

**EIGHTY-SIXTH GENERAL ASSEMBLY  
2016 REGULAR SESSION  
DAILY  
SENATE CLIP SHEET**

MARCH 1, 2016

SENATE FILE 2147

S-5037

1 Amend Senate File 2147 as follows:  
2 1. Page 1, by striking lines 8 through 14 and  
3 inserting <of human services as a psychiatric security  
4 specialist at a civil commitment unit for sexually  
5 violent offenders facility.>

**By** THOMAS G. COURTNEY

S-5037 FILED FEBRUARY 29, 2016  
ADOPTED

SENATE FILE 2170

S-5039

1 Amend Senate File 2170 as follows:  
2 1. Page 1, line 9, by striking <twenty> and  
3 inserting <thirteen>  
4 2. Page 1, by striking lines 14 through 16  
5 and inserting <a notice in a relevant contractor  
6 organization publication and a relevant contractor plan  
7 room service with statewide circulation, provided that  
8 a notice is posted and a relevant construction lead  
9 generating service with statewide circulation and on  
10 an>  
11 3. Page 1, by striking lines 24 through 26 and  
12 inserting <filing bids in a relevant contractor plan  
13 room service with statewide circulation and a relevant  
14 construction lead generating service with statewide  
15 circulation and on an internet site sponsored by either  
16 a>

**By** MATT McCOY

S-5039 FILED FEBRUARY 29, 2016  
ADOPTED

SENATE FILE 2219

S-5038

1 Amend Senate File 2219 as follows:

2 1. Page 1, line 5, by striking <control equipment  
3 and>

4 2. Page 1, line 27, after <alarms.> by inserting  
5 <For purposes of this paragraph, "approved carbon  
6 monoxide alarm" means a carbon monoxide alarm that  
7 meets the standards established by the underwriters'  
8 laboratories or is approved by the state fire marshal  
9 as established by rule under subsection 4.>

10 3. Page 2, by striking lines 9 through 12 and  
11 inserting <carbon monoxide alarm in a location as  
12 specified by rules established by the state fire  
13 marshal under subsection 4, taking into account  
14 the number and location of all fuel sources in the  
15 building.>

16 4. Page 3, line 25, by striking <2017> and  
17 inserting <2018>

**By** JEFF DANIELSON

S-5038 FILED FEBRUARY 29, 2016  
ADOPTED

SENATE FILE 2251

S-5040

1 Amend Senate File 2251 as follows:  
2 1. Page 1, before line 1 by inserting:  
3 <Sec. \_\_\_\_ . NEW SECTION. 200.20A Anhydrous ammonia  
4 containers.  
5 1. As used in this section, unless the context  
6 otherwise requires:  
7 a. (1) "Container" means a tank used for  
8 transporting or storing anhydrous ammonia.  
9 (2) "Container" does not include a pressure vessel  
10 having one thousand pounds of water capacity or less,  
11 if constructed in accordance with specifications for  
12 cylinders and authorized for transportation by the  
13 United States department of transportation under 49  
14 C.F.R. pts. 100-180.  
15 b. "Nurse tank" means a container having a capacity  
16 of three thousand gallons or less, if the container  
17 is used for transporting anhydrous ammonia containing  
18 two-tenths of one percent water and the anhydrous  
19 ammonia is exclusively used for application on land for  
20 agricultural purposes.  
21 2. On and after June 1, 2017, a nurse tank shall  
22 not be manufactured in this state, and shall not be  
23 imported for use in this state, unless a full postweld  
24 heat treatment manufacturing method has been used.  
25 3. The department of agriculture and land  
26 stewardship shall adopt rules required to implement,  
27 administer, and enforce this section.>  
28 2. Page 1, by striking line 22 and inserting:  
29 <Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. The section  
30 of this Act creating an anhydrous ammonia task force,  
31 being deemed of>  
32 3. Title page, by striking line 1 and inserting <An  
33 Act providing for the regulation of>  
34 4. By renumbering as necessary.

**By KEVIN KINNEY**

S-5040 FILED FEBRUARY 29, 2016

SENATE FILE 2255

S-5041

1 Amend Senate File 2255 as follows:  
2 1. Page 2, after line 6 by inserting:  
3 <h. The individual was terminated from employment  
4 for cause.>  
5 2. By renumbering as necessary.

