

**EIGHTY-FIFTH GENERAL ASSEMBLY
2014 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

APRIL 18, 2014

HOUSE FILE 2453

S-5165

1 Amend House File 2453, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 16.188, subsection 3, paragraph
6 b, subparagraph (1), Code 2014, is amended to read as
7 follows:
8 (1) Projects that are eligible for historic
9 preservation and cultural and entertainment district
10 tax credits under section ~~404A.1~~ 404A.2.
11 Sec. 2. Section 404A.1, Code 2014, is amended by
12 striking the section and inserting in lieu thereof the
13 following:
14 404A.1 Definitions.
15 For purposes of this chapter, unless the context
16 otherwise requires:
17 1. "Completion date" means the date on which
18 property that is the subject of a qualified
19 rehabilitation project is placed in service, as that
20 term is used in section 47 of the Internal Revenue
21 Code.
22 2. "Department" means the department of cultural
23 affairs.
24 3. "Eligible taxpayer" means the owner of
25 the property that is the subject of a qualified
26 rehabilitation project, or another person who will
27 qualify for the federal rehabilitation credit allowed
28 under section 47 of the Internal Revenue Code with
29 respect to the property that is the subject of a
30 qualified rehabilitation project.
31 4. "Nonprofit organization" means an organization
32 described in section 501 of the Internal Revenue Code
33 unless the exemption is denied under section 501, 502,
34 503, or 504 of the Internal Revenue Code. "Nonprofit
35 organization" does not include a governmental body, as
36 that term is defined in section 362.2.
37 5. "Program" shall mean the historic preservation
38 and cultural and entertainment district tax credit
39 program set forth in this chapter.
40 6. a. "Qualified rehabilitation expenditures" means
41 the same as defined in section 47 of the Internal
42 Revenue Code. Notwithstanding the foregoing sentence,
43 expenditures incurred by an eligible taxpayer that is
44 a nonprofit organization shall be considered "qualified
45 rehabilitation expenditures" if they are any of the
46 following:
47 (1) Expenditures made for structural components, as
48 that term is defined in 26 C.F.R. §1.48-1(e)(2).
49 (2) Expenditures made for architectural and
50 engineering fees, site survey fees, legal expenses,

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1 insurance premiums, and development fees.

2 b. "Qualified rehabilitation expenditures" does not
3 include those expenditures financed by federal, state,
4 or local government grants or forgivable loans unless
5 otherwise allowed under section 47 of the Internal
6 Revenue Code.

7 c. "Qualified rehabilitation expenditures" may
8 include expenditures incurred prior to the date
9 an agreement is entered into under section 404A.3,
10 subsection 3.

11 7. "Qualified rehabilitation project" means a
12 project for the rehabilitation of property in this
13 state that meets all of the following criteria:

14 a. The property is at least one of the following:

15 (1) Property listed on the national register of
16 historic places or eligible for such listing.

17 (2) Property designated as of historic significance
18 to a district listed in the national register of
19 historic places or eligible for such designation.

20 (3) Property or district designated a local
21 landmark by a city or county ordinance.

22 (4) A barn constructed prior to 1937.

23 b. The property meets the physical criteria and
24 standards for rehabilitation established by the
25 department by rule. To the extent applicable, the
26 physical standards and criteria shall be consistent
27 with the United States secretary of the interior's
28 standards for rehabilitation.

29 c. The project has qualified rehabilitation
30 expenditures that meet or exceed the following:

31 (1) In the case of commercial property,
32 expenditures totaling at least fifty thousand dollars
33 or fifty percent of the assessed value of the property,
34 excluding the land, prior to rehabilitation, whichever
35 is less.

36 (2) In the case of property other than commercial
37 property, including but not limited to barns
38 constructed prior to 1937, expenditures totaling at
39 least twenty-five thousand dollars or twenty-five
40 percent of the assessed value, excluding the land,
41 prior to rehabilitation, whichever is less.

42 Sec. 3. Section 404A.2, Code 2014, is amended by
43 striking the section and inserting in lieu thereof the
44 following:

45 404A.2 Historic preservation and cultural and
46 entertainment district tax credit.

47 1. An eligible taxpayer who has entered into
48 an agreement under section 404A.3, subsection 3,
49 is eligible to receive a historic preservation and
50 cultural and entertainment district tax credit

1 in an amount equal to twenty-five percent of the
2 qualified rehabilitation expenditures of a qualified
3 rehabilitation project that are specified in the
4 agreement. Notwithstanding any other provision of
5 this chapter or any provision in the agreement to the
6 contrary, the amount of the tax credits shall not
7 exceed twenty-five percent of the final qualified
8 rehabilitation expenditures verified by the department
9 pursuant to section 404A.3, subsection 5, paragraph
10 "c".

11 2. The tax credit shall be allowed against the
12 taxes imposed in chapter 422, divisions II, III,
13 and V, and in chapter 432. An individual may claim
14 a tax credit under this section of a partnership,
15 limited liability company, S corporation, estate,
16 or trust electing to have income taxed directly to
17 the individual. For an individual claiming a tax
18 credit of an estate or trust, the amount claimed
19 by the individual shall be based upon the pro rata
20 share of the individual's earnings from the estate
21 or trust. For an individual claiming a tax credit
22 of a partnership, limited liability company, or S
23 corporation, the amount claimed by the partner, member,
24 or shareholder, respectively, shall be based upon
25 the amounts designated by the eligible partnership,
26 S corporation, or limited liability company, as
27 applicable.

28 3. Any credit in excess of the taxpayer's tax
29 liability for the tax year shall be refunded with
30 interest computed under section 422.25. In lieu of
31 claiming a refund, a taxpayer may elect to have the
32 overpayment shown on the taxpayer's final, completed
33 return credited to the tax liability for the following
34 year.

35 4. a. To claim a tax credit under this section,
36 a taxpayer shall include one or more tax credit
37 certificates with the taxpayer's tax return.

38 b. The tax credit certificate shall contain the
39 taxpayer's name, address, tax identification number,
40 the amount of the credit, the name of the eligible
41 taxpayer, any other information required by the
42 department of revenue, and a place for the name and tax
43 identification number of a transferee and the amount of
44 the tax credit being transferred.

45 c. The tax credit certificate, unless rescinded by
46 the department, shall be accepted by the department
47 of revenue as payment for taxes imposed in chapter
48 422, divisions II, III, and V, and in chapter 432,
49 subject to any conditions or restrictions placed by
50 the department or the department of revenue upon the

1 face of the tax credit certificate and subject to the
2 limitations of this program.

3 5. a. Tax credit certificates issued under
4 section 404A.3 may be transferred to any person.
5 Within ninety days of transfer, the transferee shall
6 submit the transferred tax credit certificate to the
7 department of revenue along with a statement containing
8 the transferee's name, tax identification number,
9 and address, the denomination that each replacement
10 tax credit certificate is to carry, and any other
11 information required by the department of revenue.
12 However, tax credit certificate amounts of less
13 than the minimum amount established by rule of the
14 department of revenue shall not be transferable.

15 b. Within thirty days of receiving the transferred
16 tax credit certificate and the transferee's statement,
17 the department of revenue shall issue one or more
18 replacement tax credit certificates to the transferee.
19 Each replacement tax credit certificate must contain
20 the information required for the original tax credit
21 certificate and must have the same expiration date that
22 appeared on the transferred tax credit certificate.

23 c. A tax credit shall not be claimed by a
24 transferee under this section until a replacement tax
25 credit certificate identifying the transferee as the
26 proper holder has been issued. The transferee may use
27 the amount of the tax credit transferred against the
28 taxes imposed in chapter 422, divisions II, III, and
29 V, and in chapter 432, for any tax year the original
30 transferor could have claimed the tax credit. Any
31 consideration received for the transfer of the tax
32 credit shall not be included as income under chapter
33 422, divisions II, III, and V. Any consideration
34 paid for the transfer of the tax credit shall not be
35 deducted from income under chapter 422, divisions II,
36 III, and V.

37 6. For purposes of the individual and corporate
38 income taxes and the franchise tax, the increase in
39 the basis of the rehabilitated property that would
40 otherwise result from the qualified rehabilitation
41 expenditures shall be reduced by the amount of the
42 credit computed under this section.

43 Sec. 4. Section 404A.3, Code 2014, is amended by
44 striking the section and inserting in lieu thereof the
45 following:

46 404A.3 Application and registration - agreement -
47 compliance and examination.

48 1. Application and fees.

49 a. An eligible taxpayer seeking historic
50 preservation and cultural and entertainment district

1 tax credits provided in section 404A.2 shall make
2 application to the department in the manner prescribed
3 by the department.

4 b. The department may accept applications on a
5 continuous basis or may accept applications, or one or
6 more components of an application, during one or more
7 application periods.

8 c. The application shall include any information
9 deemed necessary by the department to evaluate
10 the eligibility under the program of the applicant
11 and the rehabilitation project, the amount of
12 projected qualified rehabilitation expenditures of a
13 rehabilitation project, and the amount and source of
14 all funding for a rehabilitation project. An applicant
15 shall have the burden of proof to demonstrate to the
16 department that the applicant is an eligible taxpayer
17 and the project is a qualified rehabilitation project
18 under the program.

19 d. The department may establish criteria for the
20 use of electronic or other alternative filing or
21 submission methods for any application, document, or
22 payment requested or required under this program. Such
23 criteria may provide for the acceptance of a signature
24 in a form other than the handwriting of a person.

25 e. (1) The department may charge application
26 and other fees to eligible taxpayers who apply to
27 participate in the program. The amount of such
28 fees shall be determined based on the costs of the
29 department associated with administering the program.

30 (2) Fees collected by the department pursuant to
31 this paragraph shall be deposited with the department
32 pursuant to section 303.9, subsection 1.

33 2. Registration.

34 a. Upon review of the application, the department
35 may register a qualified rehabilitation project under
36 the program. If the department registers the project,
37 the department shall make a preliminary determination
38 as to the amount of tax credits for which the project
39 qualifies.

40 b. After registering the qualified rehabilitation
41 project, the department shall notify the eligible
42 taxpayer of successful registration under the program.
43 The notification shall include the amount of tax
44 credits under section 404A.2 for which the qualified
45 rehabilitation project has received a tentative award
46 and a statement that the amount is a preliminary
47 determination only.

48 3. Agreement.

49 a. Upon successful registration of a qualified
50 rehabilitation project, the eligible taxpayer shall

1 enter into an agreement with the department for the
2 successful completion of all requirements of the
3 program.

4 b. The agreement shall contain mutually agreeable
5 terms and conditions which, at a minimum, provide for
6 the following:

7 (1) The amount of the tax credit award. An
8 eligible taxpayer has no right to receive a tax
9 credit certificate or claim a tax credit until all
10 requirements of the agreement and subsections 4 and 5
11 have been satisfied. The amount of tax credit included
12 on a tax credit certificate issued under this section
13 shall be contingent upon verification by the department
14 of the amount of final qualified rehabilitation
15 expenditures.

16 (2) The rehabilitation work to be performed.

17 (3) The budget of the qualified rehabilitation
18 project, including the projected qualified
19 rehabilitation expenditures, allowable cost overruns,
20 and the source and amount of all funding received or
21 anticipated to be received. The amount of allowable
22 cost overruns provided for in the agreement shall not
23 exceed the following amount:

24 (a) For a qualified rehabilitation project with
25 final qualified rehabilitation expenditures of not more
26 than seven hundred fifty thousand dollars, fifteen
27 percent of the projected qualified rehabilitation
28 expenditures provided for in the agreement.

29 (b) For a qualified rehabilitation project with
30 final qualified rehabilitation expenditures of more
31 than seven hundred fifty thousand dollars but not more
32 than six million dollars, ten percent of the projected
33 qualified rehabilitation expenditures provided for in
34 the agreement.

35 (c) For a qualified rehabilitation project with
36 final qualified rehabilitation expenditures of more
37 than six million dollars, five percent of the projected
38 qualified rehabilitation expenditures provided for in
39 the agreement.

40 (4) The commencement date of the qualified
41 rehabilitation project, which shall not be later than
42 the end of the fiscal year in which the agreement is
43 entered into.

44 (5) The completion date of the qualified
45 rehabilitation project, which shall be within
46 thirty-six months of the commencement date.

47 (6) The date on which the agreement terminates,
48 which date shall not be earlier than five years from
49 the date on which the tax credit certificate is issued.

50 4. Compliance.

1 a. The eligible taxpayer shall, for the length
2 of the agreement, annually certify to the department
3 compliance with the requirements of the agreement.
4 The certification shall be made at such time as the
5 department shall determine in the agreement.

6 b. The eligible taxpayer shall have the burden
7 of proof to demonstrate to the department that all
8 requirements of the agreement are satisfied. The
9 taxpayer shall notify the department in a timely
10 manner of any changes in the qualification of the
11 rehabilitation project or in the eligibility of
12 the taxpayer to claim the tax credit provided under
13 this chapter, or of any other change that may have a
14 negative impact on the eligible taxpayer's ability
15 to successfully complete any requirement under the
16 agreement.

17 c. (1) If after entering into the agreement but
18 before a tax credit certificate is issued, the eligible
19 taxpayer or the qualified rehabilitation project no
20 longer meets the requirements of the agreement, the
21 department may find the taxpayer in default under the
22 agreement and may revoke the tax credit award.

23 (2) If an eligible taxpayer obtains a tax credit
24 certificate from the department by way of a prohibited
25 activity, the eligible taxpayer and any transferee
26 shall be jointly and severally liable to the state for
27 the amount of the tax credits so issued, interest and
28 penalties allowed under chapter 422, and reasonable
29 attorney fees and litigation costs, except that the
30 liability of the transferee shall not exceed an amount
31 equal to the amount of the tax credits acquired by
32 the transferee. The department of revenue, upon
33 notification or discovery that a tax credit certificate
34 was issued to an eligible taxpayer by way of a
35 prohibited activity, shall revoke any outstanding
36 tax credit and seek repayment of the value of any tax
37 credit already claimed, and the failure to make such a
38 repayment may be treated by the department of revenue
39 in the same manner as a failure to pay the tax shown
40 due or required to be shown due with the filing of a
41 return or deposit form. A qualifying transferee is not
42 subject to the liability, revocation, and repayment
43 imposed under this subparagraph.

44 (3) For purposes of this paragraph:

45 (a) "Prohibited activity" means a breach or default
46 under the agreement with the department, the violation
47 of any warranty provided by the eligible taxpayer
48 to the department or the department of revenue, the
49 claiming of a tax credit issued under this chapter for
50 expenditures that are not qualified rehabilitation

1 expenditures, the violation of any requirements of this
2 chapter or rules adopted pursuant to this chapter,
3 misrepresentation, fraud, or any other unlawful act or
4 omission.

5 (b) "Qualifying transferee" means a transferee who
6 acquires a tax credit certificate issued under this
7 chapter for value, in good faith, without actual or
8 constructive notice of a prohibited activity of the
9 eligible taxpayer who was originally issued the tax
10 credit, and without actual or constructive notice
11 of any other claim to or defense against the tax
12 credit, and which transferee is not associated with
13 the eligible taxpayer by being one or more of the
14 following:

15 (i) An owner, member, shareholder, or partner
16 of the eligible taxpayer who directly or indirectly
17 owns or controls, in whole or in part, the eligible
18 taxpayer.

19 (ii) A director, officer, or employee of the
20 eligible taxpayer.

21 (iii) A relative of the eligible taxpayer or a
22 person listed in subparagraph subdivision (i) or (ii)
23 or, if the eligible taxpayer or an owner, member,
24 shareholder, or partner of the eligible taxpayer is a
25 legal entity, the natural persons who ultimately own
26 such legal entity.

27 (iv) A person who is owned or controlled, in
28 whole or in part, by a person listed in subparagraph
29 subdivision (i) or (ii).

30 (c) "Relative" means an individual related by
31 consanguinity within the second degree as determined
32 by common law, a spouse, or an individual related to
33 a spouse within the second degree as so determined,
34 and includes an individual in an adoptive relationship
35 within the second degree.

36 5. Examination and audit of project.

37 a. An eligible taxpayer shall engage a certified
38 public accountant authorized to practice in this
39 state to conduct an examination of the project in
40 accordance with the American institute of certified
41 public accountants' statements on standards for
42 attestation engagements. Upon completion of the
43 qualified rehabilitation project, the eligible taxpayer
44 shall submit the examination to the department, along
45 with a statement of the amount of final qualified
46 rehabilitation expenditures and any other information
47 deemed necessary by the department or the department of
48 revenue in order to verify that all requirements of the
49 agreement, this chapter, and all rules adopted pursuant
50 to this chapter have been satisfied.

1 b. Notwithstanding paragraph "a", the department
2 may waive the examination requirement in this
3 subsection if all the following requirements are
4 satisfied:

5 (1) The final qualified rehabilitation expenditures
6 of the qualified rehabilitation project, as verified
7 by the department, do not exceed one hundred thousand
8 dollars.

9 (2) The qualified rehabilitation project is funded
10 exclusively by private funding sources.

