

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2017 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

APRIL 11, 2017

SENATE FILE 422

S-3297

1 Amend Senate File 422 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 708.2A, subsection 7, paragraph b, Code
5 2017, is amended by striking the paragraph and inserting in
6 lieu thereof the following:

7 b. A person convicted of a violation referred to in
8 subsection 4 shall be sentenced as provided under section
9 902.13.

10 Sec. 2. Section 708.11, subsection 1, paragraph b, Code
11 2017, is amended to read as follows:

12 b. "Course of conduct" means repeatedly maintaining a visual
13 or physical proximity to a person without legitimate purpose,
14 repeatedly utilizing a technological device to locate, listen
15 to, or watch a person without legitimate purpose, or repeatedly
16 conveying oral or written threats, threats implied by conduct,
17 or a combination thereof, directed at or toward a person.

18 Sec. 3. Section 708.11, subsection 2, Code 2017, is amended
19 to read as follows:

20 2. A person commits stalking when all of the following
21 occur:

22 a. The person purposefully engages in a course of conduct
23 directed at a specific person that would cause a reasonable
24 person to feel terrorized, frightened, intimidated, or
25 threatened or to fear that the person intends to cause bodily
26 injury to, or the death of, that specific person or a member of
27 the specific person's immediate family.

28 b. The person has knowledge or should have knowledge
29 that the specific person will be placed in reasonable fear
30 of a reasonable person would feel terrorized, frightened,
31 intimidated, or threatened or fear that the person intends to
32 cause bodily injury to, or the death of, that specific person
33 or a member of the specific person's immediate family by the
34 course of conduct.

35 ~~e. The person's course of conduct induces fear in the~~

S-3297

~~1 specific person of bodily injury to, or the death of, the
2 specific person or a member of the specific person's immediate
3 family.~~

4 Sec. 4. NEW SECTION. 708.11A Unauthorized placement of
5 global positioning device.

6 1. A person commits unauthorized placement of a global
7 positioning device when the person, without the consent of the
8 other person, places a global positioning device on the other
9 person or an object in order to track the movements of the
10 other person without a legitimate purpose.

11 2. A person who commits a violation of this section commits
12 a serious misdemeanor.

13 Sec. 5. NEW SECTION. 902.13 Minimum sentence for certain
14 domestic abuse assault offenses.

15 1. A person who has been convicted of a third or subsequent
16 offense of domestic abuse assault under section 708.2A,
17 subsection 4, shall be denied parole or work release until the
18 person has served between one-fifth of the maximum term and the
19 maximum term of the person's sentence as provided in subsection
20 2.

21 2. The sentencing court shall determine, after receiving
22 and examining all pertinent information referred to in section
23 901.5, the minimum term of confinement, within the parameters
24 set forth in subsection 1, required to be served before a
25 person may be paroled or placed on work release.

26 Sec. 6. Section 903A.2, subsection 1, paragraph a,
27 subparagraph (1), unnumbered paragraph 1, Code 2017, is amended
28 to read as follows:

29 Category "A" sentences are those sentences which are not
30 subject to a maximum accumulation of earned time of fifteen
31 percent of the total sentence of confinement under section
32 902.12 or 902.13. To the extent provided in subsection 5,
33 category "A" sentences also include life sentences imposed
34 under section 902.1. An inmate of an institution under the
35 control of the department of corrections who is serving a

1 category "A" sentence is eligible for a reduction of sentence
2 equal to one and two-tenths days for each day the inmate
3 demonstrates good conduct and satisfactorily participates in
4 any program or placement status identified by the director to
5 earn the reduction. The programs include but are not limited
6 to the following:

7 Sec. 7. Section 903A.2, subsection 1, paragraph b, Code
8 2017, is amended to read as follows:

9 b. (1) Category "B" sentences are those sentences which
10 are subject to a maximum accumulation of earned time of
11 fifteen percent of the total sentence of confinement under
12 section 902.12 or 902.13. An inmate of an institution under
13 the control of the department of corrections who is serving a
14 category "B" sentence is eligible for a reduction of sentence
15 equal to fifteen eighty-fifths of a day for each day of good
16 conduct by the inmate.

17 (2) An inmate required to participate in a domestic abuse
18 treatment program shall not be eligible for a reduction of
19 sentence unless the inmate participates in and completes a
20 domestic abuse treatment program established by the director.

