

SENATE/HOUSE FILE _____
BY (PROPOSED JOINT APPROPRIATIONS
SUBCOMMITTEE ON HEALTH AND
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations for health and human
2 services and including other related provisions and
3 appropriations, providing penalties, making penalties
4 applicable and providing effective, retroactive, and
5 applicability date provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
ELDER AFFAIRS

Section 1. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly only if the monthly cost per client for case management for the frail elderly services provided does not exceed the amount specified in this section, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,958,230
.....	FTEs	39.50

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

1 2. a. Of the funds appropriated in this section,
2 \$1,385,015 shall be transferred to the department of human
3 services in equal amounts on a quarterly basis for
4 reimbursement of case management services provided under the
5 medical assistance elderly waiver. The department of human
6 services shall adopt rules for case management services
7 provided under the medical assistance elderly waiver in
8 consultation with the department of elder affairs.

9 b. The monthly cost per client for case management for the
10 frail elderly services provided shall not exceed an average of
11 \$70. However, if the department of human services adopts
12 administrative rules revising the reimbursement methodology to
13 include 15 minute units, 24-hour on-call, and other
14 requirements consistent with federal regulations, the \$70
15 monthly cap shall be eliminated and replaced with a quarterly
16 projection of expenditures and reimbursement revisions
17 necessary to maintain expenditures within the amounts budgeted
18 under the appropriations made for the fiscal year for the
19 medical assistance program.

20 c. The department shall review projections for state
21 funding expenditures for reimbursement of case management
22 services under the medical assistance elderly waiver on a
23 quarterly basis and shall determine if an adjustment to the
24 medical assistance reimbursement rates are necessary to
25 provide reimbursement within the state funding amounts
26 budgeted under the appropriations made for the fiscal year for
27 the medical assistance program. Any temporary enhanced
28 federal financial participation that may become available for
29 the medical assistance program during the fiscal year shall
30 not be used in projecting the medical assistance elderly
31 waiver case management budget. The department shall revise
32 such reimbursement rates as necessary to maintain expenditures
33 for medical assistance elderly waiver case management services
34 within the state funding amounts budgeted under the
35 appropriations made for the fiscal year for the medical

1 assistance program.

2 3. Of the funds appropriated in this section, \$179,961
3 shall be transferred to the department of economic development
4 for the Iowa commission on volunteer services to be used for
5 the retired and senior volunteer program.

6 4. The department shall continue the elder abuse
7 initiative program established pursuant to section 231.56A.

8 5. Of the funds appropriated in this section, \$220,000
9 shall be used for continuation of the substitute decision
10 maker Act pursuant to chapter 231E.

11 HEALTH

12 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
13 appropriated from the general fund of the state to the
14 department of public health for the fiscal year beginning July
15 1, 2009, and ending June 30, 2010, the following amounts, or
16 so much thereof as is necessary, to be used for the purposes
17 designated:

18 1. ADDICTIVE DISORDERS

19 For reducing the prevalence of use of tobacco, alcohol, and
20 other drugs, and treating individuals affected by addictive
21 behaviors, including gambling, and for not more than the
22 following full-time equivalent positions:

23	\$ 28,652,500
24	FTEs 19.10

25 a. Of the funds appropriated in this subsection,
26 \$8,028,214 shall be used for the tobacco use prevention and
27 control initiative, including efforts at the state and local
28 levels, as provided in chapter 142A.

29 (1) The director of public health shall dedicate
30 sufficient resources to promote and ensure retailer compliance
31 with tobacco laws and ordinances relating to persons under 18
32 years of age, and shall prioritize the state's compliance in
33 the allocation of available funds to comply with 42 U.S.C. §
34 300x-26 and section 453A.2.

35 (2) Of the full-time equivalent positions authorized in

1 this subsection, 2.00 full-time equivalent positions shall be
2 utilized to provide for enforcement of tobacco laws,
3 regulations, and ordinances under a chapter 28D agreement
4 entered into between the Iowa department of public health and
5 the alcoholic beverages division of the department of
6 commerce.

7 b. Of the funds appropriated in this subsection,
8 \$16,552,763 shall be used for substance abuse treatment.

9 (1) Of the funds allocated in this lettered paragraph,
10 \$993,489 shall be used for the public purpose of a grant
11 program to provide substance abuse prevention programming for
12 children.

13 (a) Of the funds allocated in this subparagraph, \$473,100
14 shall be utilized for the public purpose of providing grant
15 funding for organizations that provide programming for
16 children by utilizing mentors. Programs approved for such
17 grants shall be certified or will be certified within six
18 months of receiving the grant award by the Iowa commission on
19 volunteer services as utilizing the standards for effective
20 practice for mentoring programs.

21 (b) Of the funds allocated in this subparagraph, \$473,100
22 shall be utilized for the public purpose of providing grant
23 funding for organizations that provide programming that
24 includes youth development and leadership. The programs shall
25 also be recognized as being programs that are scientifically
26 based with evidence of their effectiveness in reducing
27 substance abuse in children.