11 c. Upon review of the examination, if applicable,
12 the department shall verify that all requirements of
13 the agreement, this chapter, and all rules adopted
14 pursuant to this chapter have been satisfied and shall
15 verify the amount of final qualified rehabilitation
16 expenditures. After consultation with the department
17 of revenue, the department may issue a tax credit
18 certificate to the eligible taxpayer stating the
19 amount of tax credit under section 404A.2 the eligible
20 taxpayer may claim. The department shall issue the tax
21 credit certificate not later than 60 days following the
22 completion of the examination review, if applicable,
23 and the verifications and consultation required under
24 this paragraph.

25 6. Notwithstanding any other provision of this
26 chapter to the contrary, the department may waive the
27 requirements of subsections 1 through 4, except the
28 requirements relating to allowable cost overruns in
29 subsection 3, paragraph "b", subparagraph (3), and
30 the requirements in subsection 4, paragraphs "b" and
31 "c", for qualified rehabilitation projects with final
32 qualified rehabilitation expenditures of seven hundred
33 fifty thousand dollars or less and may establish by
34 rule different application, registration, agreement,
35 compliance, or other requirements relating to such
36 projects.

37 7. The department may for good cause amend an
38 agreement.

39 Sec. 5. Section 404A.4, Code 2014, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 404A.4 Aggregate tax credit award limit.

43 1. a. Except as provided in subsections 2 and 3,
44 the department shall not award in any one fiscal year
45 an amount of tax credits provided in section 404A.2 in
46 excess of forty-five million dollars.

47 b. Of the tax credits that may be awarded in
48 a fiscal year pursuant to paragraph "a", at least
49 five percent of the dollar amount of the tax credits
50 shall be allocated for purposes of new qualified

1 rehabilitation projects with final qualified
2 rehabilitation expenditures of seven hundred fifty
3 thousand dollars or less.

4 2. a. The amount of a tax credit that is awarded
5 during a fiscal year beginning on or after July 1,
6 2016, and that is irrevocably declined or revoked on or
7 before June 30 of the next fiscal year may be awarded
8 under section 404A.3 during the fiscal year in which
9 the declination or revocation occurs.

10 b. The amount of a tax credit that was reserved
11 prior to the effective date of this Act under section
12 404A.4, Code 2014, for use in a fiscal year beginning
13 before July 1, 2016, that is irrevocably declined or
14 revoked on or after the effective date of this Act,
15 but before July 1, 2016, may be awarded under section
16 404A.3 during the fiscal year in which such declination
17 or revocation occurs. Such tax credits awarded shall
18 not be claimed by a taxpayer in a fiscal year that is
19 earlier than the fiscal year for which the tax credits
20 were originally reserved.

21 c. The amount of a tax credit that was available
22 for approval by the state historical preservation
23 office of the department under section 404A.4, Code
24 2014, in a fiscal year beginning on or after July 1,
25 2010, but before July 1, 2014, that was required to
26 be allocated to new projects with final qualified
27 rehabilitation costs of five hundred thousand dollars
28 or less, or seven hundred fifty thousand dollars or
29 less, as the case may be, and that was not finally
30 approved by the state historical preservation office,
31 may be awarded under section 404A.3 during the fiscal
32 years beginning on or after July 1, 2014, but before
33 July 1, 2016.

34 d. Tax credits awarded pursuant to this subsection
35 shall not be considered for purposes of calculating the
36 aggregate tax credit award limit in subsection 1.

37 3. a. If during the fiscal year beginning July 1,
38 2016, or any fiscal year thereafter, the department
39 awards an amount of tax credits that is less than the
40 maximum aggregate tax credit award limit specified
41 in subsection 1, the difference between the amount
42 so awarded and the amount specified in subsection 1,
43 not to exceed ten percent of the amount specified in
44 subsection 1, may be carried forward to the succeeding
45 fiscal year and awarded during that fiscal year.

46 b. Tax credits awarded pursuant to this subsection
47 shall not be considered for purposes of calculating the
48 aggregate tax credit award limit in subsection 1.

49 Sec. 6. Section 404A.5, Code 2014, is amended to
50 read as follows:

1 404A.5 Economic impact – recommendations.

2 1. The department of ~~cultural affairs~~, in
3 consultation with the department of revenue, shall be
4 responsible for keeping the general assembly and the
5 legislative services agency informed on the overall
6 economic impact to the state of ~~the rehabilitation of~~
7 ~~eligible properties~~ qualified rehabilitation projects.

8 2. An annual report shall be filed which shall
9 include but is not limited to data on the number and
10 potential value of qualified rehabilitation projects
11 begun during the latest twelve-month period, the total
12 historic preservation and cultural and entertainment
13 district tax credits originally ~~granted~~ awarded or
14 tax credit certificates originally issued during that
15 period, the potential reduction in state tax revenues
16 as a result of all awarded or issued tax credits still
17 ~~unused~~ unclaimed and eligible for refund, and the
18 potential increase in local property tax revenues as a
19 result of the ~~rehabilitated~~ qualified rehabilitation
20 projects.

21 3. The department of ~~cultural affairs~~, to the
22 extent it is able, shall provide recommendations
23 on whether a the limit on tax credits should be
24 ~~established~~ changed, the need for a broader or more
25 restrictive definition of ~~eligible property~~ qualified
26 rehabilitation project, and other adjustments to the
27 tax credits under this chapter.

28 Sec. 7. NEW SECTION. 404A.6 Rules.

29 The department and the department of revenue shall
30 each adopt rules to jointly administer this chapter.

31 Sec. 8. Section 422.11D, Code 2014, is amended by
32 striking the section and inserting in lieu thereof the
33 following:

34 422.11D Historic preservation and cultural and
35 entertainment district tax credit.

36 The taxes imposed under this division, less
37 the credits allowed under section 422.12, shall be
38 reduced by a historic preservation and cultural and
39 entertainment district tax credit allowed under section
40 404A.2.

41 Sec. 9. Section 422.33, subsection 10, Code 2014,
42 is amended by striking the subsection and inserting in
43 lieu thereof the following:

44 10. The taxes imposed under this division shall be
45 reduced by a historic preservation and cultural and
46 entertainment district tax credit allowed under section
47 404A.2.

48 Sec. 10. Section 422.60, subsection 4, Code 2014,
49 is amended by striking the subsection and inserting in
50 lieu thereof the following:

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1 4. The taxes imposed under this division shall be
2 reduced by a historic preservation and cultural and
3 entertainment district tax credit allowed under section
4 404A.2.

5 Sec. 11. Section 432.12A, Code 2014, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 432.12A Historic preservation and cultural and
9 entertainment district tax credit.

10 The taxes imposed under this chapter shall be
11 reduced by a historic preservation and cultural and
12 entertainment district tax credit allowed under section
13 404A.2.

14 Sec. 12. APPLICABILITY. Unless otherwise provided
15 in this Act, this Act applies to agreements entered
16 into by the department and an eligible taxpayer
17 on or after the effective date of this Act, and
18 rehabilitation projects for which a project application
19 was approved and tax credits reserved prior to the
20 effective date of this Act shall be governed by
21 sections 404A.1 through 404A.5, Code 2014.>

COMMITTEE ON WAYS AND MEANS
JOE BOLKCOM, CHAIRPERSON

S-5165 FILED APRIL 17, 2014

HOUSE FILE 2458

S-5162

1 Amend the amendment, S-5152, to House File 2458,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, line 39, by striking <12,500> and
5 inserting <12,500>

6 2. Page 6, after line 35 by inserting:

7 <4A. The moneys appropriated in subsection 1
8 may be used by the department to support urban soil
9 and water conservation efforts, which may include
10 but are not limited to management practices related
11 to bioretention, landscaping, the use of permeable
12 pavement, and soil quality restoration. The moneys
13 shall be allocated on a cost-share basis as provided
14 in chapter 161A.>

15 3. Page 15, by striking lines 34 and 35 and
16 inserting <IOWA NUTRIENT RESEARCH CENTER. There is
17 appropriated from the environment first>

18 4. Page 19, by striking lines 7 and 8.

19 5. Page 19, by striking lines 16 through 18 and
20 inserting <by a nonprofit organization that conducts
21 nutrient>

22 6. By renumbering, redesignating, and correcting
23 internal references as necessary.

By DENNIS H. BLACK

S-5162 FILED APRIL 17, 2014

ADOPTED

HOUSE FILE 2458

S-5163

1 Amend the amendment, S-5152, to House File 2458,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 19, after line 3 by inserting:

5 <DIVISION ____
6 RECREATIONAL LAKE AND WATER QUALITY DISTRICTS
7 Sec. ____ . NEW SECTION. 357E.15 Exemption from
8 taxation - refunds.

9 1. The property and facilities of a district shall
10 not be taxable in any manner by the state or any of its
11 political subdivisions.

12 2. A district is a tax-certifying body for purposes
13 of section 423.4, subsection 1.

14 Sec. ____ . Section 427.1, subsection 2, Code 2014,
15 is amended to read as follows:

16 2. Municipal and military property. The property
17 of a county, township, city, school corporation, levee
18 district, drainage district, district organized under
19 chapter 357E, or the Iowa national guard, when devoted
20 to public use and not held for pecuniary profit, except
21 property of a municipally owned electric utility held
22 under joint ownership and property of an electric
23 power facility financed under chapter 28F or 476A that
24 shall be subject to taxation under chapter 437A and
25 facilities of a municipal utility that are used for
26 the provision of local exchange services pursuant to
27 chapter 476, but only to the extent such facilities
28 are used to provide such services, which shall be
29 subject to taxation under chapter 433, except that
30 section 433.11 shall not apply. The exemption for
31 property owned by a city or county also applies to
32 property which is operated by a city or county as a
33 library, art gallery or museum, conservatory, botanical
34 garden or display, observatory or science museum, or
35 as a location for holding athletic contests, sports
36 or entertainment events, expositions, meetings or
37 conventions, or leased from the city or county for
38 any such purposes, or leased from the city or county
39 by the Iowa national guard or by a federal agency for
40 the benefit of the Iowa national guard when devoted
41 for public use and not for pecuniary profit. Food and
42 beverages may be served at the events or locations
43 without affecting the exemptions, provided the city
44 has approved the serving of food and beverages on the
45 property if the property is owned by the city or the
46 county has approved the serving of food and beverages
47 on the property if the property is owned by the
48 county. The exemption for property owned by a city or
49 county also applies to property which is located at an
50 airport and leased to a fixed base operator providing

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1 aeronautical services to the public.

2 Sec. _____. IMPLEMENTATION OF ACT. Section
3 25B.7 does not apply to the property tax exemption
4 established in this division of this Act.

5 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
6 of this Act, being deemed of immediate importance,
7 takes effect upon enactment.

8 Sec. _____. RETROACTIVE APPLICABILITY. This division
9 of this Act applies retroactively to January 1, 2014,
10 for property tax assessment years beginning on or after
11 that date.

12 Sec. _____. RETROACTIVE APPLICABILITY. This division
13 of this Act applies retroactively to January 1, 2014,
14 for sales and use tax paid on or after that date.>

15 2. Page 19, line 41, after <protection,> by
16 inserting <providing for taxable property,>

17 3. Page 19, line 42, after <date> by inserting <and
18 retroactive applicability>

19 4. By renumbering as necessary.

By DAN ZUMBACH
DENNIS H. BLACK

HOUSE FILE 2458

S-5164

1 Amend the amendment, S-5152, to House File 2458,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 19, after line 3 by inserting:

5 <DIVISION _____
6 RELATED STATUTORY CHANGES FOR CODIFICATION IN 2014
7 EMINENT DOMAIN

8 Sec. _____. NEW SECTION. 6A.15 Property on state
9 historic registry.

10 1. Property listed on the state register of
11 historic places maintained by the historical division
12 of the department of cultural affairs shall not be
13 removed from the register solely for the purpose of
14 allowing acquisition of the property by condemnation,
15 unless such condemnation is undertaken by the
16 department of transportation.

17 2. Property listed on the state register of
18 historic places maintained by the historical division
19 of the department of cultural affairs shall not be
20 condemned by the state or a political subdivision
21 unless a joint resolution authorizing commencement of
22 the condemnation proceedings is approved by a vote of
23 at least two-thirds of the members of both chambers
24 of the general assembly and signed by the governor.
25 The approval requirements of this subsection shall not
26 apply to condemnation undertaken by the department of
27 transportation.

28 Sec. _____. Section 6A.22, subsection 2, paragraph
29 c, subparagraph (1), Code 2014, is amended to read as
30 follows:

31 (1) (a) If private property is to be condemned for
32 development or creation of a lake, only that number
33 of acres justified as reasonable and necessary for
34 a surface drinking water source, and not otherwise
35 acquired, may be condemned. In addition, the acquiring
36 agency shall conduct a review of prudent and feasible
37 alternatives to provision of a drinking water source
38 prior to making a determination that such lake
39 development or creation is reasonable and necessary.
40 Development or creation of a lake as a surface drinking
41 water source includes all of the following:

42 (i) Construction of the dam, including sites for
43 suitable borrow material and the auxiliary spillway.

44 (ii) The water supply pool.

45 (iii) The sediment pool.

46 (iv) The flood control pool.

47 (v) The floodwater retarding pool.

48 (vi) The surrounding area upstream of the dam
49 no higher in elevation than the top of the dam's
50 elevation.

1 (vii) The appropriate setback distance required
2 by state or federal laws and regulations to protect
3 drinking water supply.

4 (b) For purposes of this subparagraph (1), "number
5 of acres justified as reasonable and necessary for
6 a surface drinking water source" means according to
7 guidelines of the United States natural resource
8 conservation service and according to analyses of
9 surface drinking water capacity needs conducted
10 by one or more registered professional engineers.
11 The registered professional engineers may, if
12 appropriate, employ standards or guidelines other
13 than the guidelines of the United States natural
14 resource conservation service when determining the
15 number of acres justified as reasonable and necessary
16 for a surface drinking water source. The data and
17 information used by the registered professional
18 engineers shall include data and information relating
19 to population and commercial enterprise activity for
20 the area from the two most recent federal decennial
21 censuses unless the district court of the county in
22 which the property is situated has determined by a
23 preponderance of the evidence that such data would
24 not accurately predict the population and commercial
25 enterprise activity of the area in the future.

26 (c) A second review or analysis of the drinking
27 water capacity needs shall be performed upon receipt
28 by the acquiring agency of a petition signed by not
29 less than twenty-five percent of the affected property
30 owners. The registered professional engineer to
31 perform the second review or analysis shall be selected
32 by a committee appointed by the affected property
33 owners and whose membership is comprised of at least
34 fifty percent property owners affected by the proposed
35 condemnation action. The acquiring agency shall be
36 responsible for paying the fees and expenses of such
37 an engineer.

38 (d) If private property is to be condemned for
39 development or creation of a lake, the plans, analyses,
40 applications, including any application for funding,
41 and other planning activities of the acquiring agency
42 shall not include or provide for the use of the lake
43 for recreational purposes.

44 Sec. _____. Section 6B.54, subsection 10, paragraph
45 a, Code 2014, is amended by adding the following new
46 subparagraph:

47 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and
48 reasonable costs not to exceed one hundred thousand
49 dollars, attributable to a determination that the
50 creation of a lake through condemnation includes a

1 future recreational use or that a violation of section
2 6A.22, subsection 2, paragraph "c", subparagraph (1),
3 subparagraph division (d), has occurred, if such fees
4 and costs are not otherwise provided under section
5 6B.33.

6 Sec. _____. NEW SECTION. 6B.56B Disposition of
7 condemned property – two-year time period.

8 1. When two years have elapsed since property
9 was condemned for the creation of a lake according
10 to the requirements of section 6A.22, subsection 2,
11 paragraph "c", subparagraph (1), and the property has
12 not been used for or construction has not progressed
13 substantially from the date the property was condemned
14 for the purpose stated in the application filed
15 pursuant to section 6B.3, and the acquiring agency has
16 not taken action to dispose of the property pursuant
17 to section 6B.56, the acquiring agency shall, within
18 sixty days, adopt a resolution offering the property
19 for sale to the prior owner at a price as provided in
20 section 6B.56. If the resolution adopted approves an
21 offer of sale to the prior owner, the offer shall be
22 made in writing and mailed by certified mail to the
23 prior owner. The prior owner has one hundred eighty
24 days after the offer is mailed to purchase the property
25 from the acquiring agency.

26 2. If the acquiring agency has not adopted a
27 resolution described in subsection 1 within the
28 sixty-day time period, the prior owner may, in writing,
29 petition the acquiring agency to offer the property
30 for sale to the prior owner at a price as provided in
31 section 6B.56. Within sixty days after receipt of
32 such a petition, the acquiring agency shall adopt a
33 resolution described in subsection 1. If the acquiring
34 agency does not adopt such a resolution within sixty
35 days after receipt of the petition, the acquiring
36 agency is deemed to have offered the property for sale
37 to the prior owner.

38 3. The acquiring agency shall give written notice
39 to the owner of the right to purchase the property
40 under this section at the time damages are paid to the
41 owner.