21 Sec. 8. Section 904A.4, subsection 8, Code 2017, is amended
22 to read as follows:

23 8. a. The board of parole shall implement a risk assessment
24 program which shall provide risk assessment analysis for the
25 board.

26 b. The board of parole shall also develop a risk assessment
27 validated for domestic abuse-related offenses in consultation
28 with the department of corrections. The board may adopt rules
29 pursuant to chapter 17A relating to the use of the domestic
30 abuse risk assessment.

31 Sec. 9. NEW SECTION. 905.16 Electronic tracking and
32 monitoring system – domestic abuse assault – felony.

33 1. A person placed on probation, parole, work release,
34 or any other type of conditional release for domestic abuse
35 assault in violation of section 708.2A, subsection 4, may be

1 supervised by an electronic tracking and monitoring system in
2 addition to any other conditions of supervision.

3 2. When considering whether to order the use of an
4 electronic tracking and monitoring system the court shall
5 consider the safety of the victim and other legitimate factors
6 that may impact all of the parties.

7 Sec. 10. Section 907.3, subsection 1, paragraph a, Code
8 2017, is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (013) The offense is a violation referred
10 to in section 708.2A, subsection 4.

11 Sec. 11. Section 907.3, subsection 2, paragraph a, Code
12 2017, is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (8) The offense is a violation referred
14 to in section 708.2A, subsection 4.

15 Sec. 12. Section 907.3, subsection 3, Code 2017, is amended
16 by adding the following new paragraph:

17 NEW PARAGRAPH. 0a. The sentence imposed under section
18 902.13 for a violation referred to in section 708.2A,
19 subsection 4.>

20 2. Title page, by striking lines 1 through 3 and inserting
21 <An Act relating to the criminal offenses of domestic abuse
22 and unauthorized placement of a global positioning device, and
23 providing penalties.>

By CHARLES SCHNEIDER

S-3301

1 Amend Senate File 436 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 514F.7 Use of step therapy
5 protocols.

6 1. Definitions. For the purposes of this section:

7 a. "Authorized representative" means the same as defined in
8 section 514J.102.

9 b. "Clinical practice guidelines" means a systematically
10 developed statement to assist health care professionals and
11 covered persons in making decisions about appropriate health
12 care for specific clinical circumstances and conditions.

13 c. "Clinical review criteria" means the same as defined in
14 section 514J.102.

15 d. "Covered person" means the same as defined in section
16 514J.102.

17 e. "Health benefit plan" means the same as defined in
18 section 514J.102.

19 f. "Health care professional" means the same as defined in
20 section 514J.102.

21 g. "Health care services" means the same as defined in
22 section 514J.102.

23 h. "Health carrier" means an entity subject to the
24 insurance laws and regulations of this state, or subject
25 to the jurisdiction of the commissioner, including an
26 insurance company offering sickness and accident plans, a
27 health maintenance organization, a nonprofit health service
28 corporation, a plan established pursuant to chapter 509A
29 for public employees, or any other entity providing a plan
30 of health insurance, health care benefits, or health care
31 services. "Health carrier" includes an organized delivery
32 system. "Health carrier" does not include a managed care
33 organization as defined in 441 IAC 73.1 when the managed care
34 organization is acting pursuant to a contract with the Iowa
35 department of human services to provide services to Medicaid

1 recipients.

2 i. "Pharmaceutical sample" means a unit of a prescription
3 drug that is not intended to be sold and is intended to promote
4 the sale of the drug.

5 j. "Step therapy override exception" means a step therapy
6 protocol should be overridden in favor of coverage of the
7 prescription drug selected by a health care professional
8 within the applicable time frames and in compliance with the
9 requirements specified in section 505.26, subsection 7, for a
10 request for prior authorization of prescription drug benefits.
11 This determination is based on a review of the covered person's
12 or health care professional's request for an override, along
13 with supporting rationale and documentation.

14 k. "Step therapy protocol" means a protocol or program that
15 establishes a specific sequence in which prescription drugs for
16 a specified medical condition and medically appropriate for
17 a particular covered person are covered under a pharmacy or
18 medical benefit by a health carrier, a health benefit plan, or
19 a utilization review organization, including self-administered
20 drugs and drugs administered by a health care professional.