28 (c) The Iowa department of public health shall utilize a
29 request for proposals process to implement the grant program.

30 (d) All grant recipients shall participate in a program
31 evaluation as a requirement for receiving grant funds.

32 (e) Of the funds allocated for the grant program, \$47,289
33 shall be used to administer substance abuse prevention grants
34 and for program evaluations.

35 (2) It is the intent of the general assembly that from the

1 moneys allocated in this lettered paragraph persons with a
2 dual diagnosis of substance abuse and gambling addictions
3 shall be given priority in treatment services.

4 (3) Of the funds allocated in this lettered paragraph,
5 \$4,078,035 shall be used for funding of gambling treatment,
6 including administrative costs and to provide programs which
7 may include but are not limited to outpatient and follow-up
8 treatment for persons affected by problem gambling,
9 rehabilitation and residential treatment programs, information
10 and referral services, education and preventive services, and
11 financial management services. Of the amount allocated in
12 this lettered paragraph, up to \$100,000 may be used for the
13 licensing of gambling treatment programs as provided in
14 section 135.150.

15 (4) (a) Notwithstanding any provision to the contrary, to
16 standardize the availability, delivery, cost of delivery, and
17 accountability of gambling and substance abuse treatment
18 services statewide, the department shall continue
19 implementation of a process to create a system for delivery of
20 the treatment services in accordance with the requirements
21 specified in 2008 Iowa Acts, chapter 1187, section 3,
22 subsection 4. To ensure the system provides a continuum of
23 treatment services that best meets the needs of Iowans, the
24 gambling and substance abuse treatment services in an area may
25 be provided either by a single agency or by separate agencies
26 submitting a joint proposal. The process shall be completed
27 by July 1, 2010.

28 (b) From the amounts allocated in this lettered paragraph
29 and from other funding sources available for gambling and
30 substance abuse treatment, the department may use up to
31 \$100,000 for administrative costs to continue developing and
32 implementing the process in accordance with subparagraph
33 division (a).

34 c. The bureau of substance abuse prevention and treatment,
35 the division of tobacco use prevention and control, and the

1 office of gambling treatment and prevention shall develop a
2 strategy to coordinate prevention activities across the
3 spectrum of addictive disorders in order to maximize
4 efficiencies and reduce expenditures while meeting the needs
5 of Iowans. The strategy shall be presented to the individuals
6 specified in this Act for submission of reports by December
7 15, 2009.

8 2. HEALTHY CHILDREN AND FAMILIES

9 For promoting the optimum health status for children,
10 adolescents from birth through 21 years of age, and families,
11 and for not more than the following full-time equivalent
12 positions:

13	\$	2,249,167
14	FTEs	16.50

15 a. Of the funds appropriated in this subsection, not more
16 than \$570,226 shall be used for the healthy opportunities to
17 experience success (HOPES)-healthy families Iowa (HFI) program
18 established pursuant to section 135.106. The department shall
19 transfer the funding allocated for the HOPES-HFI program to
20 the Iowa empowerment board for distribution and shall assist
21 the board in managing the contracting for the funding. The
22 funding shall be distributed to renew the grants that were
23 provided to the grantees that operated the program during the
24 fiscal year ending June 30, 2009.

25 b. Of the funds appropriated in this subsection, \$292,791
26 shall be used to continue to address the healthy mental
27 development of children from birth through five years of age
28 through local evidence-based strategies that engage both the
29 public and private sectors in promoting healthy development,
30 prevention, and treatment for children.

31 c. Of the funds appropriated in this subsection, \$35,108
32 shall be distributed to a statewide dental carrier to provide
33 funds to continue the donated dental services program
34 patterned after the projects developed by the national
35 foundation of dentistry for the handicapped to provide dental

1 services to indigent elderly and disabled individuals.

2 3. CHRONIC CONDITIONS

3 For serving individuals identified as having chronic
4 conditions or special health care needs, and for not more than
5 the following full-time equivalent positions:

6 \$ 2,756,236

7 FTEs 10.00

8 a. Of the funds appropriated in this subsection, \$176,542
9 shall be used for grants to individual patients who have
10 phenylketonuria (PKU) to assist with the costs of necessary
11 special foods.

12 b. Of the funds appropriated in this subsection, \$438,018
13 is allocated for continuation of the contracts for resource
14 facilitator services in accordance with section 135.22B,
15 subsection 9, and for brain injury training services and
16 recruiting of service providers to increase the capacity
17 within this state to address the needs of individuals with
18 brain injuries and such individuals' families.

19 c. Of the funds appropriated in this subsection, \$244,579
20 shall be used as additional funding to leverage federal
21 funding through the federal Ryan White Care Act, Title II,
22 AIDS drug assistance program supplemental drug treatment
23 grants.

