

House File 726 - Reprinted

HOUSE FILE 726
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 549)

(As Amended and Passed by the House March 20, 2019)

A BILL FOR

1 An Act relating to certain health and human services-related
2 entities including membership, reimbursement, and the
3 elimination or combining of such entities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

IOWA COLLABORATIVE SAFETY NET PROVIDER NETWORK

Section 1. Section 135.24, subsection 7, paragraph e, Code 2019, is amended to read as follows:

e. "Specialty health care provider office" means the private office or clinic of an individual specialty health care provider or group of specialty health care providers as referred by the Iowa collaborative safety net provider network established in [section 135.153](#), but does not include a field dental clinic, a free clinic, or a hospital.

Sec. 2. Section 135.159, subsection 1, paragraph h, Code 2019, is amended by striking the paragraph.

Sec. 3. REPEAL. Section 135.153, Code 2019, is repealed.

DIVISION II

HOSPITAL HEALTH CARE ACCESS TRUST FUND BOARD

Sec. 4. Section 249M.4, Code 2019, is amended to read as follows:

249M.4 Hospital health care access trust fund — board.

1. A hospital health care access trust fund is created in the state treasury under the authority of the department. Moneys received through the collection of the hospital health care access assessment imposed under [this chapter](#) and any other moneys specified for deposit in the trust fund shall be deposited in the trust fund.

2. Moneys in the trust fund shall be used, subject to their appropriation by the general assembly, by the department to reimburse participating hospitals the medical assistance program upper payment limit for inpatient and outpatient hospital services as calculated in [this section](#). Following payment of such upper payment limit to participating hospitals, any remaining funds in the trust fund on an annual basis may be used for any of the following purposes:

a. To support medical assistance program utilization shortfalls.

b. To maintain the state's capacity to provide access to and

1 delivery of services for vulnerable Iowans.

2 *c.* To fund the health care workforce support initiative
3 created pursuant to [section 135.175](#).

4 *d.* To support access to health care services for uninsured
5 Iowans.

6 *e.* To support Iowa hospital programs and services which
7 expand access to health care services for Iowans.

8 3. The trust fund shall be separate from the general fund
9 of the state and shall not be considered part of the general
10 fund. The moneys in the trust fund shall not be considered
11 revenue of the state, but rather shall be funds of the hospital
12 health care access assessment program. The moneys deposited
13 in the trust fund are not subject to [section 8.33](#) and shall not
14 be transferred, used, obligated, appropriated, or otherwise
15 encumbered, except to provide for the purposes of [this chapter](#).
16 Notwithstanding [section 12C.7, subsection 2](#), interest or
17 earnings on moneys deposited in the trust fund shall be
18 credited to the trust fund.

19 4. The department shall adopt rules pursuant to chapter
20 17A to administer the trust fund and reimbursements and
21 expenditures as specified in [this chapter](#) made from the trust
22 fund.

23 5. *a.* Beginning July 1, 2010, or the implementation date
24 of the hospital health care access assessment program as
25 determined by receipt of approval from the centers for Medicare
26 and Medicaid services of the United States department of health
27 and human services, whichever is later, the department shall
28 increase the diagnostic related groups and ambulatory patient
29 classifications base rates to provide payments to participating
30 hospitals at the Medicare upper payment limit for the fiscal
31 year beginning July 1, 2010, calculated as of July 31, 2010.
32 Each participating hospital shall receive the same percentage
33 increase, but the percentage may differ depending on whether
34 the basis for the base rate increase is the diagnostic related
35 groups or ambulatory patient classifications.

1 *b.* The percentage increase shall be calculated by dividing
2 the amount calculated under subparagraph (1) by the amount
3 calculated under subparagraph (2) as follows:

4 (1) The amount under the Medicare upper payment limit for
5 the fiscal year beginning July 1, 2010, for participating
6 hospitals.