21 l. "Utilization review" means a program or process by which
22 an evaluation is made of the necessity, appropriateness, and
23 efficiency of the use of health care services, procedures, or
24 facilities given or proposed to be given to an individual.
25 Such evaluation does not apply to requests by an individual or
26 provider for a clarification, guarantee, or statement of an
27 individual's health insurance coverage or benefits provided
28 under a health benefit plan, nor to claims adjudication.
29 Unless it is specifically stated, verification of benefits,
30 preauthorization, or a prospective or concurrent utilization
31 review program or process shall not be construed as a guarantee
32 or statement of insurance coverage or benefits for any
33 individual under a health benefit plan.

34 m. "Utilization review organization" means an entity that
35 performs utilization review, other than a health carrier

1 performing utilization review for its own health benefit plans.
2 2. Establishment of step therapy protocols. A health
3 carrier, health benefit plan, or utilization review
4 organization shall consider available recognized evidence-based
5 and peer-reviewed clinical practice guidelines when
6 establishing a step therapy protocol. Upon written request
7 of a covered person, a health carrier, health benefit plan,
8 or utilization review organization shall provide any clinical
9 review criteria applicable to a specific prescription drug
10 covered by the health carrier, health benefit plan, or
11 utilization review organization.

12 3. Step therapy override exceptions process transparency.

13 a. When coverage of a prescription drug for the
14 treatment of any medical condition is restricted for use
15 by a health carrier, health benefit plan, or utilization
16 review organization through the use of a step therapy
17 protocol, the covered person and the prescribing health
18 care professional shall have access to a clear, readily
19 accessible, and convenient process to request a step therapy
20 override exception. A health carrier, health benefit plan, or
21 utilization review organization may use its existing medical
22 exceptions process to satisfy this requirement. The process
23 used shall be easily accessible on the internet site of the
24 health carrier, health benefit plan, or utilization review
25 organization.

26 b. A step therapy override exception shall be approved by
27 a health carrier, health benefit plan, or utilization review
28 organization if any of the following circumstances apply:

29 (1) The prescription drug required under the step therapy
30 protocol is contraindicated pursuant to the drug manufacturer's
31 prescribing information for the drug or, due to a documented
32 adverse event with a previous use or a documented medical
33 condition, including a comorbid condition, is likely to do any
34 of the following:

35 (a) Cause an adverse reaction to a covered person.

1 (b) Decrease the ability of a covered person to achieve
2 or maintain reasonable functional ability in performing daily
3 activities.

4 (c) Cause physical or mental harm to a covered person.

5 (2) The prescription drug required under the step therapy
6 protocol is expected to be ineffective based on the known
7 clinical characteristics of the covered person, such as the
8 covered person's adherence to or compliance with the covered
9 person's individual plan of care, and any of the following:

10 (a) The known characteristics of the prescription drug
11 regimen as described in peer-reviewed literature or in the
12 manufacturer's prescribing information for the drug.

13 (b) The health care professional's medical judgment based
14 on clinical practice guidelines or peer-reviewed journals.

15 (c) The covered person's documented experience with the
16 prescription drug regimen.

17 (3) The covered person has had a trial of a therapeutically
18 equivalent dose of the prescription drug under the step
19 therapy protocol while under the covered person's current or
20 previous health benefit plan for a period of time to allow for
21 a positive treatment outcome or of another prescription drug
22 in the same pharmacologic class or with the same mechanism
23 of action, and such prescription drug was discontinued by
24 the covered person's health care professional due to lack of
25 effectiveness.

26 (4) The covered person is currently receiving a positive
27 therapeutic outcome on a prescription drug selected by the
28 covered person's health care professional for the medical
29 condition under consideration while under the covered person's
30 current or previous health benefit plan. This subparagraph
31 shall not be construed to encourage the use of a pharmaceutical
32 sample for the sole purpose of meeting the requirements for a
33 step therapy override exception.

34 c. Upon approval of a step therapy override exception, the
35 health carrier, health benefit plan, or utilization review

1 organization shall authorize coverage for the prescription
2 drug selected by the covered person's prescribing health care
3 professional if the prescription drug is a covered prescription
4 drug under the covered person's health benefit plan.

5 d. A health carrier, health benefit plan, or utilization
6 review organization shall make a determination to approve or
7 deny a request for a step therapy override exception within the
8 applicable time frames and in compliance with the requirements
9 specified in section 505.26, subsection 7, for a request for
10 prior authorization of prescription drug benefits.