24 d. Of the funds appropriated in this subsection, \$88,938
25 shall be used for the public purpose of providing a grant to
26 an existing national-affiliated organization to provide
27 education, client-centered programs, and client and family
28 support for people living with epilepsy and their families.

29 4. COMMUNITY CAPACITY

30 For strengthening the health care delivery system at the
31 local level, and for not more than the following full-time
32 equivalent positions:

33 \$ 4,116,847

34 FTEs 28.00

35 a. Of the funds appropriated in this subsection, \$90,000

1 is allocated for a child vision screening program implemented
2 through the university of Iowa hospitals and clinics in
3 collaboration with community empowerment areas.

4 b. Of the funds appropriated in this subsection, \$143,254
5 is allocated for continuation of an initiative implemented at
6 the university of Iowa and \$125,802 is allocated for
7 continuation of an initiative at the state mental health
8 institute at Cherokee to expand and improve the workforce
9 engaged in mental health treatment and services. The
10 initiatives shall receive input from the university of Iowa,
11 the department of human services, the department of public
12 health, and the mental health, mental retardation,
13 developmental disabilities, and brain injury commission to
14 address the focus of the initiatives. The department of human
15 services, the department of public health, and the commission
16 shall receive regular updates concerning the status of the
17 initiatives.

18 c. Of the funds appropriated in this subsection,
19 \$1,054,060 shall be used for the healthy Iowans 2010 plan and
20 of this amount not more than \$484,868 shall be used for
21 essential public health services that promote healthy aging
22 throughout the lifespan, contracted through a formula for
23 local boards of health, to enhance health promotion and
24 disease prevention services.

25 d. Of the funds appropriated in this subsection, \$100,000
26 may be used to further develop and implement at the state
27 level, and pilot at the local level, the Iowa public health
28 standards approved by the department.

29 5. ELDERLY WELLNESS

30 For promotion of healthy aging and optimization of the
31 health of older adults:

32 \$ 8,345,779

33 a. Of the funds appropriated in this subsection,
34 \$2,292,076 shall be used for local public health nursing
35 services.

1 b. Of the funds appropriated in this subsection,
2 \$6,053,703 shall be used for home care aide services.

3 6. ENVIRONMENTAL HAZARDS

4 For reducing the public's exposure to hazards in the
5 environment, primarily chemical hazards, and for not more than
6 the following full-time equivalent positions:

7 \$ 1,000,391
8 FTEs 5.00

9 a. Of the funds appropriated in this subsection, \$601,631
10 shall be used for childhood lead poisoning provisions.

11 b. Of the funds appropriated in this subsection, not more
12 than \$262,153 shall be used for the development of scientific
13 and medical expertise in environmental epidemiology.

14 7. INFECTIOUS DISEASES

15 For reducing the incidence and prevalence of communicable
16 diseases, and for not more than the following full-time
17 equivalent positions:

18 \$ 1,630,661
19 FTEs 7.00

20 8. PUBLIC PROTECTION

21 For protecting the health and safety of the public through
22 establishing standards and enforcing regulations, and for not
23 more than the following full-time equivalent positions:

24 \$ 3,569,986
25 FTEs 128.00

26 a. Of the funds appropriated in this subsection, \$955,779
27 shall be credited to the emergency medical services fund
28 created in section 135.25. Moneys in the emergency medical
29 services fund are appropriated to the department to be used
30 for the purposes of the fund.

31 b. Of the funds appropriated in this subsection, \$232,477
32 shall be used for sexual violence prevention programming
33 through a statewide organization representing programs serving
34 victims of sexual violence through the department's sexual
35 violence prevention program. The amount allocated in this

1 lettered paragraph shall not be used to supplant funding
2 administered for other sexual violence prevention or victims
3 assistance programs.

4 c. Of the funds appropriated in this subsection, not more
5 than \$348,244 shall be used for the continuation and support
6 of a coordinated system of delivery of trauma and emergency
7 medical services.

8 d. Of the funds appropriated in this subsection, not more
9 than \$539,467 shall be used for the state poison control
10 center.

11 9. RESOURCE MANAGEMENT

12 For establishing and sustaining the overall ability of the
13 department to deliver services to the public, and for not more
14 than the following full-time equivalent positions:

15	\$	1,062,517
16	FTEs	10.00

17 The university of Iowa hospitals and clinics under the
18 control of the state board of regents shall not receive
19 indirect costs from the funds appropriated in this section.
20 The university of Iowa hospitals and clinics billings to the
21 department shall be on at least a quarterly basis.