42 Sec. _____. Section 403.7, subsection 1, unnumbered
43 paragraph 1, Code 2014, is amended to read as follows:

44 A municipality shall have the right to acquire by
45 condemnation any interest in real property, including a
46 fee simple title thereto, which it may deem necessary
47 for or in connection with an urban renewal project
48 under this chapter, subject to the limitations on
49 eminent domain authority in ~~chapter~~ chapters 6A and 6B.
50 However, a municipality shall not condemn agricultural

1 land included within an economic development area
2 for any use unless the owner of the agricultural land
3 consents to condemnation or unless the municipality
4 determines that the land is necessary or useful for any
5 of the following:

6 Sec. _____. NEW SECTION. 423B.11 Use of revenues –
7 limitation.

8 The revenue raised by a local sales and services
9 tax imposed under this chapter by a county shall not
10 be expended for any purpose related to a project that
11 includes the condemnation of private property for
12 the creation of a lake according to the requirements
13 of section 6A.22, subsection 2, paragraph "c",
14 subparagraph (1), if the local sales and services tax
15 has not been approved at election in the area where the
16 property to be condemned is located.

17 Sec. _____. Section 455A.5, Code 2014, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 7. The authority granted to the
20 commission to acquire real property for purposes
21 of carrying out a duty related to development or
22 maintenance of the recreation resources of the state,
23 including planning, acquisition, and development of
24 recreational projects, and areas and facilities related
25 to such projects, shall not include the authority to
26 acquire real property by eminent domain.

27 Sec. _____. Section 456A.24, subsection 2, unnumbered
28 paragraph 1, Code 2014, is amended to read as follows:

29 Acquire by purchase, ~~condemnation~~, lease, agreement,
30 gift, and devise lands or waters suitable for the
31 purposes hereinafter enumerated, and rights-of-way
32 thereto, and to maintain the same for the following
33 purposes, ~~to wit~~:

34 Sec. _____. Section 456A.24, Code 2014, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 15. The authority granted the
37 department to acquire real property for any statutory
38 purpose relating to the development or maintenance
39 of the recreation resources of the state, including
40 planning, acquisition, and development of recreational
41 projects, and areas and facilities related to such
42 projects, shall not include the authority to acquire
43 real property by eminent domain.

44 Sec. _____. Section 461A.7, Code 2014, is amended to
45 read as follows:

46 461A.7 ~~Eminent domain~~ Purchase of lands – public
47 parks.

48 The commission may purchase ~~or condemn~~ lands from
49 willing sellers for public parks. ~~No~~ A contract for
50 the purchase of such public parks shall not be made to

1 an amount in excess of funds appropriated therefor by
2 the general assembly.

3 Sec. _____. Section 461A.10, Code 2014, is amended to
4 read as follows:

5 461A.10 Title to lands.

6 The title to all lands purchased, ~~condemned~~, or
7 donated, hereunder, for park ~~or highway~~ purposes and
8 the title to all lands purchased, condemned, or donated
9 hereunder for highway purposes, shall be taken in the
10 name of the state and if thereafter it shall be deemed
11 advisable to sell any portion of the land so purchased
12 or condemned, the proceeds of such sale shall be placed
13 to the credit of the ~~said~~ public state parks fund to be
14 used for such park purposes.

15 Sec. _____. Section 463C.8, subsection 1, paragraph
16 k, Code 2014, is amended to read as follows:

17 k. The power to acquire, own, hold, administer,
18 and dispose of property, except that such power is not
19 a grant of authority to acquire property by eminent
20 domain.

21 Sec. _____. 2013 Iowa Acts, chapter 132, is amended
22 by adding the following new section:

23 NEW SECTION. SEC. 75. REPEAL. Sections 461A.9 and
24 461A.75, Code 2014, are repealed.

25 Sec. _____. LIMITATION. The provisions of
26 this division of this Act shall not be construed
27 or interpreted to limit or otherwise affect the
28 application of chapters 6A, 478, or 479 as they relate
29 to the eminent domain authority of the utilities
30 division of the department of commerce.

31 Sec. _____. SEVERABILITY. If any provision of this
32 division of this Act is held invalid, the invalidity
33 shall not affect other provisions or applications of
34 this division of this Act which can be given effect
35 without the invalid provision, and to this end the
36 provisions of this division of this Act are severable
37 as provided in section 4.12.

38 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
39 of this Act, being deemed of immediate importance,
40 takes effect upon enactment.

41 Sec. _____. APPLICABILITY. Except as otherwise
42 provided in this division of this Act, this division
43 of this Act applies to projects or condemnation
44 proceedings pending or commenced on or after the
45 effective date of this division of this Act.

46 Sec. _____. RETROACTIVE APPLICABILITY.
47 Notwithstanding any provision of law to the contrary,
48 the following provision or provisions of this division
49 of this Act apply retroactively to projects or
50 condemnation proceedings pending or commenced on or

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Page 6

- 1 after February 15, 2013:
2 1. The section of this division of this Act
3 amending section 6A.22.
4 2. The section of this division of this Act
5 enacting section 6B.56B.>
6 2. Page 19, line 41, after <protection,> by
7 inserting <providing for eminent domain procedures,>
8 3. Page 19, line 42, before <date> by inserting
9 <and applicability>
10 4. By renumbering as necessary.

By JULIAN GARRETT

S-5164 FILED APRIL 17, 2014

RULED OUT OF ORDER

HOUSE FILE 2463

S-5166

1 Amend House File 2463, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 22, by striking <10,606,066> and
4 inserting <11,531,066>

5 2. Page 1, line 23, by striking <28.00> and
6 inserting <28.00 31.00>

7 3. Page 3, line 1, by striking <subsection> and
8 inserting <~~subsection~~ section>

9 4. Page 3, after line 4 by inserting:

10 <7. Of the funds appropriated in this section,
11 \$325,000 shall be used to fund the initial
12 reestablishment of the office of substitute decision
13 maker pursuant to chapter 231E.

14 8. Of the funds appropriated in this section,
15 \$600,000 shall be distributed equally to the area
16 agencies on aging to administer the prevention of elder
17 abuse, neglect, and exploitation program pursuant to
18 section 231.56A, in accordance with the requirements
19 of the federal Older Americans Act of 1965, 42 U.S.C.
20 {3001 et seq., as amended.

21 9. The department on aging shall form a study
22 committee to analyze the meal programs coordinated
23 through the area agencies on aging.>

24 5. Page 3, line 19, by striking <821,707> and
25 inserting <1,078,707>

26 6. Page 3, line 20, by striking <13.00> and
27 inserting <13.00>

28 7. Page 3, line 21, by striking <11.00>

29 8. Page 3, after line 27 by inserting:

30 <3. Of the funds appropriated in this section,
31 \$257,000 shall be used to provide two additional local
32 long-term care ombudsmen to continue moving toward the
33 national recommendation of one full-time equivalent
34 paid staff ombudsman position per 2,000 long-term care
35 beds in the state.>

36 9. Page 4, line 9, by striking <27,088,690> and
37 inserting <27,588,690>

38 10. Page 4, line 12, by striking <5,073,361> and
39 inserting <5,573,361>

40 11. Page 8, after line 16 by inserting:

41 <f. The department of public health shall
42 initiate a committee supported by departmental staff
43 who work with substance-related disorder providers
44 to review reimbursement provisions applicable to
45 substance-related disorder providers. The committee
46 membership shall include the department of human
47 services staff who work with the managed care
48 organization responsible for substance-related
49 disorder treatment under the department and for
50 mental health treatment under the Medicaid program, a

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1 representative of the managed care organization, at
2 least three providers of substance-related disorders
3 designated by the Iowa behavioral health association,
4 and other interests. The committee shall consider
5 the adequacy of the reimbursement provisions, whether
6 it is appropriate to rebase reimbursement, equity
7 of the reimbursement provisions as compared to the
8 reimbursement methodologies used for providers of
9 similar behavioral health services, the effect of
10 health coverage expansion through the Iowa health and
11 wellness plan on such providers, and other issues. The
12 committee shall report to the general assembly with
13 findings and recommendations on or before December 15,
14 2014.>

15 12. Page 8, line 23, by striking <3,671,602> and
16 inserting <4,346,962>

17 13. Page 9, line 5, by striking <1,327,887> and
18 inserting <1,927,887>

19 14. Page 10, line 4, by striking <137,768> and
20 inserting <162,768>

21 15. Page 10, after line 31 by inserting:

22 <j. In preparation for the completion of the
23 youth and young adult suicide prevention program
24 (Y-YASP) project funded through the federal Garrett Lee
25 Smith youth suicide prevention grant awarded to the
26 department of public health, the department of public
27 health and the department of education shall submit
28 recommendations based upon the foundation established
29 by the project to establish a suicide prevention
30 and trauma coordinator position in the department
31 of education, to integrate suicide prevention and
32 postvention and trauma-informed care model protocols
33 into school district supports statewide, and to include
34 evidence-based training on suicide prevention for
35 appropriate school personnel, during the fiscal year
36 beginning July 1, 2015. The departments shall submit
37 their recommendations to the governor and the general
38 assembly no later than December 15, 2014.

39 k. Of the funds appropriated in this subsection,
40 \$50,000 shall be used to support the Iowa effort to
41 address the survey of children who experience adverse
42 childhood experiences known as ACEs.>

43 16. Page 11, line 2, by striking <5,040,692> and
44 inserting <5,105,692>

45 17. Page 11, by striking lines 14 through 16 and
46 inserting <basis. Of the amount allocated in this
47 paragraph, ~~\$47,500~~ \$95,000 shall be used to fund one
48 full-time equivalent position to serve as the state
49 brain injury ~~service~~ services program manager.>

50 18. Page 12, line 32, by striking <175,263> and

1 inserting <215,263>
 2 19. Page 12, after line 35 by inserting:
 3 <1. Of the funds appropriated in this subsection,
 4 \$25,000 shall be used for implementation of chapter
 5 124D, the Medical Cannabidiol Act, or other provision
 6 authorizing the compassionate medical use of
 7 cannabidiol, if enacted by the 2014 general assembly.>

8 20. Page 13, line 6, by striking <9,284,436> and
 9 inserting <8,937,910>

10 21. Page 15, by striking lines 30 through 33 and
 11 inserting:

12 <(8) For continuation of the safety net provider
 13 patient access to a specialty health care initiative as
 14 described in 2007 Iowa Acts, chapter 218, section 109:

15 \$ 189,237
 16 378,474>

17 22. Page 16, line 13, by striking <175,900> and
 18 inserting <313,400>

19 23. Page 16, line 19, by striking <178,875> and
 20 inserting <316,375>

21 24. Page 17, line 10, by striking <150,000> and
 22 inserting <250,000>

23 25. Page 17, line 34, by striking <p.> and
 24 inserting <p. (1)>

25 26. Page 18, after line 18 by inserting:

26 <(2) The department of human services shall work
 27 with the Iowa collaborative safety net provider network
 28 and the Iowa primary care association to develop
 29 a long-term sustainability plan for the statewide
 30 regionally based network to provide the integrated
 31 approach to health care delivery as described in this
 32 lettered paragraph. The department shall pursue any
 33 appropriate payment mechanisms available such as a
 34 Medicaid program state plan amendment, Medicaid program
 35 waiver, state innovation model funding, or other
 36 funding through the centers for Medicare and Medicaid
 37 services of the United States department of health
 38 and human services to provide options for long-term
 39 sustainability by incorporating funding of the network
 40 into any such appropriate payment mechanism.>

41 27. Page 18, line 20, by striking <3,000,000> and
 42 inserting <2,000,000>

43 28. Page 18, by striking lines 25 through 30 and
 44 inserting <as specified in section 135.176.>

45 29. Page 19, by striking lines 3 through 10.

46 30. Page 20, line 4, by striking <3,420,027> and
 47 inserting <3,387,127>

48 31. Page 20, line 7, by striking <454,700> and
 49 inserting <554,700>

50 32. Page 20, by striking lines 33 and 34.

1 33. By striking page 21, line 14, through page 22,
2 line 13, and inserting:

3 <Sec. _____. 2013 Iowa Acts, chapter 138, section
4 134, subsection 1, is amended to read as follows:

5 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
6 For salaries, support, maintenance, and
7 miscellaneous purposes, and for not more than the
8 following full-time equivalent positions:

9	\$	546,754
10		<u>1,095,951</u>
11	FTEs	13.00

IOWA VETERANS HOME

13 Sec. _____. 2013 Iowa Acts, chapter 138, section 134,
14 subsection 2, unnumbered paragraph 1, is amended to
15 read as follows:

16 For salaries, support, maintenance, and
17 miscellaneous purposes:

18	\$	3,762,857
19		<u>7,594,996</u>

20 Sec. _____. 2013 Iowa Acts, chapter 138, section 134,
21 subsection 2, is amended by adding the following new
22 paragraph:

23 NEW PARAGRAPH. e. The Iowa veterans home
24 expenditure report shall be submitted monthly to the
25 legislative services agency.

26 Sec. _____. 2013 Iowa Acts, chapter 138, section 134,
27 subsection 3, is amended to read as follows:>

28 34. By striking page 24, line 25, through page 25,
29 line 32.

30 35. Page 25, line 33, by striking <c.> and
31 inserting <b.>

32 36. Page 29, line 17, by striking <6,042,834> and
33 inserting <6,217,834>

34 37. Page 31, line 26, by striking <48,503,875> and
35 inserting <48,763,875>

36 38. Page 31, line 30, by striking <3,163,854> and
37 inserting <3,338,854>

38 39. Page 32, after line 31 by inserting:

39 <4A. Of the funds appropriated in this section,
40 \$10,000 shall be used by the organization specified in
41 subsection 4 to evaluate the need to assist low-income
42 Iowans in preparing tax returns for electronic filing.>

43 40. Page 32, line 33, by striking <40,000> and
44 inserting <115,000>

45 41. Page 35, line 7, by striking <1,248,320,932>
46 and inserting <1,243,567,577>

47 42. Page 36, line 10, by striking <\$5,151,477> and
48 inserting <\$7,451,376>

49 43. Page 36, by striking lines 12 through 14 and
50 inserting <community-based services waivers.>

1 44. Page 36, after line 27 by inserting:
2 <NEW SUBSECTION. 24. If authorized by the centers
3 for Medicare and Medicaid services of the United States
4 department of health and human services, the department
5 of human services shall expand hospital presumptive
6 eligibility as authorized under 42 C.F.R §435.1110, to
7 include other provider types as qualified entities,
8 including but not limited to federally qualified health
9 centers, upon a center's or other entity's request.

10 NEW SUBSECTION. 25. The department of human
11 services shall adopt rules pursuant to chapter 17A to
12 require or provide for all of the following relating
13 to qualifications for disproportionate share hospital
14 payments:

15 a. That only hospitals, including those defined as
16 a children's hospital, located in the state may qualify
17 for disproportionate share hospital payments.

18 b. That, if a hospital is defined as a children's
19 hospital, the children's hospital may qualify for
20 disproportionate share hospital payments if among
21 other criteria the hospital is a member of, but is
22 not required to be a voting member of, the children's
23 hospital association.>

24 45. Page 39, by striking lines 21 through 29.

25 46. Page 40, line 4, by striking <45,622,828> and
26 inserting <48,641,331>

27 47. Page 40, line 6, by striking <37,903,401> and
28 inserting <40,921,904>

29 48. Page 42, after line 26 by inserting:

30 <12. Of the funds appropriated in this section,
31 \$100,000 is transferred to the department of public
32 health to be used for a program to assist parents in
33 this state with costs resulting from the death of a
34 child in accordance with this subsection. If it is
35 less costly than administering the program directly,
36 the department shall issue a request for proposals
37 and issue a grant to an appropriate organization to
38 administer the program.

39 a. The program funding shall be used to assist
40 parents who reside in this state with costs incurred
41 for a funeral, burial or cremation, cemetery costs, or
42 grave marker costs associated with the unintended death
43 of a child of the parent or a child under the care of a
44 guardian or custodian. The department shall consider
45 the following eligibility factors in developing program
46 requirements:

47 (1) The child was a stillborn infant or was less
48 than age eighteen at the time of death.

49 (2) The request for assistance was approved by
50 the local board or department of health or the county

1 general assistance director and may have been referred
2 by a local funeral home.

3 (3) To be eligible, the parent, guardian, or
4 custodian must have an annual household income that
5 is less than 145 percent of the federal poverty level
6 based on the number of people in the applicant's
7 household as defined by the most recently revised
8 poverty income guidelines published by the United
9 States department of health and human services.

10 (4) The maximum amount of grant assistance provided
11 to a parent, guardian, or custodian associated with the
12 death of a child is \$2,000. If the death is a multiple
13 death and the infants or children are being cremated,
14 or buried together, the same limitation applies.

15 (5) To the extent the overall amount of assistance
16 received by a recipient for the costs addressed under
17 this subsection does not exceed the overall total of
18 the costs, the recipient may receive other public or
19 private assistance in addition to grant assistance
20 under this section.

