behavioral health services.

29 Sec. 4. Section 225C.4, subsection 1, paragraphs d and j,
30 Code 2019, are amended to read as follows:

31 *d.* Encourage and facilitate coordination of mental health
32 and disability services with the objective of developing and
33 maintaining in the state a mental health and disability service
34 delivery system to provide ~~disability~~ services to all persons
35 in this state who need the services, regardless of the place

1 of residence or economic circumstances of those persons. The
2 administrator shall work with the commission and other state
3 agencies, including but not limited to the departments of
4 corrections, education, and public health and the state board
5 of regents, to develop and implement a strategic plan to expand
6 access to qualified mental health workers across the state.

7 *j.* Establish and maintain a data collection and management
8 information system oriented to the needs of patients,
9 providers, the department, and other programs or facilities in
10 accordance with [section 225C.6A](#). The system shall be used to
11 identify, collect, and analyze service outcome and performance
12 measures data in order to assess the effects of the services on
13 the persons utilizing the services. The administrator shall
14 annually submit to the commission information collected by the
15 department indicating the changes and trends in the mental
16 health and disability services system. The administrator shall
17 make the outcome data available to the public.

18 Sec. 5. Section 225C.4, subsection 1, Code 2019, is amended
19 by adding the following new paragraphs:

20 NEW PARAGRAPH. *Ok.* Encourage and facilitate coordination
21 of children's behavioral health services with the objective of
22 developing and maintaining in the state a children's behavioral
23 health system to provide behavioral health services to all
24 children in this state who need the services, regardless of the
25 place of residence or economic circumstances of those children.
26 The administrator shall work with the state board and other
27 state agencies including but not limited to the department of
28 education and the department of public health to develop and
29 implement a strategic plan to expand access to qualified mental
30 health workers across the state.

31 NEW PARAGRAPH. *00k.* Establish and maintain a data
32 collection and management information system oriented to the
33 needs of children utilizing the children's behavioral health
34 system, providers, the department, and other programs or
35 facilities in accordance with [section 225C.6A](#). The system

1 shall be used to identify, collect, and analyze service
2 outcome and performance measures data in order to assess the
3 effects of the services on the children utilizing the services.
4 The administrator shall annually submit to the state board
5 information collected by the department indicating the changes
6 and trends in the children's behavioral health system. The
7 administrator shall make the outcome data available to the
8 public.

9 Sec. 6. Section 225C.4, subsection 1, paragraph u, Code
10 2019, is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (9) School attendance.

12 Sec. 7. Section 225C.6B, subsection 3, Code 2019, is amended
13 by adding the following new paragraph:

14 NEW PARAGRAPH. c. Children's behavioral health services
15 provided to eligible children that are not covered under the
16 medical assistance program or other third-party payor are the
17 responsibility of the county-based regional service system.

18 Sec. 8. NEW SECTION. **225C.51 Children's behavioral health**
19 **system state board.**

20 1. A children's behavioral health system state board
21 is created as the state body to provide guidance on the
22 implementation and management of a children's behavioral health
23 system for the provision of services to children with a serious
24 emotional disturbance. The state board's public voting members
25 shall be appointed to four-year staggered terms by the governor
26 and are subject to confirmation by the senate. All other
27 state board voting members shall be appointed to four-year
28 staggered terms and are not subject to confirmation by the
29 senate. State board members shall be appointed on the basis of
30 interest and experience in the fields of children's behavioral
31 health to ensure adequate representation from persons with life
32 experiences and from persons knowledgeable about children's
33 behavioral health services. The department shall provide
34 support to the state board, and the board may utilize staff
35 support and other assistance provided to the state board by

1 other persons. The state board shall meet at least four times
2 per year. The membership of the state board shall consist of
3 the following persons who, at the time of appointment to the
4 state board, are active members of the indicated groups:

5 *a.* The director of the department or the director's
6 designee.

7 *b.* The director of the department of education or the
8 director's designee.

9 *c.* The director of the department of public health or the
10 director's designee.

11 *d.* The director of workforce development or the director's
12 designee.

13 *e.* One member shall be selected from nominees submitted by
14 the state court administrator.

15 *f.* One member shall be selected from nominees submitted
16 by the early childhood Iowa office in the department of
17 management.

18 *g.* One member shall be a member of the mental health and
19 disability services commission.

20 *h.* One member shall be a board member or an employee of a
21 provider of mental health services to children.

22 *i.* One member shall be a board member or an employee of a
23 provider of child welfare services.

24 *j.* One member shall be an administrator of an area education
25 agency.