11 e. If a request for a step therapy override exception is
12 denied, the health carrier, health benefit plan, or utilization
13 review organization shall provide the covered person or the
14 covered person's authorized representative and the patient's
15 prescribing health care professional with the reason for the
16 denial and information regarding the procedure to request
17 external review of the denial pursuant to chapter 514J. Any
18 denial of a request for a step therapy override exception
19 that is upheld on appeal shall be considered a final adverse
20 determination for purposes of chapter 514J and is eligible
21 for a request for external review by a covered person or the
22 covered person's authorized representative pursuant to chapter
23 514J.

24 4. Limitations. This section shall not be construed to do
25 either of the following:

26 a. Prevent a health carrier, health benefit plan, or
27 utilization review organization from requiring a covered
28 person to try a prescription drug with the same generic name
29 and demonstrated bioavailability or a biological product that
30 is an interchangeable biological product pursuant to section
31 155A.32 prior to providing coverage for the equivalent branded
32 prescription drug.

33 b. Prevent a health care professional from prescribing
34 a prescription drug that is determined to be medically
35 appropriate.

S-3301

Page 6

1 Sec. 2. APPLICABILITY. This Act is applicable to a health
2 benefit plan that is delivered, issued for delivery, continued,
3 or renewed in this state on or after January 1, 2018.>

By THOMAS A. GREENE

S-3301 FILED APRIL 10, 2017

ADOPTED

HOUSE AMENDMENT TO
SENATE FILE 442

S-3296

1 Amend Senate File 442, as passed by the Senate, as follows:
2 1. Page 1, line 12, after <shall> by inserting <require
3 that a person requesting to be voluntarily excluded be provided
4 information compiled by the Iowa department of public health on
5 gambling treatment options and shall>
6 2. Page 1, line 34, after <shall> by inserting <require
7 that a person requesting to be voluntarily excluded be provided
8 information compiled by the Iowa department of public health on
9 gambling treatment options and shall>

RECEIVED FROM THE HOUSE

S-3296 FILED APRIL 10, 2017

DEFERRED

S-3300

1 Amend Senate File 481 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 825.1 Definitions.

5 1. "Immigration detainer request" means a federal government
6 request to a local entity to maintain temporary custody of
7 an alien. "Immigration detainer request" includes verbal and
8 written requests, including a United States department of
9 homeland security form I-247 or a similar or successor form.

10 2. "Immigration law" means a law of this state or a federal
11 law relating to aliens, immigrants, or immigration, including
12 but not limited to the federal Immigration and Nationality Act,
13 8 U.S.C. §1101 et seq.

14 3. "Lawful detention" means the detention of a person by a
15 local entity for the investigation of a public offense. "Lawful
16 detention" excludes a detention if the sole reason for the
17 detention is that a person is a victim of or witness to a public
18 offense or is reporting a public offense.

19 4. "Local entity" means the governing body of a city or
20 county. "Local entity" includes an officer or employee of a
21 local entity or a division, department, or other body that is
22 part of a local entity, including but not limited to a sheriff,
23 police department, city attorney, or county attorney.

24 5. "Policy" includes a formal, written rule, policy,
25 procedure, regulation, order, ordinance, motion, resolution, or
26 amendment and an informal, unwritten policy.

27 6. "Public offense" excludes a moving traffic violation
28 under chapter 321.

29 Sec. 2. NEW SECTION. 825.2 Law enforcement agency duties –
30 immigration detainer requests.

31 A law enforcement agency in this state that has custody of
32 a person subject to an immigration detainer request issued by
33 United States immigration and customs enforcement shall fully
34 comply with any instruction made in the detainer request and in
35 any other legal document provided by a federal agency.

S-3300

1 Sec. 3. NEW SECTION. 825.3 Completion of sentence in
2 federal custody.

3 1. The court, in a criminal proceeding in this state in
4 which the sentence requires a defendant who is the subject
5 of an immigration detainer request to be confined in a
6 correctional facility, shall issue an order at the time of
7 sentencing requiring the correctional facility in which the
8 defendant is to be confined and all appropriate government
9 officers to require the defendant to be transferred to serve in
10 federal custody the final portion of the defendant's sentence,
11 not to exceed a period of seven days, if a facility or officer
12 determines that the change in the place of confinement will
13 facilitate the seamless transfer of the defendant into federal
14 custody. The court in a criminal proceeding in this state
15 shall retain jurisdiction to issue such an order at a later
16 date if the court receives notice from a federal agency that a
17 defendant was the subject of an immigration detainer request at
18 the time of sentencing. The court shall issue such an order as
19 soon as practicable after receiving such notice.