21 b. Notwithstanding section 8.33, moneys transferred
22 by this subsection that remain unencumbered or
23 unobligated at the close of the fiscal year shall not
24 revert but shall remain available for expenditure for
25 the purposes designated until expended.>

26 49. By striking page 42, line 27, through page 45,
27 line 4, and inserting:

28 <Sec. _____. 2013 Iowa Acts, chapter 138, section
29 147, is amended to read as follows:

30 SEC. 147. JUVENILE INSTITUTIONS. There is
31 appropriated from the general fund of the state to
32 the department of human services for the fiscal year
33 beginning July 1, 2014, and ending June 30, 2015, the
34 following amounts, or so much thereof as is necessary,
35 to be used for the purposes designated:

36 1. For operation of the ~~Iowa juvenile home state~~
37 training school for female juvenile delinquents at
38 Toledo as enacted by this 2014 Iowa Act, to operate
39 with a capacity of at least 20 beds and for salaries,
40 support, maintenance, and miscellaneous purposes, and
41 for not more than the following full-time equivalent
42 positions:

43	\$	4,429,678
44			<u>7,087,766</u>
45	FTEs	114.00
46			<u>54.00</u>

47 a. Of the funds appropriated in this subsection,
48 up to \$2,000,000 may be used by the department for the
49 placement costs of females and males adjudicated as a
50 child in need of assistance that under prior law would

1 have been placed at the Iowa juvenile home.
 2 b. By January 1, 2015, the department shall
 3 provide a report to the governor and the legislative
 4 services agency that includes a description of the
 5 status of juvenile delinquent girls in out-of-home
 6 placements during the period beginning December 1,
 7 2013, and ending December 1, 2014; identifies their
 8 placement histories; provides the reason for placement;
 9 provides a status report on educational services and
 10 treatment of youth at department facilities; and makes
 11 appropriate recommendations for legislation deemed
 12 necessary.

13 c. Of the funds appropriated in this subsection,
 14 \$1,100,000 shall be used for follow-up services to
 15 support children who were placed at a state training
 16 school and remain under the jurisdiction of the state
 17 court and for expansion of the preparation for adult
 18 living program in accordance with section 234.46, in
 19 accordance with this 2014 Act.

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

24	\$	5,628,485
25		<u>11,590,098</u>
26	FTEs	<u>164.30</u>
27		<u>165.30</u>

28 Of the funds appropriated in this subsection,
 29 ~~\$45,575~~ \$91,150 shall be used for distribution
 30 to licensed classroom teachers at this and other
 31 institutions under the control of the department of
 32 human services based upon the average student yearly
 33 enrollment at each institution as determined by
 34 the department. Of the funds appropriated in this
 35 subsection, \$90,000 shall be used for the costs of
 36 implementing the youth council approach, known as
 37 achieving maximum potential, of providing a support
 38 network to males placed at the training school at
 39 Eldora and to females placed at the state training
 40 school at Toledo.

41 3. A portion of the moneys appropriated in this
 42 section shall be used by the state training ~~school~~
 43 ~~and by the Iowa juvenile home schools~~ for grants for
 44 adolescent pregnancy prevention activities at the
 45 institutions in the fiscal year beginning July 1,
 46 2014.>

47 50. Page 45, line 15, by striking <95,535,703> and
 48 inserting <93,571,220>

49 51. Page 45, line 32, by striking <36,967,216> and
 50 inserting <34,383,853>

1 52. Page 49, line 23, by striking <520,150> and
2 inserting <570,150>

3 53. Page 49, line 30, by striking <62,708> and
4 inserting <68,737>

5 54. Page 49, line 33, by striking <125,682> and
6 inserting <137,761>

7 55. Page 50, line 1, by striking <195,892> and
8 inserting <214,722>

9 56. Page 50, line 4, by striking <67,934> and
10 inserting <74,465>

11 57. Page 50, line 7, by striking <67,934> and
12 inserting <74,465>

13 58. Page 51, line 32, by striking <110,000> and
14 inserting <135,000>

15 59. Page 52, line 6, by striking <\$160,000> and
16 inserting <\$110,000>

17 60. Page 52, after line 16 by inserting:

18 <28. The department shall perform a review of the
19 feasibility of and benefits associated with expanding
20 foster care, kinship guardianships, and subsidized
21 adoptions to be available on a voluntary basis to young
22 adults who become age 18 while receiving child welfare
23 services. The purpose of the review is to determine
24 the extent to which the expansion is covered under the
25 federal Fostering Connections to Success and Increasing
26 Adoptions Act of 2008, Pub. L. No. 110-351, and would
27 draw additional federal support under the Title IV-E
28 of the federal Social Security Act, allow the state
29 to expand the preparation for adult living program to
30 additional young adults, and enhance the services and
31 supports available under the program. The department
32 shall engage national and state experts in structuring
33 such programs under the federal fostering connections
34 Act in addition to young persons with experience in the
35 state's foster care system in performing the review.
36 If the department determines the expansion can be
37 implemented within existing state appropriations and
38 produces additional benefits for the young adults who
39 would be served under the expansion, the department may
40 implement changes to expand the availability of foster
41 care, kinship guardianships, and subsidized adoptions
42 for eligible young adults who become age 21.

43 29. Of the funds appropriated in this section,
44 \$25,000 shall be used for the purposes of this
45 subsection. The department shall staff and support
46 a panel of Iowa child welfare experts and advocates
47 to guide and oversee development of the publications
48 enumerated in this subsection. The membership
49 of the panel shall include but is not limited to
50 representatives designated by the Middleton center for

1 children's right at the Drake university legal clinic,
2 disability rights Iowa, the foster care youth council
3 program known as achieving maximum potential or AMP,
4 the department's parent partners pilot program, the
5 Iowa foster and adoptive parent association, the child
6 and family policy center, youth & shelter services,
7 inc., and the youth policy institute of Iowa. The
8 panel shall seek additional support from national
9 experts and technical assistance resources with
10 experience in state efforts to improve child welfare
11 systems with the types of approaches described by this
12 subsection. The panel shall provide a preliminary
13 report on or before October 1, 2014, to the general
14 assembly and the governor, and a final report at a
15 later date. The panel shall produce for distribution
16 through the department the following documents:

17 a. For general distribution to all families, a
18 family rights guide to child protective services that
19 describes what constitutes child abuse and neglect
20 under Iowa law, the child abuse assessment process,
21 the rights families have in that process to request
22 services, and the rights and options such families
23 have to make appeals and secure representation and
24 support. At a minimum, the rights guide shall be
25 translated into the four most common languages other
26 than English spoken in Iowa by persons of limited
27 English proficiency, and the department shall make
28 available interpreters for persons of limited English
29 proficiency in other languages to review the guide and
30 its contents with families. Upon completion, the guide
31 shall be provided to all families who are subject to a
32 child abuse investigation.

33 b. For distribution to children and families
34 engaged processes which may lead to an adjudication
35 under chapter 232 and foster care placement, a child
36 and youth rights guide to foster care that expands upon
37 the bill of rights created by AMP youth. The initial
38 guide shall be directed to older youth ages 12 through
39 17 and shall describe the foster care process and the
40 rights children engaged in foster care processes have
41 to services, representation, and support and to be
42 heard in developing their permanency plans.>

43 61. Page 58, line 20, by striking <16,304,602> and
44 inserting <16,422,302>

45 62. Page 58, line 26, by striking < \$132,300> and
46 inserting < \$150,000>

47 63. Page 59, before line 6 by inserting:

48 <5B. Of the funds appropriated in this section,
49 \$50,000 shall be used by the department of human
50 services to contract with an independent researcher

1 with expertise in both aging and disability population
2 issues to evaluate the current provision of specialized
3 services to individuals with a mental illness or an
4 intellectual disability residing in nursing facilities
5 in the state and develop a quality assurance model to
6 ensure that nursing facility residents with a mental
7 illness or an intellectual disability are receiving
8 effective specialized services pursuant to the federal
9 Nursing Home Reform Act . In evaluating the current
10 provision of specialized services, the contractor
11 shall select nursing facilities with higher than
12 average numbers of residents with a mental illness
13 or an intellectual disability. In evaluating the
14 current specialized services the contractor shall
15 determine whether the specialized services are
16 individualized, provided in addition to basic nursing
17 facility services, and appropriate to meet the needs
18 of the individual to assist in transitioning to a
19 less restrictive, more integrated environment. The
20 contractor shall also determine whether the specialized
21 services are included in the residents' plans of
22 care; whether the specialized services were provided
23 by a mental health or intellectual disabilities
24 professional; the cost of and funding source for the
25 specialized services; whether the specialized services
26 were effective in treating or habilitating residents,
27 improving the residents' level of functioning, and
28 enhancing the residents' ability to live in the
29 community with appropriate services and supports; how
30 many residents for whom specialized services were
31 provided were able to transition to a less restrictive
32 placement; and the projected savings if residents
33 received effective specialized services, avoided
34 hospitalizations, and transitioned to living in less
35 restrictive settings with appropriate services and
36 supports. The department shall report the results
37 of the evaluation and the proposed quality assurance
38 model to the individuals designated by this Act for
39 submission of reports by December 15, 2014.>

40 64. Page 59, by striking line 21 and inserting
41 <exceed ~~\$268,712,511~~ \$284,878,824. Of this amount, not
42 more than \$2,000,000 shall be used for reimbursement
43 of nursing facilities to supplement the shortfall
44 attributable to the rebasing of nursing facility
45 rates in accordance with this 2013 Act, section
46 29, subsection 1, paragraph "a", subparagraph (2),
47 beginning January 1, 2015.>

48 65. Page 59, after line 21 by inserting:
49 <Sec. ____ . 2013 Iowa Acts, chapter 138, section
50 159, subsection 1, paragraph a, is amended by adding

1 the following new subparagraph:

2 NEW SUBPARAGRAPH. (4) The department of
3 human services shall release all retroactive rate
4 determinations and payments within 90 days of receipt
5 of approval from the centers for Medicare and Medicaid
6 services of the United States department of health
7 and human services and no later than March 31 of the
8 calendar year that falls within the current fiscal year
9 of the appropriation addressed by this paragraph "a".>

10 66. Page 60, line 24, after <year> by inserting <as
11 specified in subparagraph (5), as enacted in this 2014
12 Act>

13 67. Page 60, line 28, by striking <October 1, 2015>
14 and inserting <January 1, 2015>

15 68. Page 60, line 31, after <year> by inserting <as
16 specified in subparagraph (5), as enacted by this 2014
17 Act>

18 69. Page 60, after line 31 by inserting:

19 <Sec. _____. 2013 Iowa Acts, chapter 138, section
20 159, subsection 1, paragraph c, is amended by adding
21 the following new subparagraph:

22 NEW SUBPARAGRAPH. (5) Of the amount appropriated
23 for the medical assistance program for the fiscal
24 year, not more than \$3,000,000 shall be used for
25 reimbursement of inpatient and outpatient hospital
26 services attributable to rebasing as provided in
27 subparagraphs (1) and (2).>

28 70. Page 61, line 13, by striking <October 1, 2014>
29 and inserting <2014 January 1, 2015>

30 71. Page 61, after line 31 by inserting:

31 <Sec. _____. 2013 Iowa Acts, chapter 138, section
32 159, subsection 1, paragraph q, is amended to read as
33 follows:

34 q. For the fiscal year beginning July 1, 2014,
35 the reimbursement rate for emergency medical service
36 providers shall be increased by 10 percent over the
37 rate rates in effect on June 30, 2014.

38 Sec. _____. 2013 Iowa Acts, chapter 138, section 159,
39 subsection 1, is amended by adding the following new
40 paragraph:

41 NEW PARAGRAPH. r. For the fiscal year
42 beginning July 1, 2014, the reimbursement rate for
43 ophthalmologists shall be increased by five percent
44 over the rates in effect on June 30, 2014.>

45 72. Page 62, line 13, after <subsection.> by
46 inserting <Through December 31, 2014, the combined
47 reimbursement rate shall remain at the rate in effect
48 on June 30, 2014, and on January 1, 2015, shall be
49 changed as provided in paragraph "b".>

50 73. Page 62, lines 14 and 15, by striking <June 30>

1 and inserting <December 31>

2 74. Page 62, lines 18 and 19, by striking <for the
3 fiscal year beginning July 1, 2014> and inserting <for
4 the period beginning January 1, 2015, and ending June
5 30, 2015>

6 75. Page 66, line 6, after <APPROPRIATIONS> by
7 inserting <AND OTHER PRIOR PROVISIONS>

8 76. Page 66, after line 6 by inserting:

9 <SAFETY NET – CARE COORDINATION

10 Sec. _____. 2013 Iowa Acts, chapter 138, section
11 3, subsection 4, paragraph p, is amended to read as
12 follows:

13 p. Of the funds appropriated in this section,
14 \$1,158,150 is allocated to the Iowa collaborative
15 safety net provider network established pursuant
16 to section 135.153 to be used for the development
17 and implementation of a statewide regionally based
18 network to provide an integrated approach to health
19 care delivery through care coordination that supports
20 primary care providers and links patients with
21 community resources necessary to empower patients in
22 addressing biomedical and social determinants of health
23 to improve health outcomes. The Iowa collaborative
24 safety net provider network shall work in conjunction
25 with the department of human services to align the
26 integrated network with the health care delivery
27 system model developed under the state innovation
28 models initiative grant. The Iowa collaborative
29 safety net provider network shall submit a progress
30 report to the individuals designated in this Act for
31 submission of reports by December 31, 2013, including
32 progress in developing and implementing the network,
33 how the funds were distributed and used in developing
34 and implementing the network, and the remaining
35 needs in developing and implementing the network.
36 Notwithstanding section 8.33, moneys allocated in this
37 paragraph that remain unencumbered or unobligated at
38 the close of the fiscal year shall not revert but shall
39 remain available for expenditure for the purposes
40 designated until the close of the succeeding fiscal
41 year.>

42 77. Page 66, by striking lines 7 through 21.

43 78. Page 69, line 15, after <this section> by
44 inserting <, and subject to the Medicaid offset
45 amendments in section 426B.3, subsection 5, as amended
46 by this division of this 2014 Act>

47 79. Page 70, line 27, after <section> by inserting
48 <, and subject to the Medicaid offset amendments
49 in section 426B.3, subsection 5, as amended by this
50 division of this 2014 Act>

1 80. Page 71, line 7, after <division.> by inserting
2 <The protocols and program models shall not include
3 provisions that would interfere with the ability
4 of any mental health and disability services region
5 approved under section 331.389 operating as an
6 employment network for the federal social security
7 administration's ticket to work program for persons
8 with disabilities to collect any milestone or outcome
9 payments.>

10 81. Page 71, after line 13 by inserting:

11 <Sec. ____ . PROVISIONAL REGIONALIZATION
12 AUTHORIZATION.

13 1. During the time period beginning on the
14 effective date of this section and ending June 30,
15 2015, upon receiving an application from Mahaska and
16 Marion counties, the director of human services may
17 authorize the counties to form and operate a mental
18 health and disability services region on a provisional
19 basis for up to 12 months in accordance with this
20 section.

21 2. Unless the director grants an exception to
22 policy allowing the counties and their region,
23 during the provisional operation time period, to
24 meet a requirement through an alternative means, the
25 counties and their region shall comply with all of
26 the requirements applicable to a mental health and
27 disability services region under chapter 331 and other
28 law applicable to regions.

29 3. Prior to the end of the provisional operation
30 time period, the director may reauthorize on a one-time
31 basis the region to operate provisionally for an
32 additional time period of up to 12 months.

33 4. If the director determines the two counties
34 and their region are not in compliance with the
35 requirements under subsection 2 during any provisional
36 operation time period and that compliance will not be
37 achieved through a corrective action plan, the director
38 may assign each county to a region contiguous to the
39 county. The region assigned shall amend its chapter
40 28E agreement and other operating requirements and
41 policies to accept the assigned county.>

42 82. By striking page 71, line 14, through page 72,
43 line 2.

44 83. Page 72, by striking lines 3 through 22.

45 84. Page 72, before line 23 by inserting:

46 <Sec. ____ . Section 230.1, subsection 1, Code 2014,
47 is amended to read as follows:

48 1. The necessary and legal costs and expenses
49 attending the taking into custody, care, investigation,
50 admission, commitment, and support of a person with

1 mental illness admitted or committed to a state
2 hospital shall be paid by a county or by the state as
3 follows:

4 a. If the person is eighteen years of age or older,
5 as follows:

6 (1) The costs attributed to mental illness shall
7 be paid by the regional administrator on behalf of the
8 person's county of residence.

9 (2) The costs attributed to a substance-related
10 disorder shall be paid by the person's county of
11 residence.

12 (3) The costs attributable to a dual diagnosis of
13 mental illness and a substance-related disorder may be
14 split as provided in section 226.9C.