26 *k.* One member shall be an educator, counselor, or
27 administrator of a school district.

28 *l.* One member shall be a representative of an established
29 advocacy organization whose mission or purpose it is, in part,
30 to further goals related to children's mental health.

31 *m.* One member shall be a parent or guardian of a child
32 currently utilizing or who has utilized behavioral health
33 services.

34 *n.* One member shall be a sheriff.

35 *o.* One member shall be a pediatrician.

1 *p.* One member shall be a representative from a health care
2 system.

3 *q.* One member shall be a chief executive officer of a mental
4 health and disability services region.

5 *r.* In addition to the voting members, the membership shall
6 include four members of the general assembly with one member
7 designated by each of the following: the majority leader of
8 the senate, the minority leader of the senate, the speaker of
9 the house of representatives, and the minority leader of the
10 house of representatives. A legislative member serves for a
11 term as provided in section 69.16B in a nonvoting, ex officio
12 capacity and is not eligible for per diem and expenses as
13 provided in section 2.10.

14 2. The four-year terms shall begin and end as provided in
15 section 69.19. Vacancies on the state board shall be filled as
16 provided in section 2.32. A member shall not be appointed for
17 more than two consecutive four-year terms.

18 3. The director and the director of the department of
19 education, or their designees, shall serve as co-chairpersons
20 of the state board. Board members shall not be entitled to a
21 per diem as specified in section 7E.6 and shall not be entitled
22 to actual and necessary expenses incurred while engaged in
23 their official duties.

24 Sec. 9. NEW SECTION. **225C.52 Children's behavioral health**
25 **system state board — duties.**

26 To the extent funding is available, the state board shall
27 perform the following duties:

28 1. Advise the administrator on the administration of the
29 children's behavioral health system.

30 2. Provide consultation services to agencies regarding
31 the development of administrative rules for the children's
32 behavioral health system.

33 3. Identify behavioral health outcomes and indicators for
34 eligible children with a serious emotional disturbance to
35 promote children living with their own families and in the

1 community.

2 4. Submit a written report on or before December 1 of each
3 year to the governor and the general assembly. At a minimum,
4 the report shall include a summary of all activities undertaken
5 by the state board, a summary of state board activities,
6 and results from identified behavioral health outcomes and
7 indicators for the children's behavioral health system.

8 Sec. 10. Section 331.388, Code 2019, is amended by adding
9 the following new subsections:

10 NEW SUBSECTION. 01. "*Children's behavioral health services*"
11 means the same as defined in section 225C.2.

12 NEW SUBSECTION. 4A. "*Serious emotional disturbance*" means
13 the same as defined in section 225C.2.

14 NEW SUBSECTION. 4B. "*State board*" means the children's
15 system state board created in section 225C.51.

16 Sec. 11. Section 331.390, subsection 2, Code 2019, is
17 amended by striking the subsection and inserting in lieu
18 thereof the following:

19 2. The governing board shall comply with all of the
20 following requirements:

21 a. The voting membership of the governing board shall
22 consist of at least one board of supervisors member from each
23 county comprising the region or their designees.

24 b. The membership of the governing board shall also include
25 one adult person who utilizes mental health and disability
26 services or is an actively involved relative of such an adult
27 person. This member shall be designated by the regional
28 advisory committee formed by the governing board pursuant to
29 paragraph "h".

30 c. The membership of the governing board shall not include
31 employees of the department of human services or an unelected
32 employee of a county.

33 d. The membership of the governing board shall also consist
34 of one member representing adult service providers in the
35 region. This member shall be designated by the regional

1 advisory committee formed by the governing board pursuant to
2 paragraph "h". The member designated in accordance with this
3 paragraph shall serve in a nonvoting, ex officio capacity.

4 e. The membership of the governing board shall also
5 consist of one member representing children's behavioral
6 health services providers in the region. This member shall be
7 designated by the regional children's advisory committee formed
8 by the governing board pursuant to paragraph "i". The member
9 designated in accordance with this paragraph shall serve in a
10 nonvoting, ex officio capacity.

11 f. The membership of the governing board shall also consist
12 of one member representing the education system in the region.
13 This member shall be designated by the regional children's
14 advisory committee formed by the governing board pursuant to
15 paragraph "i".

16 g. The membership of the governing board shall also
17 consist of one member who is a parent of a child who utilizes
18 children's behavioral health services or actively involved
19 relatives of such children. This member shall be designated
20 by the regional children's advisory committee formed by the
21 governing board pursuant to paragraph "i".