22 DEPARTMENT OF VETERANS AFFAIRS

23 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
24 appropriated from the general fund of the state to the
25 department of veterans affairs for the fiscal year beginning
26 July 1, 2009, and ending June 30, 2010, the following amounts,
27 or so much thereof as is necessary, to be used for the
28 purposes designated:

29 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

30 For salaries, support, maintenance, and miscellaneous
31 purposes, including the war orphans educational assistance
32 fund created in section 35.8, and for not more than the
33 following full-time equivalent positions:

34	\$	1,067,170
35	FTEs	17.20

1 2. IOWA VETERANS HOME

2 For salaries, support, maintenance, and miscellaneous
3 purposes:

4 \$ 11,326,650

5 a. The Iowa veterans home billings involving the
6 department of human services shall be submitted to the
7 department on at least a monthly basis.

8 b. If there is a change in the employer of employees
9 providing services at the Iowa veterans home under a
10 collective bargaining agreement, such employees and the
11 agreement shall be continued by the successor employer as
12 though there had not been a change in employer.

13 c. Commencing with the fiscal year beginning July 1, 2009,
14 the Iowa veterans home shall revise the payment and exemption
15 amounts for residents participating in the incentive therapy
16 program in accordance with all of the following:

17 (1) The incentive payment amount for domiciliary level of
18 care residents shall be \$150 per month and for nursing level
19 of care residents shall be \$75 per month.

20 (2) The amounts paid under the program that are exempt
21 from computation of resident support shall be increased to
22 reflect the increases in the incentive payments in accordance
23 with subparagraph (1).

24 3. STATE EDUCATIONAL ASSISTANCE -- CHILDREN OF DECEASED
25 VETERANS

26 For provision of educational assistance pursuant to section
27 35.9:

28 \$ 22,944

29 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS

30 AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the
31 standing appropriation in the following designated section for
32 the fiscal year beginning July 1, 2009, and ending June 30,
33 2010, the amounts appropriated from the general fund of the
34 state pursuant to that section for the following designated
35 purposes shall not exceed the following amount:

1 For the county commissions of veterans affairs fund under
2 section 35A.16:
3 \$ 1,000,000

4 HUMAN SERVICES

5 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
6 GRANT. There is appropriated from the fund created in section
7 8.41 to the department of human services for the fiscal year
8 beginning July 1, 2009, and ending June 30, 2010, from moneys
9 received under the federal temporary assistance for needy
10 families (TANF) block grant pursuant to the federal Personal
11 Responsibility and Work Opportunity Reconciliation Act of
12 1996, Pub. L. No. 104-193, and successor legislation, which
13 are federally appropriated for the federal fiscal years
14 beginning October 1, 2008, and ending September 30, 2009, and
15 beginning October 1, 2009, and ending September 30, 2010, the
16 following amounts, or so much thereof as is necessary, to be
17 used for the purposes designated:

18 1. To be credited to the family investment program account
19 and used for assistance under the family investment program
20 under chapter 239B:

21 \$ 26,106,513

22 2. To be credited to the family investment program account
23 and used for the job opportunities and basic skills (JOBS)
24 program and implementing family investment agreements in
25 accordance with chapter 239B:

26 \$ 13,084,528

27 Notwithstanding section 8.33, not more than 5 percent of
28 the moneys designated in this subsection that are allocated by
29 the department for contracted services, other than family
30 self-sufficiency grant services allocated under this
31 subsection, that remain unencumbered or unobligated at the
32 close of the fiscal year shall not revert but shall remain
33 available for expenditure for the purposes designated until
34 the close of the succeeding fiscal year. However, unless such
35 moneys are encumbered or obligated on or before September 30,

1 2010, the moneys shall revert.

2 3. To be used for the family development and
3 self-sufficiency grant program in accordance with section
4 216A.107:

5 \$ 2,998,675

6 Notwithstanding section 8.33, moneys appropriated in this
7 subsection that remain unencumbered or unobligated at the
8 close of the fiscal year shall not revert but shall remain
9 available for expenditure for the purposes designated until
10 the close of the succeeding fiscal year. However, unless such
11 moneys are encumbered or obligated on or before September 30,
12 2010, the moneys shall revert.

13 4. For field operations:

14 \$ 18,507,495

15 5. For general administration:

16 \$ 3,744,000

17 6. For local administrative costs:

18 \$ 2,189,830

19 7. For state child care assistance:

20 \$ 18,986,177

21 a. Of the funds appropriated in this subsection,
22 \$18,986,177 shall be transferred to the child care and
23 development block grant appropriation made by the Eighty-third
24 General Assembly, 2009 Session, for the federal fiscal year
25 beginning October 1, 2009, and ending September 30, 2010. Of
26 this amount, \$200,000 shall be used for provision of
27 educational opportunities to registered child care home
28 providers in order to improve services and programs offered by
29 this category of providers and to increase the number of
30 providers. The department may contract with institutions of
31 higher education or child care resource and referral centers
32 to provide the educational opportunities. Allowable
33 administrative costs under the contracts shall not exceed 5
34 percent. The application for a grant shall not exceed two
35 pages in length.