**By MARK CHELGREN**

S-5041 FILED FEBRUARY 29, 2016



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**SF 2213** – Medicaid Program Improvement (LSB5711SV)

Analyst: Jess Benson (Phone: 515-281-4611) ([jess.benson@legis.iowa.gov](mailto:jess.benson@legis.iowa.gov))

Fiscal Note Version – New

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**Description**

**Senate File 2213** is a comprehensive Medicaid oversight bill that includes the following changes:

- Creates a workgroup to review Medicaid program integrity activities. The workgroup is required to provide findings and recommendations to the Governor and General Assembly by November 15, 2016.
- Creates a Medicaid reinvestment fund for the deposit of savings related to and realized from Medicaid managed care. Moneys in the fund are subject to appropriation by the General Assembly for the Medicaid program.
- Provides additional duties and authority to the Office of Long-Term Care Ombudsman relating to providing advocacy services and assistance for Medicaid recipients who receive long-term services and supports.
- Updates the membership of the Medical Assistance Advisory Council (MAAC) and the executive committee of the MAAC. The bill also provides for the creation of subcommittees of the council relating to stakeholder safeguards; long-term services and supports; transparency, data, and program evaluation; and program integrity.
- Directs the Patient-Centered Health Advisory Council to assess the health resources and infrastructure of the state to recommend more appropriate alignment with changes in health care delivery and the integrated, holistic, population health-based approach to health and health care and directs the council to perform an initial review and submit a report by January 1, 2017, to the Governor and the General Assembly, and to report annually on January 1 thereafter.
- Directs the Department of Human Services (DHS) and other appropriate entities to undertake specific tasks relating to Medicaid program policy improvement in the areas of consumer protection; children; provider rates; provider participation enhancement; capitation rates and medical loss ratio; and data and information, evaluation, and oversight.

**Assumptions**

- The workgroup charged with reviewing program integrity will need to contract for additional time with Iowa Medicaid Enterprise vendors for support.
- The provision requiring the DHS to deposit all savings related to Medicaid into the new Medicaid Reinvestment Fund includes the initial savings of \$51.0 million (reduced to \$24.6 million due the delayed implementation beginning April 1, 2016) and the \$111.0 to \$120.0 million in savings estimated for FY 2017. If these savings are not appropriated to Medicaid, the loss of the funds will increase the Medicaid shortfall by the amount redirected for other purposes.
- Additional duties of the MAAC may require the DHS to contract for additional professional expertise. The estimate assumes 160 hours of work for the four MAAC subcommittees annually at an average rate of \$175 per hour.
- The Patient-Centered Health Advisory Council will contract with one of the state universities to complete the workforce study.

- All administrative activities performed by the DHS are matched with a 50.0% Federal Medical Assistance Percentage (FMAP) rate.
- All services, specifically provider rate increases in the bill and savings, are matched with a 56.28% federal FMAP rate.

### **Fiscal Impact**

- Contracting with Iowa Medicaid Enterprise vendors for support will have an estimated state cost of \$3,400 in FY 2017.
- Contracting for additional professional expertise for the MAAC will cost an estimating \$28,000, half of this cost will be covered by federal funds.
- The bill permits the MAAC Council to enlist the support of entities such as the University of Iowa Public Policy Center for ongoing evaluation of the Medicaid program. Based on the current DHS contract with the Public Policy Center for the Iowa Health and Wellness Program, it is estimated that for an evaluation of the Medicaid program will cost the state \$900,000.
- Additional duties assigned to the Patient-Centered Health Advisory Council will require up to six additional meetings and four subcommittee meetings with an additional cost of \$10,000 for mileage and other meeting costs.
- The Patient-Centered Health Advisory Council will contract with one of the state universities to complete the workforce study. The Department of Public Health contracted with the University of Iowa for a similar study at a cost of \$85,000.
- The provision requiring the Managed Care Organizations (MCOs) to enter into a single case agreement with an out-of-network case manager after the six-month transition may have a fiscal impact but it cannot be determined at this time.
- The provision requiring verification of actual receipt of services, supports, and value-added services will require the DHS to contract with a vendor to verify that services are both provided and received. It is assumed the state cost of a contract to do this will be \$100,000.
- The provision requiring cost-based reimbursement for critical access hospitals with retroactive reimbursement for underpayments is estimated to cost the state \$4.0 million in FY 2017 and FY 2018.
- The provision requiring a 3.0% annual provider rate increase beginning in FY 2018 is estimated to cost the state \$7.4 million and compounding annually thereafter based on \$245.6 million in total expenditures in FY 2015.
- The provision requiring regular audits of the MCO contracts to ensure compliance with appropriate medical costs, allowable administrative costs, medical loss ratio, rebates, recoveries, overpayments, and other contract performance requirements is estimated to cost \$160,000 per MCO, for a total of \$480,000.