22 h. The governing board shall have a regional advisory
23 committee consisting of adults who utilize services or actively
24 involved relatives of such adults, service providers, and
25 regional governing board members.

26 i. The governing board shall have a regional children's
27 advisory committee consisting of parents of children who
28 utilize services or actively involved relatives of such
29 children, a member of the education system, an early childhood
30 advocate, a child welfare advocate, a children's behavioral
31 health service provider, a member of the juvenile court, a
32 pediatrician, a child care provider, a local law enforcement
33 representative, and regional governing board members.

34 Sec. 12. Section 331.390, subsection 3, paragraph b, Code
35 2019, is amended to read as follows:

1 *b.* The regional administrator staff shall include one or
2 more coordinators of mental health and disability services
3 and one or more coordinators of children's behavioral
4 health services. A coordinator shall possess a bachelor's
5 or higher level degree in a human services-related or
6 administration-related field, including but not limited
7 to social work, psychology, nursing, or public or business
8 administration, from an accredited college or university.
9 However, in lieu of a degree in public or business
10 administration, a coordinator may provide documentation of
11 relevant management experience. An action of a coordinator
12 involving a clinical decision shall be made in conjunction with
13 a professional who is trained in the delivery of the mental
14 health or disability service or children's behavioral health
15 service addressed by the clinical decision. The regional
16 administrator shall determine whether referral to a coordinator
17 of mental health and disability services or children's
18 behavioral health services is required for a person or child
19 seeking to access a service through a local access point of the
20 regional service system or the children's behavioral health
21 system.

22 Sec. 13. Section 331.393, subsection 2, Code 2019, is
23 amended by adding the following new paragraphs:

24 NEW PARAGRAPH. *i.* The scope of children's behavioral health
25 core services. Each service included shall be described and a
26 projection of need shall be included.

27 NEW PARAGRAPH. *j.* The eligibility requirements for
28 children's behavioral health core services under the children's
29 behavioral health system.

30 Sec. 14. Section 331.393, subsection 4, paragraph g,
31 subparagraph (1), Code 2019, is amended to read as follows:

32 (1) Performance and outcome measures relating to the
33 health, safety, education, work performance, and community
34 residency of the persons receiving the services.

35 Sec. 15. Section 331.396, subsection 1, paragraph b, Code

1 2019, is amended to read as follows:

2 **b.** The person is at least eighteen years of age and is a
3 resident of this state. ~~However, a person who is seventeen~~
4 ~~years of age, is a resident of this state, and is receiving~~
5 ~~publicly funded children's services may be considered eligible~~
6 ~~for services through the regional service system during the~~
7 ~~three-month period preceding the person's eighteenth birthday~~
8 ~~in order to provide a smooth transition from children's to~~
9 ~~adult services.~~

10 Sec. 16. Section 331.396, subsection 1, paragraph d, Code
11 2019, is amended by striking the paragraph.

12 Sec. 17. NEW SECTION. **331.396A Eligibility requirements —**
13 **children's behavioral health services.**

14 A child shall be eligible for behavioral health services
15 under the regional service system if all of the following
16 conditions are met:

17 1. The child is under eighteen years of age and is a
18 resident of this state.

19 2. The child has been diagnosed with a serious emotional
20 disturbance.

21 3. *a.* The child's family has a family income equal to or
22 less than five hundred percent of the federal poverty level as
23 defined by the most recently revised poverty income guidelines
24 published by the United States department of health and human
25 services.

26 *b.* Notwithstanding paragraph "a", a child's family whose
27 household income is between one hundred fifty percent but not
28 more than five hundred percent of the federal poverty level
29 shall be eligible for behavioral health services subject to
30 a copayment, a single statewide sliding fee scale, or other
31 cost-sharing requirements approved by the department.

32 Sec. 18. NEW SECTION. **331.397A Children's behavioral health**
33 **core services.**

34 1. For the purposes of this section, unless the context
35 otherwise requires, "domain" means a set of similar behavioral

1 health services that can be provided depending on a child's
2 service needs.

3 2. a. (1) A region shall work with children's behavioral
4 health service providers to ensure that services in the
5 required behavioral health core service domains in subsection
6 4 are available to children who are residents of the region,
7 regardless of any potential payment source for the services.