7 (2) The projected expenditures for participating hospitals
8 for the fiscal year beginning July 1, 2010, as determined by
9 the fiscal management division of the department, plus the
10 amount calculated under subparagraph (1).

11 6. For the fiscal year beginning July 1, 2011, and for
12 each fiscal year beginning July 1, thereafter, the payments to
13 participating hospitals shall continue to be calculated based
14 on the upper payment limit as calculated for the fiscal year
15 beginning July 1, 2010.

16 7. Reimbursement of participating hospitals shall
17 incorporate the rebasing process for inpatient and outpatient
18 services for state fiscal year 2012. However, the total amount
19 of increased funding available for reimbursement attributable
20 to rebasing shall not exceed four million five hundred thousand
21 dollars for state fiscal year 2012 and six million dollars for
22 state fiscal year 2013.

23 8. Any payments to participating hospitals under this
24 section shall result in budget neutrality to the general fund
25 of the state.

26 ~~9. *a.* A hospital health care access trust fund board is
27 established consisting of the following members:~~

28 ~~(1) The co-chairpersons and the ranking members of the joint
29 appropriations subcommittee on health and human services.~~

30 ~~(2) The Iowa medical assistance program director.~~

31 ~~(3) Two hospital executives representing the two largest
32 private health care systems in the state.~~

33 ~~(4) The president of the Iowa hospital association.~~

34 ~~(5) A representative of a consumer advocacy group, involved
35 in both state and national initiatives, that provides data on~~

1 ~~key indicators of well-being for children and families in order~~
2 ~~to inform policymakers to help children and families succeed.~~

3 ~~b. The board shall do all of the following:~~

4 ~~(1) Provide oversight of the trust fund.~~

5 ~~(2) Make recommendations regarding the hospital health care~~
6 ~~access assessment program, including recommendations regarding~~
7 ~~the assessment calculation, assessment amounts, payments to~~
8 ~~participating hospitals, and use of the moneys in the trust~~
9 ~~fund.~~

10 ~~(3) Submit an annual report to the governor and the general~~
11 ~~assembly regarding the use and expenditure of moneys deposited~~
12 ~~in the trust fund.~~

13 ~~c. The department shall provide administrative assistance~~
14 ~~to the board.~~

15 DIVISION III

16 ADVISORY COMMITTEE TO THE CENTER FOR RURAL HEALTH AND PRIMARY
17 CARE

18 Sec. 5. Section 135.107, subsection 5, Code 2019, is amended
19 by striking the subsection.

20 Sec. 6. Section 262.78, subsection 3, Code 2019, is amended
21 to read as follows:

22 3. The president of the university of Iowa, in consultation
23 with the president of Iowa state university of science and
24 technology, shall employ a full-time director of the center.
25 The center may employ staff to carry out the center's purpose.
26 The director shall coordinate the agricultural health and
27 safety programs of the center. The director shall regularly
28 meet and consult with the ~~advisory committee to the center for~~
29 ~~rural health and primary care.~~ The director shall provide
30 the board of regents with relevant information regarding the
31 center.

32 DIVISION IV

33 GOVERNMENTAL PUBLIC HEALTH ADVISORY COUNCIL

34 Sec. 7. Section 135A.2, subsection 2, Code 2019, is amended
35 by striking the subsection.

1 Sec. 8. Section 135A.9, subsection 1, Code 2019, is amended
2 by striking the subsection.

3 Sec. 9. REPEAL. Section 135A.4, Code 2019, is repealed.

4 DIVISION V

5 PATIENT-CENTERED HEALTH ADVISORY COUNCIL

6 Sec. 10. REPEAL. Section 135.159, Code 2019, is repealed.

7 DIVISION VI

8 COMBINING STATE MEDICAL EXAMINER ADVISORY COUNCIL WITH THE
9 INTERAGENCY COORDINATING COUNCIL

10 Sec. 11. Section 691.6B, Code 2019, is amended to read as
11 follows:

12 **691.6B Interagency coordinating council.**

13 1. An interagency coordinating council is created to advise
14 do all of the following:

15 a. Advise and consult with the state medical examiner on a
16 range of issues affecting the organization and functions of the
17 office of the state medical examiner and the effectiveness of
18 the medical examiner system in the state.