1 b. Any funds appropriated in this subsection remaining
2 unallocated shall be used for state child care assistance
3 payments for individuals enrolled in the family investment
4 program who are employed.

5 8. For mental health and developmental disabilities
6 community services:
7 \$ 4,894,052

8 9. For child and family services:
9 \$ 32,084,430

10 10. For child abuse prevention grants:
11 \$ 250,000

12 11. For pregnancy prevention grants on the condition that
13 family planning services are funded:
14 \$ 1,930,067

15 Pregnancy prevention grants shall be awarded to programs in
16 existence on or before July 1, 2009, if the programs are
17 comprehensive in scope and have demonstrated positive
18 outcomes. Grants shall be awarded to pregnancy prevention
19 programs which are developed after July 1, 2009, if the
20 programs are comprehensive in scope and are based on existing
21 models that have demonstrated positive outcomes. Grants shall
22 comply with the requirements provided in 1997 Iowa Acts,
23 chapter 208, section 14, subsections 1 and 2, including the
24 requirement that grant programs must emphasize sexual
25 abstinence. Priority in the awarding of grants shall be given
26 to programs that serve areas of the state which demonstrate
27 the highest percentage of unplanned pregnancies of females of
28 childbearing age within the geographic area to be served by
29 the grant.

30 12. For technology needs and other resources necessary to
31 meet federal welfare reform reporting, tracking, and case
32 management requirements:
33 \$ 1,037,186

34 13. For the healthy opportunities for parents to
35 experience success (HOPES) program administered by the

1 department of public health to target child abuse prevention:
2 \$ 200,000

3 14. To be credited to the state child care assistance
4 appropriation made in this section to be used for funding of
5 community-based early childhood programs targeted to children
6 from birth through five years of age developed by community
7 empowerment areas as provided in section 28.9:

8 \$ 7,350,000

9 a. The department shall transfer TANF block grant funding
10 appropriated and allocated in this subsection to the child
11 care and development block grant appropriation in accordance
12 with federal law as necessary to comply with the provisions of
13 this subsection.

14 b. Of the amounts appropriated in this section,
15 \$12,962,008 for the fiscal year beginning July 1, 2009, shall
16 be transferred to the appropriation of the federal social
17 services block grant made for that fiscal year.

18 c. The department may transfer funds allocated in this
19 section to the appropriations made in this Act for general
20 administration and field operations for resources necessary to
21 implement and operate the services referred to in this section
22 and those funded in the appropriation made in this division of
23 this Act for the family investment program from the general
24 fund of the state.

25 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

26 1. Moneys credited to the family investment program (FIP)
27 account for the fiscal year beginning July 1, 2009, and ending
28 June 30, 2010, shall be used to provide assistance in
29 accordance with chapter 239B.

30 2. The department may use a portion of the moneys credited
31 to the FIP account under this section as necessary for
32 salaries, support, maintenance, and miscellaneous purposes.

33 3. The department may transfer funds allocated in this
34 section to the appropriations in this Act for general
35 administration and field operations for resources necessary to

1 implement and operate the services referred to in this section
2 and those funded in the appropriation made in this division of
3 this Act for the family investment program from the general
4 fund of the state.

5 4. Moneys appropriated in this division of this Act and
6 credited to the FIP account for the fiscal year beginning July
7 1, 2009, and ending June 30, 2010, are allocated as follows:

8 a. To be retained by the department of human services to
9 be used for coordinating with the department of human rights
10 to more effectively serve participants in the FIP program and
11 other shared clients and to meet federal reporting
12 requirements under the federal temporary assistance for needy
13 families block grant:

14 \$ 20,000

15 b. To the department of human rights for staffing,
16 administration, and implementation of the family development
17 and self-sufficiency grant program in accordance with section
18 216A.107:

19 \$ 5,378,812

20 (1) Of the funds allocated for the family development and
21 self-sufficiency grant program in this lettered paragraph, not
22 more than 5 percent of the funds shall be used for the
23 administration of the grant program.

24 (2) The department of human rights may continue to
25 implement the family development and self-sufficiency grant
26 program statewide during fiscal year 2009-2010.

27 c. For the diversion subaccount of the FIP account:

28 \$ 1,814,000

29 A portion of the moneys allocated for the subaccount may be
30 used for field operations salaries, data management system
31 development, and implementation costs and support deemed
32 necessary by the director of human services in order to
33 administer the FIP diversion program.

34 d. For the food stamp employment and training program:

35 \$ 68,059

1 The department shall amend the food stamp employment and
2 training state plan in order to maximize to the fullest extent
3 permitted by federal law the use of the fifty-fifty match
4 provisions for the claiming of allowable federal matching
5 funds from the United States department of agriculture
6 pursuant to the federal food stamp employment and training
7 program for providing education, employment, and training
8 services for eligible food assistance program participants,
9 including but not limited to related dependent care and
10 transportation expenses.