### **Summary of Fiscal Impact**

**SF 2213** is estimated to cost the General Fund \$5.6 million in FY 2017 and \$12.9 million in FY 2018. This assumes the managed care savings derived from the initial capitation rates are used to fund Medicaid in FY 2017 and FY 2018 and not redirected for other purposes. The fiscal impact may be reduced by \$914,000 in both FY 2017 and FY 2018 if the DHS does not contract for the additional professional services and program evaluation through the MAAC Council. The language providing an annual hospital provider rate increase will increase costs by 3.0% year-over-year in perpetuity.

The following table summarizes the fiscal impact based upon the above assumptions.

**Estimated Fiscal Impact - Medicaid Program Improvement**

<b>Activity</b>	<b>FY 2017</b>	<b>FY 2018</b>
Program Integrity Workgroup	\$ 3,400	\$ -
MAAC Consulting Costs (160 hrs X \$175/hr) and 50% federal	14,000	14,000
MAAC Evaluation Costs	900,000	900,000
Verification of Services	100,000	100,000
Additional Meetings Patient-Centered Advisory Council	10,000	10,000
Patient-Centered Advisory Council Workforce Study	85,000	-
Critical Access Hospital Reimbursement	4,000,000	4,000,000
3.0% Hospital Provider Rate Increase	-	7,400,000
Managed Care Organization Audit	480,000	480,000
<b>Total State Cost</b>	<b>\$ 5,592,400</b>	<b>\$ 12,904,000</b>

**Sources**

Department of Public Health  
Department of Human Services

/s/ Holly M. Lyons

February 29, 2016

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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**SF 2225** – School Sports, Brain Injury Policies (LSB5434SV)  
Analyst: Tim Crellin (Phone: (515-725-1286) ([timothy.crellin@legis.iowa.gov](mailto:timothy.crellin@legis.iowa.gov))  
Fiscal Note Version – New

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**Description**

**Senate File 2225** requires a licensed athletic trainer, physical therapist, or physician to be present and available to assess athletic injuries at high school contests for collision sports.

**Background**

The bill requires the home team in a high school extracurricular interscholastic contest in a collision sport, defined as football, soccer, wrestling, hockey, or lacrosse, to ensure that a health care professional is present and available to assess athletic injuries. The bill defines health care professional as a licensed athletic trainer, physician, or physical therapist. The bill also strongly encourages, but does not require, the home team in a high school extracurricular interscholastic contest in a contact sport, as defined by the American Academy of Pediatrics, to ensure that a health care professional is present and available to assess athletic injuries. The health care professional at these contests is required to notify the visiting team's athletic director within 48 hours after the contest occurs if a member of the visiting team shows signs, symptoms, or behaviors consistent with a concussion or brain injury.

**Assumptions**

- Athletic trainers hired as a result of this bill will be paid between \$17 and \$26 per hour.
- Other health care professionals will be paid between \$35 and \$45 per hour.
- Athletic trainers will represent 75.0% of the health care professional hired.
- Health care professionals will be reimbursed for mileage; these costs are estimated at 10.0% of the hourly wage.
- Health care professionals will work 25,065 hours annually for extracurricular interscholastic contests in collision sports; schools are assumed to currently have health care professionals for between 38% and 75% of these hours.
- Schools will hire additional health care professionals for collision sports only; contact sports are not required under this bill.

**Fiscal Impact**

There is no fiscal impact to the State General Fund. The total cost to local school districts in Iowa is estimated to range between \$148,000 and \$526,000 per year in FY 2017 and FY 2018.