19 b. Advise the state medical examiner concerning the
20 assurance of effective coordination of the functions and
21 operations of the office of the state medical examiner with the
22 needs and interests of the departments of public safety and
23 public health.

24 2. Members of the interagency coordinating council shall
25 include ~~the~~ all of the following:

26 a. The state medical examiner, or when the state medical
27 examiner is not available, the deputy state medical examiner,
28 the.

29 b. The commissioner of public safety or the commissioner's
30 designee, ~~the.~~

31 c. The director of public health or the director's designee,
32 and the.

33 d. The governor or the governor's designee.

34 e. Representatives from the office of the attorney general,
35 the Iowa county attorneys association, the Iowa medical

1 society, the Iowa association of pathologists, the Iowa
2 association of medical examiners, the statewide emergency
3 medical system, and the Iowa funeral directors association.

4 3. The interagency coordinating council shall meet on
5 a regular basis, and shall be organized and function as
6 established by the state medical examiner by rule.

7 Sec. 12. REPEAL. Section 691.6C, Code 2019, is repealed.

8 DIVISION VII

9 TOBACCO USE PREVENTION AND CONTROL COMMISSION — MEMBERSHIP —
10 MEETINGS — EXPENSES

11 Sec. 13. Section 142A.3, subsection 6, Code 2019, is amended
12 to read as follows:

13 ~~6. Citizen members shall be reimbursed for actual and~~
14 ~~necessary expenses incurred in performance of their duties.~~
15 ~~Citizen members shall be paid a per diem as specified in~~
16 ~~section 7E.6.~~ Legislative members are eligible for per diem
17 and expenses as provided in [section 2.10](#).

18 Sec. 14. Section 142A.3, subsection 9, Code 2019, is amended
19 to read as follows:

20 9. The commission shall elect a chairperson from among its
21 voting members and may select other officers from among its
22 voting members, as determined necessary by the commission.
23 The commission shall meet regularly no more than quarterly as
24 determined by the commission, upon the call of the chairperson,
25 or upon the call of a majority of the voting members.

26 Sec. 15. TOBACCO USE PREVENTION AND CONTROL COMMISSION —
27 MEMBERSHIP REDUCTION. The tobacco use prevention and control
28 commission shall evaluate the membership of the commission
29 and shall submit to the department of public health the
30 commission's recommendation, to be submitted by the director
31 of public health as proposed legislation in compliance with
32 section 2.16 for consideration by the general assembly during
33 the 2020 legislative session, to reduce the number of voting
34 members from nine to seven members.

35 DIVISION VIII

1 TRAUMA SYSTEM ADVISORY COUNCIL

2 Sec. 16. Section 147A.24, subsection 2, Code 2019, is
3 amended to read as follows:

4 2. The council shall consist of seven members to be
5 appointed by the director from the recommendations of
6 the organizations in subsection 1 for terms of two years.
7 Vacancies on the council shall be filled for the remainder of
8 the term of the original appointment. Members whose terms
9 expire may be reappointed.

10 Sec. 17. TRANSITION PROVISIONS. Notwithstanding any
11 provision of section 147A.24, subsection 2, to the contrary, a
12 member of the trauma system advisory council on July 1, 2019,
13 shall continue serving until the expiration of that member's
14 term or until a vacancy occurs prior to the expiration of the
15 applicable term, and such vacancy shall only be filled to the
16 extent consistent with and necessary to maintain the total
17 number of members of the council specified in section 147A.24,
18 subsection 2, as amended in this Act.