20 2. In the absence of an order issued under this section,
21 a facility or officer acting under exigent circumstances may
22 perform such a transfer after making a determination that the
23 change in the place of confinement will facilitate the seamless
24 transfer of the defendant into federal custody.

25 3. A defendant shall be transferred pursuant to this section
26 only if appropriate officers of the federal government consent
27 to the transfer of a defendant into federal custody under the
28 circumstances described in this section.

29 Sec. 4. NEW SECTION. 825.4 Restriction on enforcement of
30 immigration law prohibited.

31 1. A local entity shall not adopt or enforce a policy or
32 take any other action under which the local entity prohibits or
33 discourages the enforcement of immigration laws.

34 2. A local entity shall not prohibit or discourage a person
35 who is a law enforcement officer, corrections officer, county

1 attorney, city attorney, or other official who is employed by
2 or otherwise under the direction or control of the local entity
3 from doing any of the following:

4 a. Inquiring about the immigration status of a person under
5 a lawful detention or under arrest.

6 b. Doing any of the following with respect to information
7 relating to the immigration status, lawful or unlawful, of any
8 person under a lawful detention or under arrest, including
9 information regarding the person's place of birth:

10 (1) Sending the information to or requesting or receiving
11 the information from United States citizenship and immigration
12 services, United States immigration and customs enforcement, or
13 another relevant federal agency.

14 (2) Maintaining the information.

15 (3) Exchanging the information with another local entity or
16 a federal or state governmental entity.

17 c. Assisting or cooperating with a federal immigration
18 officer as reasonable or necessary, including providing
19 enforcement assistance.

20 d. Permitting a federal immigration officer to enter and
21 conduct enforcement activities at a jail or other detention
22 facility to enforce a federal immigration law.

23 Sec. 5. NEW SECTION. 825.5 Written policies.

24 No later than January 1, 2018, each state or local law
25 enforcement agency subject to this chapter shall do all of the
26 following:

27 1. Formalize in writing any unwritten, informal policies
28 relating to the enforcement of immigration laws.

29 2. Update the agency's policies to be consistent with this
30 chapter, to require each officer or other employee of the law
31 enforcement agency to fully comply with this chapter, and to
32 prohibit an officer or other employee of the law enforcement
33 agency from preventing law enforcement agency personnel from
34 fully complying with this chapter.

35 Sec. 6. NEW SECTION. 825.6 Discrimination prohibited.

1 A local entity or a person employed by or otherwise under
2 the direction or control of a local entity shall not consider
3 race, skin color, language spoken, or national origin while
4 enforcing immigration laws except to the extent permitted by
5 the Constitution of the United States or the Constitution of
6 the State of Iowa.

7 Sec. 7. NEW SECTION. 825.7 Victim of or witness to a crime
8 - limitation on collection of information.

9 A local entity or a person employed by or otherwise under
10 the direction or control of a local entity shall not ask for
11 or collect any information from a victim of or witness to an
12 alleged public offense or from a person reporting an alleged
13 public offense, including the victim's, witness's, or person's
14 national origin, that is not pertinent to the investigation of
15 the alleged public offense.

16 Sec. 8. NEW SECTION. 825.8 Complaints - notification -
17 civil action.

18 1. Any person, including a federal agency, may file a
19 complaint with the attorney general or a county attorney
20 alleging that a local entity has violated or is violating
21 this chapter if the person offers evidence to support such an
22 allegation. The person shall include with the complaint any
23 evidence the person has in support of the complaint.

24 2. A local entity for which the attorney general or county
25 attorney has received a complaint pursuant to this section
26 shall comply with any document requests, including a request
27 for supporting documents, from the attorney general or county
28 attorney relating to the complaint.

29 3. A complaint filed pursuant to subsection 1 shall not
30 be valid unless the attorney general or county attorney
31 determines that a violation of this chapter by a local entity
32 was intentional.

33 4. If the attorney general or county attorney determines
34 that a complaint filed pursuant to this section against a local
35 entity is valid, the attorney general or county attorney, not

1 later than ten days after the date of such a determination,
2 shall provide written notification to the local entity by
3 certified mail, with return receipt requested, stating all of
4 the following:

5 a. A complaint pursuant to this section has been filed and
6 the grounds for the complaint.