15 b. By the state as a state case if such person has
16 no residence in this state, if the person's residence
17 is unknown, or if the person is under eighteen years
18 of age.>

19 85. Page 73, by striking lines 1 through 6 and
20 inserting <anticipated, the regional administrator
21 shall reserve an adequate amount for cash flow of
22 expenditure obligations in the first quarter of the
23 next fiscal year. Residual funding remaining after the
24 cash>

25 86. Page 73, after line 10 by inserting:

26 <Sec. _____. Section 331.393, subsection 2, Code
27 2014, is amended by adding the following new paragraph:

28 NEW PARAGRAPH. h. The financial eligibility
29 requirements for service under the regional service
30 system. A plan that otherwise incorporates the
31 financial eligibility requirements of section 331.395
32 but allows eligibility for persons with income above
33 one hundred fifty percent of the federal poverty
34 level as described in section 331.395, subsection 2,
35 paragraph "b", or for persons with resources above
36 the minimum resource limitations adopted pursuant to
37 section 331.395, subsection 1, paragraph "c", shall
38 be deemed by the department to be in compliance with
39 financial eligibility requirements of section 331.395.>

40 87. Page 73, by striking lines 22 through 25 and
41 inserting <county services fund to address cash flow
42 of expenditure obligations in the first quarter of the
43 next fiscal year. The cash>

44 88. Page 74, by striking lines 22 and 23 and
45 inserting:

46 <Sec. _____. Section 426B.3, subsection 5, paragraph
47 a, Code 2014, is amended to read as follows:

48 a. For the purposes of this subsection, "Medicaid
49 offset amount" means the projected amount for a fiscal
50 year that would have been paid from a county's services

1 fund for those services for ~~persons~~ individuals
2 eligible under the county's approved service management
3 plan that would be non-Medicaid services, but due to
4 the ~~persons~~ individuals' enrollment in the Iowa health
5 and wellness plan established under chapter 249N, those
6 services are instead covered under chapter 249N.>

7 89. Page 74, by striking line 24 and inserting:

8 <b. For the fiscal year beginning July 1, ~~2013~~
9 2014, and>

10 90. Page 75, by striking lines 14 through 26 and
11 inserting:

12 <Sec. _____. Section 426B.3, subsection 5, paragraph
13 c, Code 2014, is amended by striking the paragraph.>

14 91. Page 76, after line 15 by inserting:

15 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
16 provisions of this division of this Act, being deemed
17 of immediate importance, take effect upon enactment:

18 1. The section providing a provisional

19 regionalization authorization.

20 2. The section amending 2013 Iowa Acts, chapter
21 136, section 11.>

22 92. Page 76, after line 21 by inserting:

23 <Sec. _____. Section 249A.4, subsection 10, Code
24 2014, is amended by adding the following new paragraph:

25 NEW PARAGRAPH. c. (1) A nursing facility that
26 utilizes the supplementation option and receives
27 supplementation under this subsection during any
28 calendar year, shall report to the department of
29 human services, annually, by January 15, the following
30 information for the preceding calendar year:

31 (a) The total number of nursing facility beds
32 available at the nursing facility, the number of such
33 beds available in private rooms, and the number of such
34 beds available in other types of rooms.

35 (b) The average occupancy rate of the facility on
36 a monthly basis.

37 (c) The total number of residents for which
38 supplementation was utilized.

39 (d) The average private pay charge for a private
40 room in the nursing facility.

41 (e) For each resident for whom supplementation
42 was utilized, the total charge to the resident for
43 the private room, the portion of the total charge
44 reimbursed under the Medicaid program, and the total
45 charge reimbursed through supplementation.

46 (2) The department shall compile the information
47 received and shall submit the compilation to the
48 general assembly, annually by February 15.>

49 93. Page 76, after line 23 by inserting:

50 <Sec. _____. NEW SECTION. 35D.7A Supplemental

1 stipend.

2 In addition to any amount otherwise retained by or
3 provided as a personal needs allowance to a member or
4 a member's spouse under this chapter, a member and
5 the member's spouse, if applicable, shall receive a
6 supplemental stipend of thirty dollars per month. The
7 supplemental stipend shall not be treated as income of
8 the resident for purposes of medical assistance program
9 eligibility or client participation.

10 Sec. _____. NEW SECTION. 249A.4C Medicaid program
11 state plan amendments and waivers – prior approval.

12 A Medicaid program state plan amendment or waiver
13 request shall not be submitted for federal approval
14 to the centers for Medicare and Medicaid services
15 of the United States department of health and human
16 services unless prior direction or approval is provided
17 by an enactment of the general assembly. Following
18 submission of any such state plan amendment or waiver
19 request, the department shall regularly and upon
20 request of the chairpersons or ranking members of the
21 joint appropriations subcommittee on health and human
22 services, provide progress reports to the chairpersons
23 and ranking members of the joint appropriations
24 subcommittee on health and human services, the
25 legislative services agency and the legislative
26 caucus staffs, regarding the status of the state plan
27 amendment or waiver.>

28 94. Page 76, by striking lines 24 through 31.

29 95. Page 76, before line 32 by inserting:

30 <Sec. _____. NEW SECTION. 514I.13 State plan
31 amendments and waivers – prior approval.

32 The department shall not submit a state plan
33 amendment or waiver request pursuant to this chapter
34 to the centers for Medicare and Medicaid services
35 of the United States department of health and human
36 services for federal approval unless prior direction
37 or approval is provided by an enactment of the general
38 assembly. Following submission of any such state plan
39 amendment or waiver request, the department shall
40 regularly and upon request of a chairperson or ranking
41 member of the joint appropriations subcommittee on
42 health and human services, provide progress reports
43 to the chairpersons and ranking members of the joint
44 appropriations subcommittee on health and human
45 services, the legislative services agency and the
46 legislative caucus staffs, regarding the status of the
47 state plan amendment or waiver.

48 Sec. _____. FREE PARKING OPTIONS – CHILDREN WITH
49 CHRONIC CONDITIONS. The university of Iowa hospitals
50 and clinics shall develop and implement by October 1,

1 2014, a free parking option for the use by families of
2 children who are admitted to the hospital for extended
3 periods of time or who visit the hospital routinely for
4 treatment for cancer or other chronic conditions. The
5 option may provide for assignment of one free visitor
6 parking pass to the child for use by the family as
7 the family deems appropriate, validation of parking
8 tickets, provision of a reserved lot in close proximity
9 to the hospital and easily accessible on foot, or
10 issuance of parking passes valid in the hospital
11 parking area.

12 Sec. ____ . CHILD WELFARE SERVICES COMMISSION.

13 1. A child welfare services commission is created
14 under the authority of the legislative council.

15 2. The commission membership shall include the
16 following persons:

17 a. The director of human services or the director's
18 designee.

19 b. The administrator of child welfare programs
20 under the department of human services or the
21 administrator's designee.

22 c. The administrator of the division of criminal
23 and juvenile justice planning in the department of
24 human rights or the administrator's designee.

25 d. The administrator of the child advocacy board
26 in the department of inspections and appeals or the
27 administrator's designee.

28 e. The chief justice of the supreme court or the
29 chief justice's designee.

30 f. The director of the department of education or
31 the director's designee.

32 g. The executive director of the Iowa foster and
33 adoptive parent association or the executive director's
34 designee.

35 h. The executive director of the coalition for
36 family and children's services in Iowa or the executive
37 director's designee.

38 i. The presiding officer of the Iowa juvenile
39 court services association or the presiding officer's
40 designee.

41 j. The director of the child health specialty
42 clinics at the university of Iowa or the director's
43 designee.

44 k. A youth member of the achieving maximum
45 potential program designated by the program's director.

46 l. The director of the child and family policy
47 center or the director's designee.

48 m. Members of the general assembly appointed by the
49 legislative council.

50 n. Other persons designated by the legislative

1 council.

2 3. In addition to the legislative services agency,
3 the legislative council may employ or contract with a
4 person or persons to assist the commission in carrying
5 out its duties.

6 4. The commission shall perform the following
7 duties:

8 a. Review the array of child welfare services in
9 the state.

10 b. Identify options for improving the coordination
11 and collaboration between the public and private
12 entities involved with child welfare services.

13 c. Direct special attention to children's mental
14 and behavioral health services.

15 d. Identify policies to support the growth and
16 expansion of community-based pediatric integrated
17 health homes.

18 e. Identify options to support continuous
19 improvement of pediatric mental health services and
20 innovation by service providers of such services at the
21 state and community levels.

22 f. Consider proposals for creation of a center of
23 collaborative children's mental and behavioral health
24 services.

25 g. Evaluate the adequacy of the public funding of
26 child welfare services and identify options to address
27 shortfalls and for shifting resources.

28 5. Of the amount appropriated in this 2014 Iowa
29 Act to the department of human services for general
30 administration for the fiscal year beginning July
31 1, 2014, and ending June 30, 2014, \$50,000 shall be
32 transferred to the legislative services agency to
33 be used for the child welfare services commission in
34 accordance with this section.

35 6. The commission shall submit a final report
36 with findings and recommendations to the governor and
37 general assembly for action in the 2015 legislative
38 session.>

39 96. By striking page 76, line 32, through page 77,
40 line 21.

41 97. Page 78, line 14, after <limited> by inserting
42 <to>

43 98. Page 78, after line 26 by inserting:

44 <STATE CHILD CARE ASSISTANCE

45 Sec. _____. Section 237A.13, subsection 7, paragraphs
46 a and c, Code 2014, are amended to read as follows:

47 a. Families with an income at or below one hundred
48 percent of the federal poverty level whose members ~~are~~
49 ~~employed~~, for at least twenty-eight hours per week in
50 the aggregate, are employed or are participating at a

1 satisfactory level in an approved training program or
2 educational program, and parents with a family income
3 at or below one hundred percent of the federal poverty
4 level who are under the age of twenty-one years and are
5 participating in an educational program leading to a
6 high school diploma or the equivalent.

7 c. Families with an income of more than one hundred
8 percent but not more than one hundred forty-five
9 percent of the federal poverty level whose members ~~are~~
10 employed, for at least twenty-eight hours per week in
11 the aggregate, are employed or are participating at a
12 satisfactory level in an approved training program or
13 educational program.

14 Sec. _____. Section 237A.13, subsection 8, Code 2014,
15 is amended to read as follows:

16 8. Nothing in this section shall be construed
17 as or is intended as, or shall imply, a grant of
18 entitlement for services to persons who are eligible
19 for assistance due to an income level or other
20 eligibility circumstance addressed in this section.
21 Any state obligation to provide services pursuant to
22 this section is limited to the extent of the funds
23 appropriated for the purposes of state child care
24 assistance. The department shall not redetermine the
25 eligibility of a program participant more frequently
26 than every twelve months.

27 Sec. _____. STATE CHILD CARE ASSISTANCE APPLICATIONS
28 – INFORMATION TECHNOLOGY.

29 1. The department of human services shall review
30 the application form and other elements of the process
31 used by applicants to apply for the state child care
32 assistance program. The purpose of the review is to
33 simplify the process by eliminating requirements to
34 provide unneeded or redundant information and improving
35 the wording of the application, and identifying other
36 options for improvement. The department shall report
37 the results of the review to the governor and general
38 assembly on or before December 1, 2014.

39 2. The department shall implement an application
40 process enhancement so that applicants for the state
41 child care assistance program may apply for the program
42 using information technology devices.

43 Sec. _____. IMPLEMENTATION. The department of human
44 services shall adopt rules and take other actions as
45 necessary to implement, as state child care assistance
46 program eligibility provisions, the amendments to
47 section 237A.13 in this division of this Act, on July
48 1, 2014.>

49 99. Page 90, after line 2 by inserting:

50 <DIVISION ____

1 STATE TRAINING SCHOOLS – EDUCATION
2 Sec. _____. LEGISLATIVE FINDINGS. The general
3 assembly finds there is a need to improve the system
4 to meet the needs of children who have committed
5 a delinquent act, have been abused, neglected, or
6 subjected to trauma, or have other significant needs
7 that put the safety of the children or the public at
8 risk. The areas for system improvement include but are
9 not limited to all of the following:

10 1. Providing equity in the services available for
11 both the male and female children involved in the
12 system.

13 2. Providing appropriate safeguards to ensure
14 children in placements are safe and getting their needs
15 met.

16 3. Ensuring that education and training services
17 meet state and federal requirements and prepare the
18 children for long-term success.

19 4. Engaging children in services after an
20 out-of-home placement to prevent the need for placement
21 from reoccurring.

22 5. Providing an effective system to support
23 children when they attain adulthood in order to prevent
24 their engagement with the adult criminal justice
25 system.

26 Sec. _____. IMPLEMENTATION.

27 1. As the level of service for juvenile delinquent
28 females provided for in this Act does not currently
29 exist in the state and represents a gap in the
30 continuum of care for juvenile females, reopening, and
31 making necessary changes in the facilities of the Iowa
32 juvenile home of Toledo provides the best means of
33 expeditiously fulfilling the duties outlined in section
34 233B.1, as enacted by this Act.

35 2. In reopening the facility at Toledo as the
36 state training school for juvenile delinquent females
37 in accordance with this division of this Act, the
38 department of human services shall phase in the
39 following provisions as follows:

40 a. The department of human services shall begin
41 implementation of the requirements for the two state
42 training schools to be accredited as secure juvenile
43 correctional facilities and to comply with other
44 regulatory requirements in accordance with section
45 233A.1, subsection 7, and section 233B.1, subsection
46 7, upon enactment of this Act and shall complete the
47 correctional association accreditation by June 30,
48 2017. The department shall propose a schedule to the
49 governor and general assembly on or before December
50 15, 2014, for compliance with the other regulatory

1 requirements.

2 b. Education services in accordance with section
3 282.33, as amended by this division of this Act, shall
4 be developed by the close of the fiscal year beginning
5 July 1, 2014, in conjunction with the department of
6 education, affected area education agencies, affected
7 school districts, and other stakeholders.

8 Sec. _____. Section 232.2, subsection 22, paragraph
9 b, subparagraph (3), Code 2014, is amended to read as
10 follows:

11 (3) Visiting the home, residence, or both home and
12 residence of the child and any prospective home or
13 residence of the child, including each time placement
14 is changed. A child in a placement other than with
15 the child's parent shall be visited at the placement
16 at least quarterly.

17 Sec. _____. Section 232.2, Code 2014, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 54A. "State training school"
20 means the state training school for female juvenile
21 delinquents at Toledo maintained in accordance with
22 chapter 233B or the state training school for male
23 juvenile delinquents at Eldora maintained in accordance
24 with chapter 233A.

25 Sec. _____. Section 232.49, subsection 2, Code 2014,
26 is amended to read as follows:

27 2. When possible an examination shall be conducted
28 on an outpatient basis, but the court may, if it deems
29 necessary, commit the child to a state training school
30 or to a suitable hospital, facility, or institution for
31 the purpose of examination. Commitment for examination
32 shall not exceed thirty days and the civil commitment
33 provisions of chapter 229 shall not apply.

34 Sec. _____. Section 232.49, subsection 3, paragraph
35 b, Code 2014, is amended to read as follows:

36 b. An examination shall be conducted on an
37 outpatient basis unless the court, the child's counsel,
38 and the parent, guardian, or custodian agree that
39 it is necessary the child be committed to a state
40 training school or to a suitable hospital, facility, or
41 institution for the purpose of examination. Commitment
42 for examination shall not exceed thirty days and the
43 civil commitment provisions of chapter 229 shall not
44 apply.

45 Sec. _____. Section 232.52, subsection 7, Code 2014,
46 is amended by adding the following new paragraph:

47 NEW PARAGRAPH. 0b. When the court orders the
48 transfer of legal custody of a child pursuant to
49 subsection 2, paragraph "d", "e", or "f", the child's
50 attorney shall visit the child at the child's placement

1 at least quarterly.

2 Sec. _____. Section 232.102, subsections 3 and 4,
3 Code 2014, are amended by striking the subsections.

4 Sec. _____. Section 232.103, subsection 7, Code 2014,
5 is amended by striking the subsection.

6 Sec. _____. Section 233A.1, Code 2014, is amended to
7 read as follows:

8 233A.1 State training school ~~—Eldora and Toledo.~~

9 1. For the purposes of this chapter, unless the
10 context otherwise requires:

11 a. "Department" means the department of human
12 services.

13 b. "Director" means the director of human services.

14 c. "State training school" means the state training
15 school for male juvenile delinquents at Eldora.

16 d. "Superintendent" means the superintendent of the
17 state training school for male juvenile delinquents.

18 ~~1. 2. Effective January 1, 1992, a~~ A diagnosis
19 and evaluation center and other units are established
20 at Eldora and shall be operated, maintained, and
21 staffed by the department to provide to male juvenile
22 delinquents a program which focuses upon appropriate
23 developmental skills, treatment, placements, and
24 rehabilitation.

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

37 3. The number of children present at any one time
38 at the state training school at Eldora shall not exceed
39 the population guidelines established under 1990
40 Iowa Acts, chapter 1239, section 21, as adjusted for
41 subsequent changes in the capacity at the training
42 school.

43 4. Each child placed at the state training school
44 and any other child receiving an examination at the
45 state training school by order of the court shall
46 receive a written plan for services. The plan for
47 services provided by the state training school to
48 a child shall identify any physical, emotional,
49 intellectual, behavioral, or mental health disorder or
50 condition affecting the child and recommend treatment

1 to address the disorder or condition, identify
2 any substance-related disorder of the child or the
3 child's family and recommend treatment to address the
4 disorder, and assess the child's educational status and
5 recommend action to address any identified educational
6 deficiency, and for follow-up services, identify
7 specific public and private service providers with the
8 capacity to meet the child's needs. A copy of the plan
9 for services and any subsequent amendment to the plan
10 shall be submitted to the child, the child's attorney,
11 and the juvenile court.