11 e. For the JOBS program:

12 \$ 22,310,116

13 5. Of the child support collections assigned under FIP, an
14 amount equal to the federal share of support collections shall
15 be credited to the child support recovery appropriation made
16 in this division of this Act. Of the remainder of the
17 assigned child support collections received by the child
18 support recovery unit, a portion shall be credited to the FIP
19 account, a portion may be used to increase recoveries, and a
20 portion may be used to sustain cash flow in the child support
21 payments account. If as a consequence of the appropriations
22 and allocations made in this section the resulting amounts are
23 insufficient to sustain cash assistance payments and meet
24 federal maintenance of effort requirements, the department
25 shall seek supplemental funding. If child support collections
26 assigned under FIP are greater than estimated or are otherwise
27 determined not to be required for maintenance of effort, the
28 state share of either amount may be transferred to or retained
29 in the child support payment account.

30 6. The department may adopt emergency rules for the family
31 investment, JOBS, family development and self-sufficiency
32 grant, food stamp, and medical assistance programs if
33 necessary to comply with federal requirements.

34 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
35 appropriated from the general fund of the state to the

1 department of human services for the fiscal year beginning
2 July 1, 2009, and ending June 30, 2010, the following amount,
3 or so much thereof as is necessary, to be used for the purpose
4 designated:

5 To be credited to the family investment program (FIP)
6 account and used for family investment program assistance
7 under chapter 239B:

8 \$ 34,342,700

9 1. Of the funds appropriated in this section, \$8,975,588
10 is allocated for the JOBS program.

11 2. Of the funds appropriated in this section, \$2,380,137
12 is allocated for the family development and self-sufficiency
13 grant program.

14 3. a. Of the funds appropriated in this section, \$230,244
15 shall be used for continuation of a grant to an Iowa-based
16 nonprofit organization with a history of providing tax
17 preparation assistance to low-income Iowans in order to expand
18 the usage of the earned income tax credit. The purpose of the
19 grant is to supply this assistance to underserved areas of the
20 state. The grant shall be provided to an organization that
21 has existing national foundation support for supplying such
22 assistance that can also secure local charitable match
23 funding.

24 b. The general assembly supports efforts by the
25 organization receiving funding under this subsection to create
26 a statewide earned income tax credit and asset-building
27 coalition to achieve both of the following purposes:

28 (1) Expanding the usage of the tax credit through new and
29 enhanced outreach and marketing strategies, as well as
30 identifying new local sites and human and financial resources.

31 (2) Assessing and recommending various strategies for
32 Iowans to develop assets through savings, individual
33 development accounts, financial literacy, antipredatory
34 lending initiatives, informed home ownership, use of various
35 forms of support for work, and microenterprise business

1 development targeted to persons who are self-employed or have
2 fewer than five employees.

3 4. Notwithstanding section 8.39, for the fiscal year
4 beginning July 1, 2009, if necessary to meet federal
5 maintenance of effort requirements or to transfer federal
6 temporary assistance for needy families block grant funding to
7 be used for purposes of the federal social services block
8 grant or to meet cash flow needs resulting from delays in
9 receiving federal funding or to implement, in accordance with
10 this division of this Act, activities currently funded with
11 juvenile court services, county, or community moneys and state
12 moneys used in combination with such moneys, the department of
13 human services may transfer funds within or between any of the
14 appropriations made in this division of this Act and
15 appropriations in law for the federal social services block
16 grant to the department for the following purposes, provided
17 that the combined amount of state and federal temporary
18 assistance for needy families block grant funding for each
19 appropriation remains the same before and after the transfer:

- 20 a. For the family investment program.
- 21 b. For child care assistance.
- 22 c. For child and family services.
- 23 d. For field operations.
- 24 e. For general administration.
- 25 f. MH/MR/DD/BI community services (local purchase).

26 This subsection shall not be construed to prohibit the use
27 of existing state transfer authority for other purposes. The
28 department shall report any transfers made pursuant to this
29 subsection to the legislative services agency.

30 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
31 from the general fund of the state to the department of human
32 services for the fiscal year beginning July 1, 2009, and
33 ending June 30, 2010, the following amount, or so much thereof
34 as is necessary, to be used for the purposes designated:

35 For child support recovery, including salaries, support,

1 maintenance, and miscellaneous purposes, and for not more than
2 the following full-time equivalent positions:

3 \$ 13,420,460
4 FTEs 520.00

5 1. The department shall expend up to \$27,032, including
6 federal financial participation, for the fiscal year beginning
7 July 1, 2009, for a child support public awareness campaign.
8 The department and the office of the attorney general shall
9 cooperate in continuation of the campaign. The public
10 awareness campaign shall emphasize, through a variety of media
11 activities, the importance of maximum involvement of both
12 parents in the lives of their children as well as the
13 importance of payment of child support obligations.