8 (2) Subject to the available appropriations, the director
9 of human services shall ensure the behavioral health core
10 service domains listed in subsection 4 are covered services
11 for the medical assistance program under chapter 249A to the
12 greatest extent allowable under federal regulations. The
13 medical assistance program shall reimburse Medicaid enrolled
14 providers for Medicaid covered services under subsection 4 when
15 the services are medically necessary, the Medicaid enrolled
16 provider submits an appropriate claim for such services, and
17 no other third-party payor is responsible for reimbursement
18 of such services. Within the funds available, the region
19 shall pay for such services for eligible children when payment
20 through the medical assistance program or another third-party
21 payment is not available, unless the child is on a waiting list
22 for such payment or it has been determined that the child does
23 not meet the eligibility criteria for any such service.

24 b. Until funding is designed for other service populations,
25 eligibility for the service domains listed in this section
26 shall be limited to such children who are in need of behavioral
27 health services.

28 3. Pursuant to recommendations made by the state board, the
29 department of human services shall adopt rules to define the
30 services included in the core domains listed in this section.
31 The rules shall provide service definitions, service provider
32 standards, service access standards, and service implementation
33 dates, and shall provide consistency, to the extent possible,
34 with similar service definitions under the medical assistance
35 program.

1 4. The children's behavioral health core service domains
2 shall include all of the following:

3 a. Treatment designed to ameliorate a child's serious
4 emotional disturbance, including but not limited to all of the
5 following:

6 (1) Prevention, early identification, early intervention,
7 and education.

8 (2) Assessment and evaluation relating to eligibility for
9 services.

10 (3) Medication prescribing and management.

11 (4) Behavioral health outpatient therapy.

12 b. Comprehensive facility and community-based crisis
13 services regardless of a diagnosis of a serious emotional
14 disturbance, including all of the following:

15 (1) Mobile response.

16 (2) Crisis stabilization community-based services.

17 (3) Crisis stabilization residential services.

18 (4) Behavioral health inpatient treatment.

19 5. A region shall ensure that services within the following
20 additional core service domains are available to children not
21 eligible for the medical assistance program under chapter 249A
22 or receiving other third-party payment for the services, when
23 public funds are made available for such services:

24 a. Treatment designed to ameliorate a child's serious
25 emotional disturbance including but not limited to behavioral
26 health school-based therapy.

27 b. Support for community living including but not limited
28 to all of the following:

29 (1) Family support.

30 (2) Peer support.

31 (3) Therapeutic foster care.

32 (4) Respite care.

33 c. Transition services for children to the adult mental
34 health system providing an appropriate match with a child's
35 abilities based upon informed, person-centered choices made

1 from an array of options including but not limited to all of
2 the following:

- 3 (1) Day habilitation.
- 4 (2) Job development.
- 5 (3) Supported employment.
- 6 (4) Prevocational services.
- 7 (5) Educational services.

8 d. Service coordination including physical health and
9 primary care that follow the principles of the system of care
10 including but not limited to all of the following:

- 11 (1) Care coordination.
- 12 (2) Health homes.

13 Sec. 19. DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF
14 PUBLIC HEALTH — CRISIS HOTLINE. The department of human
15 services and the department of public health shall provide
16 a single, statewide twenty-four-hour crisis hotline that
17 incorporates information for families of children with a
18 serious emotional disturbance which may be provided through
19 expansion of the YourLifeIowa platform.

20 Sec. 20. MENTAL HEALTH AND DISABILITY SERVICES REGION
21 — CHILDREN'S BEHAVIORAL HEALTH SERVICES IMPLEMENTATION
22 PLAN. Each mental health and disability services region shall
23 submit to the department of human services an implementation
24 plan to implement children's behavioral health services
25 described under section 331.397A, as enacted in this Act, no
26 later than April 1, 2020.

27 Sec. 21. DEPARTMENT OF HUMAN SERVICES — RULES. The
28 department of human services shall submit a notice of intended
29 action to the administrative rules coordinator and the
30 Iowa administrative code editor pursuant to section 17A.4,
31 subsection 1, paragraph "a", not later than January 1, 2020,
32 for the adoption of rules to implement this Act.

33 Sec. 22. REPEAL. Sections 225C.51, 225C.52, 225C.53, and
34 225C.54, Code 2019, are repealed.

35 Sec. 23. CODE EDITOR'S DIRECTIVES. The Code editor may

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1 change the current subchapter title of chapter 225C, subchapter
2 VI, to "CHILDREN'S BEHAVIORAL HEALTH SYSTEM".

3 The Code editor may change the current subchapter title of
4 chapter 331, part 6, to "MENTAL HEALTH AND DISABILITY SERVICES
5 — REGIONAL SERVICE SYSTEM — CHILDREN'S BEHAVIORAL HEALTH
6 SYSTEM".