12 5. The state training school shall facilitate
13 the provision of follow-up services to children, who
14 received placement services at the state training
15 school and who remain under the jurisdiction of the
16 juvenile court, as necessary to meet the long-term
17 needs of the children as they age into adulthood. The
18 plan for follow-up services shall be developed with
19 the child in conjunction with juvenile court services
20 and the child's attorney. The provision of follow-up
21 services for children who remain under the jurisdiction
22 of the juvenile court is subject to approval by the
23 juvenile court. Follow-up services shall be provided
24 to support children who are discharged from the state
25 training school during the period beginning twelve
26 months prior to the children becoming age eighteen and
27 ending on the day prior to the children becoming age
28 eighteen who do not remain under the jurisdiction of
29 the juvenile court. In addition, follow-up services
30 shall be made available to children discharged from the
31 school at any age upon or after the children become age
32 eighteen and continuing until at least age twenty-one.

33 6. For any child placed at the state training
34 school, the school shall provide a written plan
35 regarding the placement status of the child on or about
36 the time the child becomes age eighteen. The plan
37 shall, while giving consideration to the treatment
38 needs of the child, also give consideration to the
39 long-term needs of the child upon becoming age eighteen
40 including needs for vocational training or higher
41 education. Given these considerations, the plan shall
42 identify placement options to meet the child's needs
43 that will not negatively affect the child's adult
44 eligibility for assistance provided with federal
45 financial participation. The assistance addressed
46 shall include but is not limited to the preparation
47 for adult living program under section 234.46, the
48 medical assistance program, the Iowa aftercare services
49 network, the federal educational and training vouchers
50 program for youths aging out of foster care, and the

1 federal job corps program.
2 7. The department shall cause the state training
3 school to be accredited as a secure juvenile
4 correctional facility by the American correctional
5 association, to meet the standards adopted by the
6 department for approval of a juvenile detention home,
7 and to meet applicable standards for programs providing
8 residential services for children paid for by a managed
9 care or prepaid services contract under the medical
10 assistance program. The standards applied in addition
11 to the American correctional association accreditation
12 requirements shall include but are not limited to the
13 minimum qualifications of staff. The standards and
14 sanctions for noncompliance shall be identified in
15 conjunction with the department of inspections and
16 appeals and experts who are not employed by or under
17 contract with the department. A regular assessment
18 of compliance with the standards shall be performed
19 by the department of inspections and appeals and that
20 department shall submit a report on each assessment to
21 the governor and general assembly.

22 8. The director and the superintendent for the
23 state training school shall provide on an ongoing
24 basis for the school's programs, facilities, and
25 services, and for the training of staff in order to
26 apply evidence-based practices and other recognized
27 contemporary approaches to ensure that the care
28 for the children served by the school is of high
29 quality. The director's and superintendent's efforts
30 and recommendations to comply with this requirement
31 shall be documented in the annual budget and financial
32 reporting submitted to the governor and the general
33 assembly.

34 Sec. _____. Section 233A.4, Code 2014, is amended to
35 read as follows:

36 233A.4 Education and training.

37 The state training school shall provide a positive
38 living experience for older juveniles who require
39 secure custody and who live at the state training
40 school for an extended period of time. The education
41 and training programs provided to the juveniles shall
42 reflect the age level and extended period of stay by
43 focusing upon appropriate developmental skills to
44 prepare the juveniles for productive living. The
45 education services provided to the children placed
46 at the state training school shall be provided in
47 accordance with section 282.33.

48 Sec. _____. Section 233B.1, Code 2014, is amended to
49 read as follows:

50 233B.1 Definitions – purpose – services –

1 population limit.

2 1. For the purpose of this chapter, unless the
3 context otherwise requires:

4 a. "Department" means the department of human
5 services.

6 a. ~~b. "Administrator" or "director"~~ "Director"
7 means the director of the department of human services.

8 ~~b. c. "Home" "State training school" means the Iowa~~
9 ~~juvenile home state training school for female juvenile~~
10 ~~delinquents at Toledo maintained in accordance with~~
11 ~~this chapter.~~

12 ~~e. d. "Superintendent" means the superintendent of~~
13 ~~the Iowa juvenile home state training school for female~~
14 ~~juvenile delinquents.~~

15 2. ~~The Iowa juvenile home state training school~~
16 ~~for female juvenile delinquents shall be operated,~~
17 ~~maintained for the purpose of providing care, custody,~~
18 ~~and education of the children committed to the~~
19 ~~home. The children shall be wards of the state. The~~
20 ~~children's education shall embrace instruction in~~
21 ~~the common school branches and in such other higher~~
22 ~~branches as may be practical and will enable the~~
23 ~~children to gain useful and self-sustaining employment.~~
24 ~~The administrator and the superintendent of the home~~
25 ~~shall assist all discharged children in securing~~
26 ~~suitable homes and proper employment., and staffed~~
27 ~~by the department of human services to do all of the~~
28 ~~following for female residents of this state:~~

29 3. ~~The number of children present at any one~~
30 ~~time at the Iowa juvenile home shall not exceed the~~
31 ~~population guidelines established under 1990 Iowa Acts,~~
32 ~~chapter 1239, section 21, as adjusted for subsequent~~
33 ~~changes in the capacity at the home.~~

34 a. Provide gender-responsive services to female
35 children less than age eighteen who have been
36 adjudicated under chapter 232 as delinquent and placed
37 at the state training school in accordance with a court
38 order.

39 b. If provided for by the children's education
40 plans, allow for continued placement at the state
41 training school for female children who were placed
42 at the state training school under paragraph "a"
43 upon the children becoming adults. The purpose of
44 continued placement is for completion of high school
45 education requirements identified in the education
46 plans developed by the provider of educational services
47 for the children.

48 c. Facilitate the provision of follow-up services
49 to children who received placement services at
50 the state training school and who remain under the

1 jurisdiction of the juvenile court, as necessary
2 to meet the long-term needs of the children as they
3 age into adulthood. The plan for follow-up services
4 shall be developed with the child in conjunction with
5 juvenile court services and the child's attorney.
6 The provision of follow-up services for children who
7 remain under the jurisdiction of the juvenile court is
8 subject to approval by the juvenile court. Follow-up
9 services shall be provided to support children who are
10 discharged from the state training school during the
11 period beginning twelve months prior to the children
12 becoming age eighteen and ending on the day prior to
13 the children becoming age eighteen who do not remain
14 under the jurisdiction of the juvenile court. In
15 addition, follow-up services shall be made available to
16 children discharged from the state training school at
17 any age upon or after the children become age eighteen
18 and continuing until at least age twenty-one.

19 3. Each child placed at the state training school
20 and any other child receiving an examination at the
21 state training school by order of the court shall
22 receive a written plan for services. The plan for
23 services provided by the state training school to
24 a child shall identify any physical, emotional,
25 intellectual, behavioral, or mental health disorder or
26 condition affecting the child and recommend treatment
27 to address the disorder or condition, identify
28 any substance-related disorder of the child or the
29 child's family and recommend treatment to address the
30 disorder, and assess the child's educational status and
31 recommend action to address any identified educational
32 deficiency, and for follow-up services, identify
33 specific public and private service providers with the
34 capacity to meet the child's needs. A copy of the plan
35 for services and any subsequent amendment to the plan
36 shall be submitted to the child, the child's attorney,
37 and the juvenile court.

38 4. For any child placed at the state training
39 school, the state training school shall provide a
40 written plan regarding the placement status of the
41 child on or about the time the child becomes age
42 eighteen. The plan shall, while giving consideration
43 to the treatment needs of the child, also give
44 consideration to the long-term needs of the child
45 upon becoming age eighteen, including needs for
46 vocational training or higher education. Given these
47 considerations, the plan shall identify placement
48 options to meet the child's needs that will not
49 negatively affect the child's eligibility as an adult
50 for assistance provided through federal financial

1 participation. The assistance addressed shall include
2 but is not limited to the preparation for adult living
3 program under section 234.46, the medical assistance
4 program, the Iowa aftercare services network, the
5 federal educational and training vouchers program for
6 youths aging out of foster care, and the federal job
7 corps program.

8 5. The department of human services and the
9 representatives of juvenile court services shall
10 annually recommend a desired capacity for the state
11 training school in the succeeding fiscal year to the
12 governor and general assembly no later than December
13 15. The capacity of the state training school for a
14 fiscal year shall be specified in the appropriations
15 for the school.

16 6. The education services provided to the children
17 placed at the state training school shall be provided
18 in accordance with section 282.33.

19 7. The department shall cause the state training
20 school to be accredited as a secure juvenile
21 correctional facility by the American correctional
22 association, to meet the standards adopted by the
23 department for approval of a juvenile detention
24 home, and to meet applicable standards for programs
25 providing residential services for children paid for
26 by a managed care or prepaid services contract under
27 the medical assistance program. The standards applied
28 in addition to the American correctional association
29 accreditation requirements shall include but are not
30 limited to the minimum qualifications of staff and
31 provision of gender-responsive services. The standards
32 and sanctions for noncompliance shall be identified
33 in conjunction with the department of inspections and
34 appeals and experts who are not employed by or under
35 contract with the department. A regular assessment
36 of compliance with the standards shall be performed
37 by the department of inspections and appeals and that
38 department shall submit a report on each assessment to
39 the governor and general assembly.

40 8. The director and the superintendent for the
41 state training school shall provide on an ongoing basis
42 for the state training school's programs, facilities,
43 and services, and for the training of staff in order
44 to apply evidence-based practices and other recognized
45 contemporary approaches to ensure that the care for the
46 children served by the state training school is of high
47 quality. The director's and superintendent's efforts
48 and recommendations to comply with this requirement
49 shall be documented in the annual budget and financial
50 reporting submitted to the governor and the general

1 assembly.

2 Sec. _____. Section 233B.2, Code 2014, is amended to
3 read as follows:

4 233B.2 Salary.

5 The salary of the superintendent of the ~~home~~
6 state training school shall be determined by the
7 administrator director in accordance with the state
8 requirements for similar positions.

9 Sec. _____. Section 233B.3, Code 2014, is amended to
10 read as follows:

11 233B.3 ~~Admissions~~ Commitments and placements.

12 ~~Admission to the home shall be granted to resident~~
13 ~~children of the state under seventeen years of age, as~~
14 ~~follows, giving preference in the order named:~~

15 1. ~~Neglected or dependent children committed by~~
16 ~~the juvenile court~~ Commitments to and placements at
17 the state training school shall be limited to the
18 commitments and placements specified in section 233B.1.

19 2. ~~Other destitute children.~~

20 Sec. _____. Section 233B.4, Code 2014, is amended to
21 read as follows:

22 233B.4 Procedure.

23 The procedure for commitment to and placement at the
24 ~~home is~~ state training school shall be as provided by
25 chapter 232 and section 233B.3.

26 Sec. _____. Section 233B.5, Code 2014, is amended to
27 read as follows:

28 233B.5 Transfers.

29 The ~~administrator~~ director may propose the transfer
30 to the ~~home~~ state training school of minor wards of the
31 state from any institution under the ~~administrator's~~
32 director's charge or under the charge of ~~any other~~
33 ~~administrator~~ of the department of human services;
34 ~~but no person shall be so transferred who is a person~~
35 ~~with mental illness or an intellectual disability,~~
36 ~~or who is incorrigible, or has any vicious habits,~~
37 ~~or whose presence in the home would be inimical to~~
38 ~~the moral or physical welfare of the other children~~
39 ~~within the home, and any such child in the home may be~~
40 ~~transferred to the proper state institution. However,~~
41 the superintendent shall only approve the transfer of
42 minor wards who meet the disposition criteria specified
43 in section 232.52, subsection 2, paragraph "e".

44 Sec. _____. Section 233B.6, Code 2014, is amended to
45 read as follows:

46 233B.6 Profits and earnings.

47 Any money earned by or accrued to the benefit of a
48 child who is transferred to, admitted to, or placed in
49 foster care from the ~~home~~ state training school shall
50 be used, held, or otherwise applied for the exclusive

1 benefit of that child, in accordance with section
2 234.37.

3 Sec. _____. Section 233B.7, Code 2014, is amended to
4 read as follows:

5 233B.7 Rules.

6 ~~All children admitted or committed to the home shall~~
7 ~~be wards of the state and subject to the rules of the~~
8 ~~home. Subject to the approval of the administrator,~~
9 ~~any child received under voluntary application may be~~
10 ~~expelled by the superintendent for disobedience and~~
11 ~~refusal to submit to proper discipline. Children shall~~
12 ~~be discharged upon arriving at the age of eighteen~~
13 ~~years, or sooner if possessed of sufficient means to~~
14 ~~provide for themselves. The department shall adopt~~
15 rules to administer and operate the state training
16 school in the best interests of the children placed at
17 the state training school.

18 Sec. _____. Section 234.6, Code 2014, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 11. Provide upon request
21 assessment and consultation services to public and
22 private providers of child welfare services to address
23 the needs of children who have challenging behaviors.

24 Sec. _____. Section 234.46, subsection 1, paragraph
25 c, Code 2014, is amended to read as follows:

26 c. At the time the person became age eighteen, the
27 person received foster care services that were paid for
28 by the state under section 234.35, services at a state
29 training school, services at a juvenile shelter care
30 home, or services at a juvenile detention home and the
31 person is no longer receiving such services.

32 Sec. _____. Section 234.46, subsection 2, unnumbered
33 paragraph 1, Code 2014, is amended to read as follows:

34 The division shall establish a preparation for
35 adult living program directed to young adults. The
36 purpose of the program is to assist persons who are
37 leaving foster care and other court-ordered services
38 at age eighteen or older in making the transition
39 to self-sufficiency. The department shall adopt
40 rules necessary for administration of the program,
41 including but not limited to eligibility criteria for
42 young adult participation and the services and other
43 support available under the program. The rules shall
44 provide for participation of each person who meets the
45 definition of young adult on the same basis, regardless
46 of whether federal financial participation is provided.

47 The services and other support available under the
48 program may include but are not limited to any of the
49 following:

50 Sec. _____. Section 282.33, Code 2014, is amended by

1 striking the section and inserting in lieu thereof the
2 following:

3 282.33 Funding for children residing in state mental
4 health institutes or training schools.

5 1. An area education agency shall provide or make
6 provision for an appropriate educational program
7 for each child who lives in one of the following
8 institutions for children under the jurisdiction of the
9 director of human services:

10 a. Mental health institute, Cherokee, Iowa.

11 b. Mental health institute, Independence, Iowa.

12 c. State training school for male juvenile
13 delinquents, Eldora, Iowa, under chapter 233A.

14 d. State training school for female juvenile
15 delinquents, Toledo, Iowa, under chapter 233B.

16 2. The area education agency shall provide the
17 educational program by any one of but not limited to
18 the following:

19 a. Providing for the enrollment of the child in
20 the district of residence of the child, subject to the
21 approval of the district in which the child is living.

22 b. Cooperating with the district of residence
23 of the child and obtaining the course of study and
24 textbooks of the child for use in the special facility
25 into which the child has been placed.

26 c. Providing for the enrollment of the child in the
27 district in which the child is living, subject to the
28 approval of the district in which the child is living.

29 3. The area education agency shall submit a
30 proposed program and budget to the department of
31 education by January 1 for the next succeeding school
32 year for each institution. The department of education
33 shall review and approve or modify the program and
34 proposed budget and shall notify the department
35 of administrative services and the area education
36 agency of its action by February 1. The department
37 of administrative services shall pay the approved
38 budget amount for an area education agency in monthly
39 installments beginning September 15 and ending June 15
40 of the next succeeding school year. The installments
41 shall be as nearly equal as possible as determined by
42 the department of management, taking into consideration
43 the relative budget and cash position of the state's
44 resources. The department of administrative services
45 shall transfer the approved budget amount for an
46 area education agency from the moneys appropriated
47 under section 257.16 and make the payment to the area
48 education agency. The area education agency shall
49 submit an accounting for the actual cost of the program
50 to the department of education by August 1 of the

1 following school year. The department shall review
2 and approve or modify all expenditures incurred in
3 compliance with the guidelines pursuant to section
4 256.7, subsection 10, and shall notify the department
5 of administrative services of the approved accounting
6 amount. The approved accounting amount shall be
7 compared with any amounts paid by the department of
8 administrative services to the area education agency
9 and any differences added to or subtracted from the
10 October payment made under this subsection for the next
11 school year. Any amount paid by the department of
12 administrative services shall be deducted monthly from
13 the state foundation aid paid under section 257.16 to
14 all school districts in the state during the subsequent
15 fiscal year. The portion of the total amount of the
16 approved budget that shall be deducted from the state
17 aid of a school district shall be the same as the ratio
18 that the budget enrollment for the budget year of the
19 school district bears to the total budget enrollment in
20 the state for that budget year in which the deduction
21 is made.

22 4. For purposes of this section, "district of
23 residence" means the school district in which the
24 parent or legal guardian of the child resides or the
25 district in which the district court is located if the
26 district court is the guardian of the child.

27 5. Programs may be provided throughout the calendar
28 year and shall be funded under this section if the
29 school district or area education agency determines a
30 valid educational reason to do so.

31 Sec. _____. REPEAL. Sections 233B.10, 233B.11,
32 233B.12, 233B.13, and 233B.14, Code 2014, are repealed.

33 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
34 of this Act, being deemed of immediate importance,
35 takes effect upon enactment.