14 2. Federal access and visitation grant moneys shall be
15 issued directly to private not-for-profit agencies that
16 provide services designed to increase compliance with the
17 child access provisions of court orders, including but not
18 limited to neutral visitation sites and mediation services.

19 3. The appropriation made to the department for child
20 support recovery may be used throughout the fiscal year in the
21 manner necessary for purposes of cash flow management, and for
22 cash flow management purposes the department may temporarily
23 draw more than the amount appropriated, provided the amount
24 appropriated is not exceeded at the close of the fiscal year.

25 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from
26 the general fund of the state to the department of human
27 services for the fiscal year beginning July 1, 2009, and
28 ending June 30, 2010, the following amount, or so much thereof
29 as is necessary, to be used for the purpose designated:

30 For medical assistance reimbursement and associated costs
31 as specifically provided in the reimbursement methodologies in
32 effect on June 30, 2009, except as otherwise expressly
33 authorized by law, including reimbursement for abortion
34 services which shall be available under the medical assistance
35 program only for those abortions which are medically

1 necessary:

2 \$678,038,847

3 1. Medically necessary abortions are those performed under
4 any of the following conditions:

5 a. The attending physician certifies that continuing the
6 pregnancy would endanger the life of the pregnant woman.

7 b. The attending physician certifies that the fetus is
8 physically deformed, mentally deficient, or afflicted with a
9 congenital illness.

10 c. The pregnancy is the result of a rape which is reported
11 within 45 days of the incident to a law enforcement agency or
12 public or private health agency which may include a family
13 physician.

14 d. The pregnancy is the result of incest which is reported
15 within 150 days of the incident to a law enforcement agency or
16 public or private health agency which may include a family
17 physician.

18 e. Any spontaneous abortion, commonly known as a
19 miscarriage, if not all of the products of conception are
20 expelled.

21 2. The department shall utilize not more than \$60,000 of
22 the funds appropriated in this section to continue the
23 AIDS/HIV health insurance premium payment program as
24 established in 1992 Iowa Acts, Second Extraordinary Session,
25 chapter 1001, section 409, subsection 6. Of the funds
26 allocated in this subsection, not more than \$5,000 may be
27 expended for administrative purposes.

28 3. Of the funds appropriated in this Act to the department
29 of public health for addictive disorders, \$950,000 for the
30 fiscal year beginning July 1, 2009, shall be transferred to
31 the department of human services for an integrated substance
32 abuse managed care system. The department shall not assume
33 management of the substance abuse system in place of the
34 managed care contractor unless such a change in approach is
35 specifically authorized in law. The departments of human

1 services and public health shall work together to maintain the
2 level of mental health and substance abuse services provided
3 by the managed care contractor through the Iowa plan for
4 behavioral health. Each department shall take the steps
5 necessary to continue the federal waivers as necessary to
6 maintain the level of services.

7 4. a. The department shall aggressively pursue options
8 for providing medical assistance or other assistance to
9 individuals with special needs who become ineligible to
10 continue receiving services under the early and periodic
11 screening, diagnosis, and treatment program under the medical
12 assistance program due to becoming 21 years of age who have
13 been approved for additional assistance through the
14 department's exception to policy provisions, but who have
15 health care needs in excess of the funding available through
16 the exception to policy provisions.

17 b. Of the funds appropriated in this section, \$100,000
18 shall be used for participation in one or more pilot projects
19 operated by a private provider to allow the individual or
20 individuals to receive service in the community in accordance
21 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
22 (1999), for the purpose of providing medical assistance or
23 other assistance to individuals with special needs who become
24 ineligible to continue receiving services under the early and
25 periodic screening, diagnosis, and treatment program under the
26 medical assistance program due to becoming 21 years of age who
27 have been approved for additional assistance through the
28 department's exception to policy provisions, but who have
29 health care needs in excess of the funding available through
30 the exception to the policy provisions.

31 5. Of the funds appropriated in this section, up to
32 \$3,050,082 may be transferred to the field operations or
33 general administration appropriations in this Act for
34 operational costs associated with Part D of the federal
35 Medicare Prescription Drug, Improvement, and Modernization Act

1 of 2003, Pub. L. No. 108-173.

2 6. Of the funds appropriated in this section, not more
3 than \$166,600 shall be used to enhance outreach efforts. The
4 department may transfer funds allocated in this subsection to
5 the appropriations in this division of this Act for general
6 administration, the state children's health insurance program,
7 or medical contracts, as necessary, to implement the outreach
8 efforts.

9 7. Of the funds appropriated in this section, up to
10 \$442,100 may be transferred to the appropriation in this Act
11 for medical contracts to be used for clinical assessment
12 services related to remedial services in accordance with
13 federal law.