**Sources**

Iowa Athletic Trainers' Society  
Iowa Department of Education  
U.S. Bureau of Labor Statistics

/s/ Holly M. Lyons

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February 29, 2016



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**SF 2243** – Prenatal Appointments, Employee Paid Leave (LSB5377SV)  
Analyst: Ron Robinson (Phone: 515-281-6256) ([ron.robinson@legis.iowa.gov](mailto:ron.robinson@legis.iowa.gov))  
Fiscal Note Version – New

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**Description**

**Senate File 2243** provides for employment leave for prenatal appointments and establishes penalties. The bill requires an employer to compensate an employee using prenatal leave at the same rate and with the same benefits as the employee would earn working regular hours. An employee is eligible for the leave on the first day of employment. The bill applies to an employer that employs 50 or more persons for wages in the state when the employee works at least 12 hours a week. The prenatal appointment leave is in addition to any other paid sick leave offered by the employer. An employer cannot require an employee to take any other leave prior to using prenatal appointment leave. An employer that violates this requirement is subject to a civil penalty of not more than \$500 for each violation. The bill provides administrative and judicial processes for imposing and recovering such penalties.

**Assumptions**

- **SF 2243** will not require any additional significant expenditure by the Department of Workforce Development.
- No significant amount of civil penalties will be collected.

**Fiscal Impact**

While it is anticipated that costs to state and local governments will increase to cover the additional time off for prenatal appointment leave, information is not available to determine the extent of the increased costs.

As an example of potential cost, Iowa State University estimates that on average, each employee using all 40 hours of prenatal appointment leave will cost on average an estimated \$1,400 each. Iowa State University also estimates that an average of 61 employees will use the leave each year at an annual total cost of approximately \$85,000 from all sources.

**Sources**

Board of Regents  
Department of Workforce Development  
Iowa Association of School Boards  
Department of Administrative Services

/s/ Holly M. Lyons

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February 29, 2016

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The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the LSA upon request.

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**SF 2265** – Jury System Update (LSB5232SV)  
Analyst: Laura Book (Phone: (515) 725-0509) ([laura.book@legis.iowa.gov](mailto:laura.book@legis.iowa.gov))  
Fiscal Note Version – New

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### **Description**

**Senate File 2265** relates to the juror selection process, eliminates the use of jury commissions to draw juror lists, and requires the master jury list to be updated annually using an electronic data processing system. The bill provides that jury managers and the State Court Administrator are responsible for implementing the provisions of the bill.

### **Background**

The Governor's Working Group on Criminal Justice Policy Reform was established in August 2015 to research and make policy recommendations related to reforms in Iowa criminal justice practices. In November 2015, the Working Group submitted several strategy proposals. These proposals included recommendations related to increasing the diversity of jury pools. Those recommendations are listed below:

- Adopt new jury management software that will be more likely to generate jury pools that reflect a fair cross section of the community.
- Study the use of additional source lists to create jury pools to ensure greater diversity.
- Collect and maintain statistics regarding the racial composition of jury pools.
- Update jury pool lists annually.
- Study ways to improve response rates to jury summonses and evaluate juror terms of service.
- Restore oversight and accountability to the jury selection process.

**Jury Commissions/Manager:** Under current law, counties may use jury commissions or a jury manager to draw up a master jury list of eligible jurors, return a list of grand jurors and petit jurors to the clerk of district court, and select the number of required jurors from the grand juror or petit juror list. The bill eliminates jury commissions. As a result, counties will be required to use jury managers to draw master jury lists and select jurors. The bill also requires an electronic data processing system to be used to create a master jury list and for the random drawing of jurors.

**Master Jury List:** Under current law, the master jury list must be updated once every two years. The master jury list includes names taken from all source lists, including the voter registration list and the motor vehicle operators list, for possible jury service. The bill requires the master jury list to be updated every year and include the nonoperators identification list as a source list.

### **Assumptions**

The cost expended by the Judicial Branch to maintain and operate the existing automated jury management system will remain the same.

### **Fiscal Impact**

[SF 2265](#) will have a minimal fiscal impact on the Judicial Branch and the State General Fund. The bill could impose some additional work time for local jury managers to supplement the source list with state nondriver photo identification, but it is unlikely to be substantial. In addition, the Judicial Branch has the ability to meet the demands of [SF 2265](#) with the existing automatic jury management system.

It should be noted that the existing automatic jury management system is 18 years old, and the Judicial Branch is planning on purchasing a new system. Upgrading the application will substantially improve the utility and flexibility of the jury list management system. The Judicial Branch currently spends \$117,000 per year to maintain and operate the existing automated jury management system. The Judicial Branch has included an additional \$400,000 in its FY 2017 budget request to the Governor and the General Assembly to cover the cost of upgrading to a new automated jury list and juror management system. The \$400,000 is in addition to the funds currently spent to maintain the system.

### **Source**

Iowa Judicial Branch

/s/ Holly M. Lyons

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February 29, 2016

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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