36 DIVISION ____

37 STATE TRAINING SCHOOLS – CONFORMING AMENDMENTS

38 Sec. _____. Section 137F.1, subsection 7, unnumbered
39 paragraph 1, Code 2014, is amended to read as follows:

40 "Food establishment" means an operation that stores,
41 prepares, packages, serves, vends, or otherwise
42 provides food for human consumption and includes a
43 food service operation in a salvage or distressed food
44 operation, school, summer camp, residential service
45 substance abuse treatment facility, halfway house
46 substance abuse treatment facility, correctional
47 facility operated by the department of corrections, ~~the~~
48 ~~or state training school, or the Iowa juvenile home.~~

49 "Food establishment" does not include the following:

50 Sec. _____. Section 218.1, subsections 7 and 8, Code

1 2014, are amended to read as follows:

2 7. State training school for male juvenile
3 delinquents, Eldora, Iowa, under chapter 233A.

4 ~~8. Iowa juvenile home~~ State training school for
5 female juvenile delinquents, Toledo, Iowa, under
6 chapter 233B.

7 Sec. _____. Section 218.6, subsection 3, Code 2014,
8 is amended to read as follows:

9 3. The state juvenile institutions consisting of
10 the state training school for male juvenile delinquents
11 at Eldora and the ~~Iowa juvenile home~~ state training
12 school for female juvenile delinquents at Toledo.

13 Sec. _____. Section 259A.6, Code 2014, is amended to
14 read as follows:

15 259A.6 Residents of juvenile institutions and
16 juvenile probationers.

17 Notwithstanding the provisions of section 259A.2 a
18 minor who is a resident of a state training school ~~or~~
19 ~~the Iowa juvenile home~~ or a minor who is placed under
20 the supervision of a juvenile probation office may make
21 application for a high school equivalency diploma and
22 upon successful completion of the program receive a
23 high school equivalency diploma.

24 Sec. _____. Section 261.6, subsection 2, paragraph b,
25 Code 2014, is amended to read as follows:

26 b. Is age seventeen and has been placed in ~~the~~
27 a state training school ~~or the Iowa juvenile home~~
28 pursuant to a court order entered under chapter 232
29 under the care and custody of the department of human
30 services.

31 Sec. _____. Section 261.6, subsection 2, paragraph
32 c, subparagraph (4), Code 2014, is amended to read as
33 follows:

34 (4) On the date the person reached age eighteen or
35 during the thirty calendar days preceding or succeeding
36 that date, the person was placed in ~~the~~ a state
37 training school ~~or the Iowa juvenile home~~ pursuant to
38 a court order entered under chapter 232 under the care
39 and custody of the department of human services.

40 Sec. _____. Section 331.424, subsection 1, paragraph
41 a, subparagraph (1), subparagraph division (b), Code
42 2014, is amended by striking the subparagraph division.

43 Sec. _____. Section 331.756, subsection 51, Code
44 2014, is amended by striking the subsection.

45 Sec. _____. Section 331.802, subsection 3, paragraph
46 k, Code 2014, is amended to read as follows:

47 k. Death of a person ~~committed or~~ admitted to,
48 committed to, or placed at a state mental health
49 institute, a state resource center, ~~the~~ or a state
50 training school, ~~or the Iowa juvenile home.~~

1 Sec. _____. Section 357H.1, subsection 1, Code 2014,
2 is amended to read as follows:

3 1. The board of supervisors of a county with
4 less than twenty thousand residents, not counting
5 persons admitted ~~or~~ to, committed to, or placed at an
6 institution enumerated in section 218.1 or 904.102,
7 based upon the 2000 certified federal census, and with
8 a private lake development shall designate an area
9 surrounding the lake, if it is an unincorporated area
10 of the county, a rural improvement zone upon receipt
11 of a petition pursuant to section 357H.2, and upon
12 the board's determination that the area is in need of
13 improvements.

14 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
15 of this Act, being deemed of immediate importance,
16 takes effect upon enactment.>

17 100. Page 33, by striking line 17 and inserting:

18 <____. By striking page 87, line 10, through page
19 90, line 2, and inserting:

20 <DIVISION ____
21 PRIOR AUTHORIZATION

22 Sec. _____. NEW SECTION. 505.26 Prior authorization
23 for prescription drug benefits – standard process and
24 form.

25 1. As used in this section:

26 a. "Facility", "health benefit plan", "health care
27 professional", "health care provider", "health care
28 services", and "health carrier" mean the same as defined
29 in section 514J.102.

30 b. "Pharmacy benefits manager" means the same as
31 defined in section 510B.1.

32 2. The commissioner shall develop, by rule, a
33 process for use by each health carrier and pharmacy
34 benefits manager that requires prior authorization
35 for prescription drug benefits pursuant to a health
36 benefit plan, to submit, on or before January 1, 2015,
37 a single prior authorization form for approval by the
38 commissioner, that each health carrier or pharmacy
39 benefits manager shall be required to use beginning
40 on July 1, 2015. The process shall provide that if a
41 prior authorization form submitted to the commissioner
42 by a health carrier or pharmacy benefits manager is not
43 approved or disapproved within thirty days after its
44 receipt by the commissioner, the form shall be deemed
45 approved.

46 3. The commissioner shall develop, by rule, a
47 standard prior authorization process which meets all of
48 the following requirements:

49 a. Health carriers and pharmacy benefits managers
50 shall allow health care providers to submit a prior

1 authorization request electronically.

2 b. Health carriers and pharmacy benefits managers
3 shall provide that approval of a prior authorization
4 request shall be valid for a minimum length of time
5 in accordance with the rules adopted under this
6 section. In adopting the rules, the commissioner may
7 consult with health care professionals who seek prior
8 authorization for particular types of drugs, and as the
9 commissioner determines to be appropriate, negotiate
10 standards for such minimum time periods with individual
11 health carriers and pharmacy benefits managers.

12 c. Health carriers and pharmacy benefits managers
13 shall make the following available and accessible on
14 their internet sites:

15 (1) Prior authorization requirements and
16 restrictions, including a list of drugs that require
17 prior authorization.

18 (2) Clinical criteria that are easily
19 understandable to health care providers, including
20 clinical criteria for reauthorization of a previously
21 approved drug after the prior authorization period has
22 expired.

23 (3) Standards for submitting and considering
24 requests, including evidence-based guidelines,
25 when possible, for making prior authorization
26 determinations.

27 d. Health carriers shall provide a process for
28 health care providers to appeal a prior authorization
29 determination as provided in chapter 514J. Pharmacy
30 benefits managers shall provide a process for health
31 care providers to appeal a prior authorization
32 determination that is consistent with the process
33 provided in chapter 514J.

34 4. In adopting a standard prior authorization
35 process, the commissioner shall consider national
36 standards pertaining to electronic prior authorization,
37 such as those developed by the national council for
38 prescription drug programs.

39 5. A prior authorization form approved by
40 the commissioner shall meet all of the following
41 requirements:

42 a. Not exceed two pages in length, except that
43 a prior authorization form may exceed that length as
44 determined to be appropriate by the commissioner.

45 b. Be available in electronic format.

46 c. Be transmissible in an electronic format or a
47 fax transmission.

48 6. Beginning on July 1, 2015, each health carrier
49 and pharmacy benefits manager shall use and accept
50 the prior authorization form that was submitted by

1 that health carrier or pharmacy benefits manager and
2 approved for the use of that health carrier or pharmacy
3 benefits manager by the commissioner pursuant to this
4 section. Beginning on July 1, 2015, health care
5 providers shall use and submit the prior authorization
6 form that has been approved for the use of a health
7 carrier or pharmacy benefits manager, when prior
8 authorization is required by a health benefit plan.

9 7. a. If a health carrier or pharmacy benefits
10 manager fails to use or accept the prior authorization
11 form that has been approved for use by the health
12 carrier or pharmacy benefits manager pursuant to this
13 section, or to respond to a health care provider's
14 request for prior authorization of prescription drug
15 benefits within seventy-two hours of the health care
16 provider's submission of the form, the request for
17 prior authorization shall be considered to be approved.

18 b. However, if the prior authorization request is
19 incomplete or additional information is required, the
20 health carrier or pharmacy benefits manager may request
21 the additional information within the seventy-two-hour
22 period and once the additional information is submitted
23 the provisions of paragraph "a" shall again apply.

24 c. Notwithstanding paragraphs "a" and "b", the
25 commissioner may develop, by rule, minimum time periods
26 for a health carrier or pharmacy benefits manager to
27 respond to a health care provider's request for prior
28 authorization of prescription drug benefits or for
29 additional information, that are less than, but in no
30 case exceed seventy-two hours, as the commissioner
31 deems appropriate under the circumstances.

32 Sec. _____. Section 510B.3, subsection 2, Code 2014,
33 is amended by adding the following new paragraph:

34 NEW PARAGRAPH. c. A process for the submission of
35 forms.

36 Sec. _____. NEW SECTION. 510B.9 Submission,
37 approval, and use of prior authorization form.

38 A pharmacy benefits manager shall file with and
39 have approved by the commissioner a single prior
40 authorization form as provided in section 505.26. A
41 pharmacy benefits manager shall use the single prior
42 authorization form as provided in section 505.26.

43 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
44 of this Act, being deemed of immediate importance,
45 takes effect upon enactment.>

46 101. Page 90, before line 3 by inserting:

47 <DIVISION ____
48 POISON CONTROL CENTER

49 Sec. _____. POISON CONTROL CENTER - FEDERAL
50 APPROVAL. The department of human services shall

1 request approval from the centers for Medicare and
2 Medicaid services of the United States department of
3 health and human services to utilize administrative
4 funding under the federal Children's Health Insurance
5 Program Reauthorization Act of 2009, Pub. L. No. 111-3,
6 to provide the maximum federal matching funds available
7 to implement a new health services initiative as
8 provided under section 2105(a)(1)(D)(ii) of the federal
9 Social Security Act, to fund the state poison control
10 center.

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

14 DIVISION _____

15 AGING AND LONG-TERM CARE DELIVERY INTERIM COMMITTEE

16 Sec. _____. INTERIM COMMITTEE ON AGING AND LONG-TERM
17 CARE DELIVERY.

18 1. The legislative council is requested to
19 establish a study committee for the 2014 interim to
20 examine issues relating to aging Iowans and long-term
21 care. The interim committee shall comprehensively
22 review the existing long-term care delivery system
23 and make recommendations to create a sustainable,
24 person-centered approach that increases health and life
25 outcomes; supports maximum independence by providing
26 the appropriate level of care and services through a
27 balance of facility-based and home and community-based
28 options; addresses medical and social needs in a
29 coordinated, integrated manner; provides for sufficient
30 resources including a stable, well-qualified workforce;
31 and is fiscally accountable.

32 2. The interim committee shall provide a forum
33 for open and constructive dialogue among stakeholders
34 representing individuals involved in the delivery and
35 financing of long-term care services and supports,
36 consumers and families of consumers in need of such
37 services and supports, legislators, and representatives
38 of agencies responsible for oversight, funding, and
39 regulation of such services and supports.

40 3. The interim committee shall specifically
41 address the cost and financing of long-term care and
42 services, the coordination of services among providers,
43 the availability of and access to a well-qualified
44 workforce including both the compensated workforce
45 and family and other uncompensated caregivers, and
46 the balance between facility-based and home and
47 community-based care and services. In addition, the
48 interim committee shall consider methods to educate
49 consumers and enhance engagement of consumers in the
50 broader conversation regarding long-term care issues,

1 including their experiences with, concerns about, and
2 expectations and recommendations for action regarding
3 the long-term care delivery system in the state.

4 4. Members of the interim committee shall include
5 all of the following:

6 a. Five members of the senate and five members of
7 the house of representatives including the following:

8 (1) The chairpersons and ranking members of the
9 committees on human resources of the senate and house
10 of representatives, or a member of the committee
11 designated by the chairperson or ranking member.

12 (2) The co-chairpersons and ranking members of the
13 joint appropriations subcommittee on health and human
14 services of the senate and house of representatives,
15 or a member of the subcommittee designated by the
16 chairperson or ranking member.

17 b. Five members of the general public representing
18 individual consumers and their families, one each to be
19 selected by the following:

20 (1) The older Iowans legislature.

21 (2) The Iowa alliance of retired Americans.

22 (3) The Iowa association of area agencies on aging.

23 (4) The Iowa caregivers association.

24 (5) AARP Iowa.

25 c. Five members who represent those involved in the
26 delivery of long-term care services.

27 5. The interim committee may request from state
28 agencies including the department of human services,
29 the department of public health, the department on
30 aging, the department of inspections and appeals, the
31 insurance division of the department of commerce, and
32 the department of workforce development, information
33 and assistance as needed to complete its work.

34 6. The interim committee shall submit its findings
35 and recommendations to the general assembly for
36 consideration during the 2015 legislative session.

37 DIVISION ____

38 HEALTHIEST CHILDREN INITIATIVE

39 Sec. ____ . NEW SECTION. 135.181 Iowa healthiest
40 children initiative.

41 1. The Iowa healthiest children initiative is
42 established in the department. The purpose of the
43 initiative is to develop and implement a plan for
44 Iowa children to become the healthiest children in
45 the nation by January 1, 2020. The areas of focus
46 addressed by the initiative shall include improvement
47 of physical, dental, emotional, behavioral, and mental
48 health and wellness; access to basic needs such as
49 food security, appropriate nutrition, safe and quality
50 child care settings, and safe and stable housing,

1 neighborhoods, and home environments; and promotion
2 of healthy, active lifestyles by addressing adverse
3 childhood events, reducing exposures to environmental
4 toxins, decreasing exposures to violence, advancing
5 tobacco-free and drug abuse-free living, increasing
6 immunization rates, and improving family well-being.

7 2. The department shall create a task force,
8 including members who are child health experts external
9 to the department, to develop an implementation
10 plan to achieve the purpose of the initiative.

11 The implementation plan, including findings,
12 recommendations, performance benchmarks, data
13 collection provisions, budget needs, and other
14 implementation provisions shall be submitted to the
15 governor and general assembly on or before December 15,
16 2014.

17 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
18 of this Act, being deemed of immediate importance,
19 takes effect upon enactment.

20 DIVISION ____
21 IOWA HEALTH INFORMATION NETWORK

22 Sec. _____. Section 135.154, Code 2014, is amended by
23 adding the following new subsections:

24 NEW SUBSECTION. 3A. "Care coordination" means
25 the management of all aspects of a patient's care to
26 improve health care quality, patient outcomes, and
27 patient safety.

28 NEW SUBSECTION. 19A. "Public health activities"
29 means actions taken by a participant in its capacity as
30 a public health authority under the Health Insurance
31 Portability and Accountability Act or as required or
32 permitted by other federal or state law.

33 NEW SUBSECTION. 23. "Record locator service"
34 means the functionality of the Iowa health information
35 network that queries data sources to locate and
36 identify potential patient records.

37 Sec. _____. Section 135.156D, subsection 2, Code
38 2014, is amended to read as follows:

39 2. The Iowa health information network shall
40 not function as a central repository of all health
41 information including but not limited to an all-payer
42 claims database or data warehouse.

43 Sec. _____. Section 135.156E, subsection 13, Code
44 2014, is amended to read as follows:

45 13. Unless otherwise provided in this division,
46 when ~~using~~ sharing health information through the
47 Iowa health information network or a private health
48 information network maintained in this state that
49 complies with the privacy and security requirements of
50 this chapter for the purposes of patient treatment-

1 ~~a health care professional or a hospital or health~~
2 ~~care operations, as such terms are defined in the~~
3 ~~Health Insurance Portability and Accountability Act,~~
4 ~~or for the purposes of public health activities or~~
5 ~~care coordination, a participant authorized by the~~
6 ~~department to use the record locator service is exempt~~
7 ~~from any other state law that is more restrictive than~~
8 ~~the Health Insurance Portability and Accountability Act~~
9 ~~that would otherwise prevent or hinder the exchange~~
10 ~~of patient information by the patient's health care~~
11 ~~professional or hospital participant.~~

12 Sec. _____. FUTURE REPEAL.

13 1. The section of this division of this Act
14 amending section 135.156E, subsection 13, is repealed
15 July 1, 2015.

16 2. Upon repeal of the amendments to section
17 135E.156E, subsection 13, the Code editor shall restore
18 the language of section 135.156E, subsection 13, to the
19 applicable Code language as it appeared in Code 2014.

20 DIVISION ____

21 MEDICAID STATE PLAN AMENDMENT – ELDERS

22 Sec. _____. MEDICAID – STATE PLAN AMENDMENT –
23 HOME AND COMMUNITY-BASED SERVICES FOR ELDERS. The
24 department of human services shall convene a workgroup
25 of stakeholders with interest or expertise in issues
26 relating to elders to develop a medical assistance
27 program state plan amendment in accordance with section
28 2402 of the federal Patient Protection and Affordable
29 Care Act to cover home and community-based services
30 for eligible elders 65 years of age or older. The
31 workgroup shall make recommendations on or before
32 September 1, 2014, relating to financial eligibility;
33 benefits, including whether individuals receiving such
34 Medicaid services should be eligible for full Medicaid
35 benefits; available services; and the needs-based level
36 of care criteria for determination of eligibility
37 under the state plan amendment. The recommendations
38 of the workgroup shall be incorporated into a state
39 plan amendment and submitted by the department of human
40 services to the centers for Medicare and Medicaid
41 services of the United States department of health and
42 human services for approval.