7 b. The attorney general or county attorney has determined
8 that the complaint is valid.

9 c. The attorney general or county attorney is authorized to
10 file a civil action in district court pursuant to subsection
11 6 to enjoin a violation of this chapter no later than forty
12 days after the date on which the notification is received
13 if the local entity does not come into compliance with the
14 requirements of this chapter.

15 d. The local entity and any entity that is under the
16 jurisdiction of the local entity will be denied state funds
17 pursuant to section 825.9 for the state fiscal year following
18 the year in which a final judicial determination in a civil
19 action brought under this section is made.

20 5. No later than thirty days after the date on which a
21 local entity receives written notification under subsection 4,
22 the local entity shall provide the attorney general or county
23 attorney with all of the following:

24 a. Copies of all of the local entity's written policies
25 relating to immigration enforcement actions.

26 b. A copy of each immigration detainer request received by
27 the local entity from a federal agency.

28 c. A copy of each response sent by the local entity to an
29 immigration detainer request described by paragraph "b".

30 d. A description of all actions the local entity has taken
31 or will take to correct any violations of this chapter.

32 e. If applicable, any evidence that would refute the
33 allegations made in the complaint.

34 6. No later than forty days after the date on which the
35 notification pursuant to subsection 4 is received, the attorney

1 general or county attorney shall file a civil action in
2 district court to enjoin any ongoing violation of this chapter
3 by a local entity.

4 Sec. 9. NEW SECTION. 825.9 Denial of state funds.

5 1. Notwithstanding any other provision of law to the
6 contrary, a local entity, including any entity under the
7 jurisdiction of the local entity, shall be ineligible to
8 receive any state funds if the local entity intentionally
9 violates this chapter.

10 2. State funds shall be denied to a local entity pursuant
11 to subsection 1 by all state agencies for each state fiscal
12 year that begins after the date on which a final judicial
13 determination that the local entity has intentionally violated
14 this chapter is made in a civil action brought pursuant to
15 section 825.8, subsection 6. State funds shall continue
16 to be denied until eligibility to receive state funds is
17 reinstated under section 825.10. However, any state funds for
18 the provision of wearable body protective gear used for law
19 enforcement purposes shall not be denied under this section.

20 3. The department of management shall adopt rules pursuant
21 to chapter 17A to implement this section and section 825.10
22 uniformly across state agencies from which state funds are
23 distributed to local entities.

24 Sec. 10. NEW SECTION. 825.10 Reinstatement of eligibility
25 to receive state funds.

26 1. Except as provided by subsection 5, no earlier than
27 twelve months after the date of a final judicial determination
28 that a local entity has intentionally violated the provisions
29 of this chapter, the local entity may petition the district
30 court that heard the civil action brought pursuant to section
31 825.8, subsection 6, to seek a declaratory judgment that the
32 local entity is in full compliance with this chapter.

33 2. A local entity that petitions the court as described by
34 subsection 1 shall comply with any document requests, including
35 a request for supporting documents, from the attorney general

S-3300

Page 7

1 or county attorney relating to the action.

2 3. If the court issues a declaratory judgment declaring that
3 the local entity is in full compliance with this chapter, the
4 local entity's eligibility to receive state funds is reinstated
5 beginning on the first day of the month following the date on
6 which the declaratory judgment is issued.

7 4. A local entity shall not petition the court as described
8 in subsection 1 more than twice in one twelve-month period.

9 5. A local entity may petition the court as described in
10 subsection 1 before the date provided in subsection 1 if the
11 person who was the director or other chief officer of the
12 local entity at the time of the violation of this chapter is
13 subsequently removed from or otherwise leaves office.

14 6. A party shall not be entitled to recover any attorney
15 fees in a civil action described by subsection 1.

16 Sec. 11. NEW SECTION. 825.11 Attorney general database.

17 The attorney general shall develop and maintain a searchable
18 database listing each local entity for which a final judicial
19 determination described in section 825.9, subsection 2, has
20 been made. The attorney general shall post the database on the
21 attorney general's internet site.

22 Sec. 12. APPLICABILITY. This Act applies to the release of
23 a person from custody in this state on or after the effective
24 date of this Act.