19 DIVISION IX

20 TELECONFERENCE OPTION FOR STATE ENTITIES

21 Sec. 18. NEW SECTION. 135.11B **Statutory board, commission,**
22 **committee, or council of committee — teleconference option.**

23 Any statutorily established board, commission, committee, or
24 council established under the purview of the department shall
25 provide for a teleconference option for board, commission,
26 committee, or council members to participate in official
27 meetings.

28 DIVISION X

29 ELIMINATION OF PAYMENT OF EXPENSES FOR PUBLIC MEMBERS OF
30 CERTAIN STATE ENTITIES

31 Sec. 19. Section 105.3, subsection 6, Code 2019, is amended
32 by striking the subsection.

33 Sec. 20. Section 135.43, subsection 2, unnumbered paragraph
34 1, Code 2019, is amended to read as follows:

35 The membership of the review team is subject to the

1 provisions of [sections 69.16](#) and [69.16A](#), relating to political
2 affiliation and gender balance. Review team members who
3 are not designated by another appointing authority shall be
4 appointed by the state medical examiner. Membership terms
5 shall be for three years. A membership vacancy shall be filled
6 in the same manner as the original appointment. The review
7 team shall elect a chairperson and other officers as deemed
8 necessary by the review team. The review team shall meet upon
9 the call of the state medical examiner or as determined by
10 the review team. ~~The members of the team are eligible for~~
11 ~~reimbursement of actual and necessary expenses incurred in the~~
12 ~~performance of their official duties.~~ The review team shall
13 include the following:

14 Sec. 21. Section 135.62, subsection 2, paragraph e, Code
15 2019, is amended by striking the paragraph.

16 Sec. 22. Section 147A.3, Code 2019, is amended to read as
17 follows:

18 **147A.3 Meetings of the council — quorum — ~~expenses.~~**

19 Membership, terms of office, and quorum, ~~and expenses~~ shall
20 be determined by the director pursuant to [chapter 135](#).

21 Sec. 23. Section 256I.3, subsection 3, Code 2019, is amended
22 by striking the subsection.

23 DIVISION XI

24 ELIMINATION OF CHILD WELFARE ADVISORY COMMITTEE, CHILD
25 SUPPORT ADVISORY COMMITTEE, CHILDREN'S MENTAL HEALTH WAIVER
26 IMPLEMENTATION COMMITTEE, AND PROPERTY TAX RELIEF FUND RISK
27 POOL.

28 Sec. 24. Section 217.3A, subsection 1, Code 2019, is amended
29 to read as follows:

30 1. *General.* The council on human services shall establish
31 and utilize the advisory ~~committees~~ committee identified in
32 this section and may establish and utilize other advisory
33 committees. The council shall establish appointment
34 provisions, membership terms, operating guidelines, and other
35 operational requirements for committees established pursuant to

1 this section.

2 Sec. 25. Section 217.3A, subsections 3 and 4, Code 2019, are
3 amended by striking the subsections.

4 Sec. 26. Section 426B.5, subsection 1, Code 2019, is amended
5 by striking the subsection.

6 Sec. 27. 2005 Iowa Acts, chapter 117, section 4, subsection
7 3, is amended by striking the subsection.

8 DIVISION XII

9 MEDICAL ASSISTANCE ADVISORY COUNCIL

10 Sec. 28. MEDICAL ASSISTANCE ADVISORY COUNCIL — VOTING
11 MEMBER SUSPENSION. Notwithstanding any provision of law to the
12 contrary, if a representative of a professional or business
13 entity, a public member, or a member of the hawk-i board who
14 is a voting member of the medical assistance advisory council
15 pursuant to section 249A.4B, subsection 2, is absent for
16 two consecutive meetings of the medical assistance advisory
17 council, the member shall be suspended from participation in
18 the deliberations of the advisory council for a period of
19 twelve months from the date of the member's second absence.
20 During the member's suspension period, the voting rights of the
21 professional or business entity, consumer group or consumer
22 organization, or the hawk-i board shall not be exercised, but
23 the vacancy in voting membership shall not prohibit the medical
24 assistance advisory council from achieving a quorum.