43 DIVISION ____

44 IOWA HEALTH AND WELLNESS PLAN

45 Sec. _____. Section 249A.3, subsection 1, paragraph
46 v, Code 2014, is amended to read as follows:

47 v. (1) Beginning January 1, 2014, in accordance
48 with section 1902(a)(10)(A)(i)(VIII) of the federal
49 Social Security Act, as codified in 42 U.S.C. §
50 1396a(a)(10)(A)(i)(VIII), is an individual who is

1 nineteen years of age or older and under sixty-five
2 years of age; is not pregnant; is not entitled to
3 or enrolled for Medicare benefits under part A, or
4 ~~enrolled for Medicare benefits under part B, of Tit.~~
5 XVIII of the federal Social Security Act; is not
6 otherwise described in section 1902(a)(10)(A)(i) of the
7 federal Social Security Act; is not exempt pursuant
8 to section 1902(k)(3), as codified in 42 U.S.C. §
9 1396a(k)(3), and whose income as determined under
10 1902(e)(14) of the federal Social Security Act, as
11 codified in 42 U.S.C. § 1396a(e)(14), does not exceed
12 one hundred thirty-three percent of the poverty line
13 as defined in section 2110(c)(5) of the federal Social
14 Security Act, as codified in 42 U.S.C. § 1397jj(c)(5)
15 for the applicable family size.

16 (2) Notwithstanding any provision to the contrary,
17 individuals eligible for medical assistance under this
18 paragraph "v" shall receive coverage for benefits as
19 specified in this subparagraph (2), which shall be
20 administered in accordance with this subparagraph (2).

21 (a) Individuals whose income is at or below one
22 hundred percent of the poverty line as specified in
23 subparagraph (1) shall receive coverage for benefits
24 pursuant to 42 U.S.C. § 1396u-7(b)(1)(B); adjusted as
25 necessary to provide the essential health benefits
26 as required pursuant to section 1302 of the federal
27 Patient Protection and Affordable Care Act, Pub. L. No.
28 111-148; adjusted to provide prescription drugs ~~and~~
29 ~~dental services~~ consistent with the medical assistance
30 state plan benefits package for individuals otherwise
31 eligible under this subsection; and adjusted to provide
32 habilitation services consistent with the state medical
33 assistance program section 1915(i) waiver dental
34 services equivalent to the medical assistance state
35 plan benefits for individuals otherwise eligible under
36 this subsection. Benefits under this subparagraph
37 division (a) shall be administered consistent with
38 program administration otherwise provided under this
39 subsection, with the exception of dental services which
40 may be administered as otherwise provided under this
41 subsection or, in whole or in part, through a managed
42 care provider.

43 ~~(3) (a) For individuals whose income as determined~~
44 ~~under this paragraph "v" is at or below one hundred~~
45 ~~percent of the federal poverty level, covered benefits~~
46 ~~under subparagraph (2) shall be administered consistent~~
47 ~~with program administration under this subsection.~~

48 (b) ~~For individuals~~ Individuals whose income
49 ~~as determined under this paragraph "v" is above one~~
50 ~~hundred percent but not in excess of one hundred~~

1 thirty-three percent of the federal poverty level,
2 ~~covered~~ line as specified in subparagraph (1), shall
3 ~~receive coverage for benefits shall be~~ which are
4 those provided by a qualified health plan administered
5 through provision of premium assistance for the
6 purchase of ~~covered benefits~~ qualified coverage
7 which includes benefits at least equivalent to those
8 specified in 42 U.S.C. §1396u-7(b)(1)(B) through the
9 American health benefits exchange created pursuant to
10 the Affordable Care Act, as defined in section 249N.2.
11 In addition, covered benefits shall include dental
12 services equivalent to the medical assistance state
13 plan benefits for individuals otherwise eligible under
14 this subsection, which may be administered as otherwise
15 provided under this subsection or, in whole or in part,
16 through a managed care provider.

17 (c) Notwithstanding any provision to the contrary
18 under subparagraph division (b) or this subparagraph
19 division (c), individuals eligible for medical
20 assistance under this paragraph "v" who are determined
21 by the department to be exempt from mandatory
22 enrollment in benchmark or benchmark-equivalent
23 coverage pursuant to 42 C.F.R. §440.315, may select
24 either of the following:

25 (i) The medical assistance state plan benefits
26 package for individuals otherwise eligible under this
27 subsection administered as otherwise provided under
28 this subsection.

29 (ii) The benefits specified under subparagraph
30 division (a) administered as otherwise provided under
31 this subsection.

32 Sec. _____. Section 249N.2, subsections 7, 12, and
33 13, Code 2014, are amended by striking the subsections.

34 Sec. _____. Section 249N.2, subsection 17, Code 2014,
35 is amended to read as follows:

36 17. "Participating accountable care organization"
37 means an accountable care organization approved by the
38 department to participate ~~in~~ as a provider under the
39 Iowa health and wellness plan ~~provider network~~.

40 Sec. _____. Section 249N.4, Code 2014, is amended to
41 read as follows:

42 249N.4 Iowa health and wellness plan – eligibility.

43 1. Except as otherwise provided in this chapter,
44 an individual may participate in the Iowa health
45 and wellness plan if the individual meets all of the
46 following criteria:

47 a. Is an eligible individual.

48 b. Meets the citizenship or alienage requirements
49 of the medical assistance program, and is a resident
50 of Iowa, and provides a social security number upon

1 ~~application for the plan.~~

2 c. Fulfills all other conditions of participation
3 in the Iowa health and wellness plan, including member
4 financial participation pursuant to section 249N.7.

5 ~~2. An individual who has access to affordable
6 employer sponsored health care coverage, as defined
7 by rule of the department to align with regulations
8 adopted by the federal internal revenue service under
9 the Affordable Care Act, shall not be eligible for
10 participation in the Iowa health and wellness plan.~~

11 ~~3. a. The department may elect to pay the cost of
12 health insurance premiums under the health insurance
13 premium payment program pursuant to section 249A.3,
14 subsection 10, for individuals with access to such
15 health insurance coverage, if the department determines
16 such payment to be cost-effective. Each applicant for
17 the Iowa health and wellness plan shall provide to the
18 department all insurance information required by the
19 health insurance premium payment program in accordance
20 with rules adopted by the department.~~

21 ~~a. The department may elect to pay the
22 cost of premiums for applicants with access
23 to employer sponsored health care coverage if
24 the department determines such payment to be
25 cost effective.~~

26 ~~b. If health insurance premium payment is provided
27 under this subsection, the department shall supplement
28 coverage as necessary to provide covered benefits
29 specified under section 249A.3, subsection 1, paragraph
30 "v", subparagraph (2), subparagraph division (a) or
31 (c), as applicable.~~

32 ~~b. 3. Eligibility for the Iowa health and wellness
33 plan is a qualifying event under the federal Health
34 Insurance Portability and Accountability Act of 1996,
35 Pub. L. No. 104-191.~~

36 ~~e. If premium payment is provided under this
37 subsection for employer sponsored health care coverage,
38 the Iowa health and wellness plan shall supplement such
39 coverage as necessary to provide the covered benefits
40 specified under section 249N.5.~~

41 4. The department shall implement the Iowa health
42 and wellness plan in a manner that ensures that the
43 Iowa health and wellness plan is the payor of last
44 resort.

45 ~~5. A member is eligible for coverage effective
46 the first day of the month following the month of
47 application for enrollment.~~

48 ~~6. 5. Following initial enrollment, a member
49 is eligible for covered benefits for twelve months,
50 subject to program termination and other limitations~~

1 otherwise specified in this chapter. The department
2 shall review the member's eligibility on at least an
3 annual basis.

4 Sec. _____. Section 249N.5, subsection 2, Code 2014,
5 is amended to read as follows:

6 2. a. For members whose household income is at
7 or below one hundred percent of the federal poverty
8 level or who have been determined by the department
9 to be exempt from mandatory enrollment in benchmark
10 or benchmark-equivalent coverage pursuant to 42
11 C.F.R. §440.315, the plan shall be administered by
12 the Iowa Medicaid enterprise consistent with program
13 administration applicable to individuals under section
14 249A.3, subsection 1, with the exception of dental
15 services which may be administered, in whole or in
16 part, through a managed care provider.

17 b. For members whose household income is above
18 one hundred percent but not in excess of one hundred
19 thirty-three percent of the federal poverty level and
20 who have not been determined by the department to be
21 exempt from mandatory enrollment in an benchmark or
22 benchmark-equivalent coverage pursuant to 42 C.F.R.
23 §440.315, the plan shall be administered through
24 provision of premium assistance for the purchase of
25 the ~~covered benefits~~ qualified coverage through the
26 American health benefits exchange created pursuant
27 to the Affordable Care Act. The department may pay
28 premiums and supplemental cost-sharing subsidies
29 directly to qualified health plans participating in the
30 American health benefits exchange created pursuant to
31 the Affordable Care Act on behalf of the member.

32 Sec. _____. Section 249N.6, Code 2014, is amended to
33 read as follows:

34 249N.6 ~~Iowa health and wellness plan provider~~
35 ~~network~~ Provider networks.

36 1. The ~~Iowa health and wellness plan~~ provider
37 network for members receiving benefits pursuant
38 to section 249N.5, subsection 2, paragraph "a",
39 shall include all providers enrolled in the medical
40 assistance program and all participating accountable
41 care organizations. Reimbursement under this ~~chapter~~
42 subsection shall only be made to such ~~Iowa health and~~
43 ~~wellness plan~~ providers for covered benefits.

44 ~~2.~~ a. Upon enrollment, a member shall choose a
45 primary medical provider and, to the extent feasible,
46 shall also choose a medical home within the ~~Iowa health~~
47 ~~and wellness plan~~ provider network.

48 b. If the member does not choose a primary medical
49 provider or a medical home, the department shall assign
50 the member to a primary medical provider or a medical

1 home in accordance with the Medicaid managed health
2 care, mandatory enrollment provisions specified in
3 rules adopted by the department pursuant to chapter
4 249A and in accordance with quality data available to
5 the department.

6 c. The department shall develop a mechanism
7 for primary medical providers, medical homes, and
8 participating accountable care organizations to
9 jointly facilitate member care coordination of both
10 clinical services and nonclinical community and social
11 supports that address social determinants of health.
12 ~~The Iowa health and wellness plan shall provide for~~
13 ~~reimbursement of care~~ Such care coordination services
14 provided under the plan consistent with the shall
15 be reimbursed in accordance with a reimbursement
16 methodology developed pursuant to section 135.159 by
17 rule of the department in accordance with chapter 17A.

18 ~~3. a.~~ d. The department shall provide procedures
19 for accountable care organizations that emerge through
20 local markets to participate in the ~~Iowa health and~~
21 ~~wellness plan~~ provider network. Such accountable
22 care organizations shall incorporate the medical home
23 as defined and specified in chapter 135, division
24 XXII, as a foundation and shall emphasize whole-person
25 orientation and coordination and integration of both
26 clinical services and nonclinical community and social
27 supports that address social determinants of health.
28 A participating accountable care organization shall
29 enter into a contract with the department to ensure the
30 coordination and management of the health of attributed
31 members, to produce quality health care outcomes, and
32 to control overall cost.

33 ~~b.~~ (1) The department shall establish by rule
34 in accordance with chapter 17A the qualifications,
35 contracting processes, and contract terms for a
36 participating accountable care organization. The rules
37 shall also establish a methodology for attribution
38 of a member to a participating accountable care
39 organization.

40 ~~e.~~ (2) A participating accountable care
41 organization contract shall establish accountability
42 based on quality performance and total cost-of-care
43 metrics for the attributed population. In developing
44 quality performance standards, the department shall
45 consider those utilized by state accountable care
46 organization models including but not limited to the
47 quality index score and the Medicare shared savings
48 program quality reporting metrics. The payment models
49 shall include but are not limited to risk sharing,
50 including both shared savings and shared costs,

1 between the state and the participating accountable
2 care organization, and bonus payments for improved
3 quality. The contract terms shall require that a
4 participating accountable care organization is subject
5 to shared savings ~~beginning with the initial year of~~
6 ~~the contract~~, must have quality metrics in place within
7 three years of the initial year of the contract, and
8 must participate in risk sharing within five years of
9 the initial year of the contract.

10 4. e. To the greatest extent possible, members
11 shall have a choice of providers within the ~~Iowa health~~
12 ~~and wellness plan~~ provider network to facilitate access
13 to locally-based health care providers and services.
14 However, member choice may be limited by the results of
15 attribution under this section and by the participating
16 accountable care organization, with prior approval
17 of the department, if the member's health condition
18 would benefit from limiting the member's choice of ~~an~~
19 ~~Iowa health and wellness plan~~ a provider to ensure
20 coordination of services, or due to overutilization of
21 covered benefits. The participating accountable care
22 organization shall provide thirty days' notice to the
23 member prior to limitation of such choice.

24 5. ~~a.~~ f. An Iowa health and wellness plan A
25 provider shall be reimbursed for covered benefits
26 under the Iowa health and wellness plan utilizing the
27 same reimbursement methodology as that applicable to
28 individuals eligible for medical assistance under
29 section 249A.3, subsection 1. Additionally, care
30 coordination services shall be reimbursed in accordance
31 with the reimbursement methodology developed by rule of
32 the department.

33 ~~b.~~ g. Notwithstanding paragraph "a" "f", a
34 participating accountable care organization under
35 contract with the department shall be reimbursed
36 utilizing a value-based reimbursement methodology.

37 6. ~~a.~~ h. Iowa health and wellness plan providers
38 Providers shall exchange member health information
39 as provided by rule to facilitate coordination and
40 management of members' health, quality health care
41 outcomes, and containment of and reduction in costs.

42 ~~b.~~ i. The department shall provide the health
43 care claims data of attributed members to a member's
44 participating accountable care organization on a
45 timeframe established by rule of the department.

46 2. The provider network for members receiving
47 benefits pursuant to section 249N.5, subsection 2,
48 paragraph "b", shall include all providers under the
49 member's qualified health plan in the American health
50 benefits exchange.

DIVISION ____

DENTAL COVERAGE – ASSIGNMENT OF BENEFITS

Sec. ____ . NEW SECTION. 514C.3C Dental coverage – assignment of health insurance benefits.

A person who is the owner of any rights or benefits under a policy or contract of insurance which provides for coverage of dental care services shall be permitted to assign all or any part of that person's rights and privileges under the policy or contract, including but not limited to the right to designate a beneficiary and to have an individual policy or contract issued in accordance with the terms of the policy or contract. Such assignment shall be without prejudice to the insurer on account of any payment the insurer makes or individual policy or contract the insurer issues before receiving notice of the assignment, provided that the insurer was acting in good faith. If written proof of an assignment of benefits is presented to an insurer, health maintenance organization, managed care plan, health care plan, preferred provider organization, or other third-party payor, then payment shall be made directly to the health care professional or health care facility providing the dental services. Nothing in this section shall be construed to prevent any persons from reconciling duplicate payments.

Sec. ____ . Section 514J.103, subsection 1, Code 2014, is amended to read as follows:

1. Except as provided in subsection 2, this chapter shall apply to all health carriers, including health carriers issuing a policy or certificate that provides coverage for dental care.

Sec. ____ . Section 514J.103, subsection 2, paragraph a, Code 2014, is amended to read as follows:

a. A policy or certificate that provides coverage only for a specified disease, specified accident or accident-only, credit, disability income, hospital indemnity, long-term care, ~~dental care~~, vision care, or any other limited supplemental benefit.

DIVISION ____

FAMILY PLANNING – STATE PLAN AMENDMENT

Sec. ____ . Section 249A.3, subsection 2, paragraph a, subparagraph (9), Code 2014, is amended to read as follows:

(9) Individuals eligible for family planning services under a federally approved demonstration waiver or state plan.

Sec. ____ . MEDICAID STATE PLAN AMENDMENT – FAMILY PLANNING. The department of human services shall amend the medical assistance state plan to include, effective no later than January 1, 2015, the eligibility

1 provisions of the Iowa family planning network section
2 1115 demonstration waiver in effect on January 1,
3 2013, as the criteria is amended to be applicable
4 to individuals who are uninsured or who have health
5 insurance coverage subject to the medical assistance
6 program being the payer of last resort. The department
7 shall implement the state plan amendment upon receipt
8 of approval by the centers for Medicare and Medicaid
9 services of the United States department of health and
10 human services.

11 Sec. _____. 2010 Iowa Acts, chapter 1192, section
12 11, subsection 24, paragraph a, subparagraph (1),
13 subparagraph division (a), is amended to read as
14 follows:

15 (a) Are uninsured or have health insurance coverage
16 that does not include coverage for benefits provided
17 under the Iowa family planning network subject to the
18 medical assistance program being the payer of last
19 resort.

20 Sec. _____. EFFECTIVE UPON ENACTMENT AND CONTINGENT
21 IMPLEMENTATION. The sections of this division of this
22 Act relating to the family planning waiver and state
23 plan amendment, being deemed of immediate importance,
24 take effect upon enactment. However, the department
25 of human services shall only implement those sections
26 to the extent the department receives federal approval
27 of the requests relating to the waiver and the medical
28 assistance state plan amendment necessary to implement
29 those sections.>

30 102. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, CHAIRPERSON