

County Mental Health Supplemental Appropriations Act House File 160

Last Action:

FINAL ACTION

March 13, 2013

An Act relating to mental health and disability services by making transfers and appropriations for the fiscal year beginning July 1, 2012, and including related changes and effective date provisions.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www.legis.iowa.gov/LSAReports/noba.aspx>
LSA Contact: Jess Benson (515-281-4611)

FUNDING SUMMARY

Appropriates \$11.6 million from the Children's Health Insurance Program Reauthorization Act (CHIPRA) Child Enrollment Contingency Fund to the Department of Human Services for the Mental Health and Disability Services Redesign Transition Fund.

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ENACTMENT DATE

This Act was approved by the General Assembly on March 13, 2013, and signed by the Governor on March 28, 2013.

STAFF CONTACT:

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1 6 Section 1. CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD
 1 7 ENROLLMENT CONTINGENCY FUND — MENTAL HEALTH AND DISABILITY
 1 8 SERVICES REDESIGN TRANSITION FUND — FY 2012-2013.

1 9 1. Of the moneys received from the federal government
 1 10 through the child enrollment contingency fund established
 1 11 pursuant to section 103 of the federal Children's Health
 1 12 Insurance Program Reauthorization Act of 2009, Pub.L. No.
 1 13 111-3, the following amount is transferred from such moneys to
 1 14 the department of human services for the fiscal year beginning
 1 15 July 1, 2012, and ending June 30, 2013, to be credited as
 1 16 follows:

1 17 To be credited to the mental health and disability services
 1 18 redesign transition fund created in 2012 Iowa Acts, chapter
 1 19 1120, section 23:
 1 20 \$ 11,628,317

CHIPRA Child Enrollment Contingency Fund appropriation to the
 Mental Health and Disability Services Redesign Transition Fund.

1 21 2. The moneys credited to the mental health and disability
 1 22 services redesign transition fund pursuant to subsection 1 are
 1 23 appropriated to the department of human services for allocation
 1 24 to counties as follows:

1 25 a. To those counties identified by the department in
 1 26 scenario 1 of the department's report on the transition
 1 27 fund submitted to the general assembly on December 1, 2012,
 1 28 pursuant
 2 1 to 2012 Iowa Acts, chapter 1120, section 23, to be used to
 2 2 continue or restore services as provided in the application and
 2 3 the department's determination of the award amount:
 2 4 \$ 11,628,317

Allocates \$11,628,317 to 26 counties based on Scenario 1 of the
 Department of Human Services (DHS) Transition Fund report.

DETAIL: The report with the county fund distribution is available at:
<https://www.legis.iowa.gov/DOCS/LSA/IntComHand/2013/IHJCP003.PDF>

2 5 b. The allocations under this subsection shall be remitted
 2 6 to counties not later than two calendar weeks following the
 2 7 effective date of this Act.

Requires the DHS to remit the funds to the counties within two weeks
 of the effective date.

2 8 c. A county receiving an allocation under this subsection
 2 9 shall not use the allocation in a manner that violates federal
 2 10 match requirements for the medical assistance program or for
 2 11 the child enrollment contingency fund under federal Children's
 2 12 Health Insurance Program Reauthorization Act of 2009. Such
 2 13 requirements include but are not limited to those specified
 2 14 in 42 C.F.R. § 433.51 and 42 C.F.R. § 457.628. A county
 2 15 receiving an allocation under this subsection shall not use
 2 16 the allocation in any way that supports or draws federal match
 2 17 moneys.

Prohibits counties receiving an allocation from using funds in a way that
 would violate federal law.

DETAIL: Allocations from the CHIPRA Child Enrollment Contingency
 Fund cannot be used to match other federal funds. This means
 counties cannot use these dollars to pay unpaid Medicaid bills.

2 18 d. A county receiving an allocation under this subsection
2 19 shall enter into a formal agreement with the department
2 20 concerning the allocation and shall comply with any audit
2 21 requirements for the county's expenditures relating to
2 22 the allocation. The department shall develop the audit
2 23 requirements with assistance from the office of the auditor
2 24 of state. The requirements shall provide for the county to
2 25 bear the costs of any federal audit of the county's use of
2 26 the allocation, including any federal repayment or penalty
2 27 determination resulting from the audit findings. The audit
2 28 requirements may be applied on a selective or random basis
2 29 so that the audit requirements do not apply to all counties
2 30 receiving an allocation. Any costs relating to the performance
2 31 of nonfederal, state-only audit requirements established by the
2 32 department are the responsibility of the department.

Requires counties receiving an allocation to enter into a formal agreement with the DHS and comply with any audit requirements.

DETAIL: The counties are responsible for the cost of any federal audits of a county's use of the allocation, including any repayment or penalty.

2 33 3. For purposes of an application for county formation of
2 34 a mental health and disability services region submitted on
2 35 or before April 1, 2013, in accordance with section 331.389,
2 36 subsection 4, the director of human services may approve an
2 37 application for a region that includes a county that is not
2 38 contiguous with any of the other counties in the region,
2 39 as otherwise required under section 331.389, subsection 3,
2 40 paragraph "a", if the county that is not contiguous has had a
2 41 formal relationship for two years or longer with one or more of
2 42 the other counties in the region for provision of mental health
2 43 and disability services.

Allows the Director of the DHS to approve regions that have counties that are not contiguous.

3 1 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 2 immediate importance, takes effect upon enactment.

This Act is effective on enactment.