25 Sec. 13. IMPLEMENTATION OF ACT. Section 25B.2, subsection
26 3, shall not apply to this Act.>

By JULIAN GARRETT

S-3300 FILED APRIL 10, 2017

HOUSE FILE 233

S-3302

1 Amend House File 233, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 4, by striking lines 18 through 20 and inserting
4 <a positive treatment outcome, and such prescription drug was
5 discontinued by>

By THOMAS A. GREENE

S-3302 FILED APRIL 10, 2017

ADOPTED

HOUSE FILE 296

S-3299

1 Amend House File 296, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking page 5, line 6, through page 6, line 4.

By JASON SCHULTZ

S-3299 FILED APRIL 10, 2017

HOUSE FILE 526

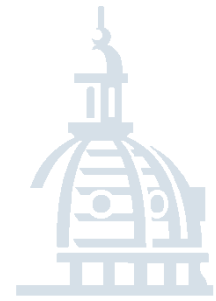
S-3298

1 Amend House File 526, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 2, line 31, after <692A.126.> by inserting <However,
4 the fact finder shall not make a determination as provided in
5 section 692A.126 regarding a juvenile convicted of a violation
6 of subsection 1, paragraph "a", subparagraph (5), and the
7 juvenile shall not be required to register as a sex offender
8 with regard to the violation.>

By JULIAN GARRETT

S-3298 FILED APRIL 10, 2017



HF 233 – Step Therapy Insurance Coverage (LSB1420HV.2)
Analyst: Christin Mechler (Phone: (515)281-6561) (christin.mechler@legis.iowa.gov)
Fiscal Note Version – As Amended and Passed by the House (note revised to update Background)

Description

House File 233, as amended and passed by the House, relates to the use of step therapy protocols for prescription drugs by health carriers, health benefit plans, and utilization review organizations. The Bill defines “step therapy protocol” as a protocol or program that establishes a specific sequence in which prescription drugs for a specified medical condition and also medically appropriate for a particular covered person are covered by a health carrier, a health benefit plan, or utilization review organization. The Bill provides that when a step therapy protocol is in use, the person participating in a health benefit plan or the person’s prescribing health care professional must have access to a clear, readily accessible “step therapy override exception,” which authorizes the expedited coverage of a prescription drug selected by the prescribing health care professional, based on the review of the exception request along with supporting rationale and documentation. Additionally, HF 233 also updates the definition of “health carrier” to exclude the three major Managed Care Organizations (MCOs) that currently contract with the State of Iowa to provide Medicaid-related services.

House File 233 also provides that a step therapy override request must be approved or denied by a health carrier, health benefit plan, or utilization review organization within the time frames and requirements for a request for prior authorization of prescription drug benefits pursuant to Iowa Code section [505.26\(7\)](#). This Iowa Code section sets time frames of approval or denial within 72 hours for urgent claims and five calendar days for non-urgent claims. House File 233 applies to all health benefit plans that are delivered, issued for delivery, or continued or renewed in Iowa on or after January 1, 2018.

Background

State programs such as Medicaid, hawk-i, and the Iowa Health and Wellness Plan currently utilize step therapy protocol in their patient care structures. Members of these programs are primarily covered by the three MCOs that contract with the State to provide these services. Under current law, MCOs are required to use the Medicaid fee-for-service (FFS) preferred drug list (PDL), which requires the most cost-effective preferred agents be utilized prior to prescribing more expensive agents. As it is currently written, the Medicaid PDL applies a significantly more stringent process for moving from one drug to another than the proposed process provided in HF 233.

Assumptions

- Pursuant to the passage of the Bill, the Medicaid PDL would not need to be updated to conform to the changes in the Bill using a less stringent override process of switching drugs.
- As a result of the exclusion of the MCOs from the definition of “health carrier,” the Medicaid PDL does not need to be amended, as the MCOs are not required to adhere to the provisions of the Bill. This greatly reduces the possibility of drug rebate losses.

Fiscal Impact

In the Bill, the definition of “health carrier” subject to the procedure of the step therapy override exceptions excludes the three major MCOs contracting with the State of Iowa to provide Medicaid-related services. Therefore, HF 233, as amended and passed by the House, is not estimated to have a significant fiscal impact on the State of Iowa.

Sources

Department of Human Services
Wellmark
Legislative Services Agency

/s/ Holly M. Lyons

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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.