14 8. A portion of the funds appropriated in this section may
15 be transferred to the appropriations in this division of this
16 Act for general administration, medical contracts, the state
17 children's health insurance program, or field operations to be
18 used for the state match cost to comply with the payment error
19 rate measurement (PERM) program for both the medical
20 assistance and state children's health insurance programs as
21 developed by the centers for Medicare and Medicaid services of
22 the United States department of health and human services to
23 comply with the federal Improper Payments Information Act of
24 2002, Pub. L. No. 107-300.

25 9. It is the intent of the general assembly that the
26 department continue to implement the recommendations of the
27 assuring better child health and development initiative II
28 (ABCDII) clinical panel to the Iowa early and periodic
29 screening, diagnostic, and treatment services healthy mental
30 development collaborative board regarding changes to billing
31 procedures, codes, and eligible service providers.

32 10. Of the funds appropriated in this section, a
33 sufficient amount is allocated to supplement the incomes of
34 residents of nursing facilities, intermediate care facilities
35 for persons with mental illness, and intermediate care

1 facilities for persons with mental retardation, with incomes
2 of less than \$50 in the amount necessary for the residents to
3 receive a personal needs allowance of \$50 per month pursuant
4 to section 249A.30A.

5 11. Of the funds appropriated in this section, the
6 following amounts shall be transferred to appropriations made
7 in this division of this Act to the state mental health
8 institutes:

- 9 a. Cherokee mental health institute \$ 9,098,425
- 10 b. Clarinda mental health institute \$ 1,977,305
- 11 c. Independence mental health institute \$ 9,045,894
- 12 d. Mount Pleasant mental health institute \$ 5,752,587

13 12. a. Of the funds appropriated in this section,
14 \$3,687,889 is allocated for state match for disproportionate
15 share hospital payment of \$7,321,954 to hospitals that meet
16 both of the following conditions:

17 (1) The hospital qualifies for disproportionate share and
18 graduate medical education payments.

19 (2) The hospital is an Iowa state-owned hospital with more
20 than 500 beds and eight or more distinct residency specialty
21 or subspecialty programs recognized by the American college of
22 graduate medical education.

23 b. Distribution of the disproportionate share payment
24 shall be made on a monthly basis. The total amount of
25 disproportionate share payments including graduate medical
26 education, enhanced disproportionate share, and Iowa
27 state-owned teaching hospital payments shall not exceed the
28 amount of the state's allotment under Pub. L. No. 102-234. In
29 addition, the total amount of all disproportionate share
30 payments shall not exceed the hospital-specific
31 disproportionate share limits under Pub. L. No. 103-66.

32 13. Of the funds appropriated in this section, \$4,634,065
33 is transferred to the IowaCare account created in section
34 249J.24.

35 14. Of the funds appropriated in this section, \$200,000

1 shall be used for the Iowa chronic care consortium pursuant to
2 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
3 Iowa Acts, chapter 179, sections 166 and 167.

4 15. One hundred percent of the nonfederal share of
5 payments to area education agencies that are medical
6 assistance providers for medical assistance-covered services
7 provided to medical assistance-covered children, shall be made
8 from the appropriation made in this section.

9 16. a. Any new or renewed contract entered into by the
10 department with a third party to administer behavioral health
11 services under the medical assistance program shall provide
12 that any interest earned on payments from the state during the
13 state fiscal year shall be remitted to the department for
14 deposit in a separate account after the end of the fiscal
15 year.

16 b. The department shall continue to maintain a separate
17 account within the medical assistance budget for the deposit
18 of all funds remitted pursuant to a contract with a third
19 party to administer behavioral health services under the
20 medical assistance program established pursuant to 2008 Iowa
21 Acts 1187, section 9, subsection 20. Notwithstanding section
22 8.33, funds remaining in the account that remain unencumbered
23 or unobligated at the end of any fiscal year shall not revert
24 but shall remain available in succeeding fiscal years and
25 shall be used only in accordance with appropriations from the
26 account for health and human services-related purposes.

27 17. The department shall continue to implement the
28 provisions in 2007 Iowa Acts, chapter 218, section 124 and
29 section 126, as amended by 2008 Iowa Acts, chapter 1188,
30 section 55, relating to eligibility for certain persons with
31 disabilities under the medical assistance program in
32 accordance with the federal family opportunity Act.

33 18. The department shall add behavior programming, crisis
34 intervention, and mental health outreach services to the home
35 and community-based services mental retardation waiver in

1 order to continue necessary home and community-based services
2 for persons transitioning into the community under the money
3 follows the person grant program.

4 19. It is the intent of the general assembly that the Iowa
5 autism council established in section 256.35A shall work with
6 the department of human services to review the option of
7 implementing a home and community-based services waiver for
8 individuals up to 21 years of age with autism under the
9 medical assistance program. The council shall present final
10 recommendations to the general assembly by January 15, 2010.

11 20. The department shall issue a request for proposals to
12 implement a correct coding initiative for the medical
13 assistance program to promote correct coding of health care
14 services by providers, to evaluate claims submissions, and to
15 prevent improper payment. The department may use a portion of
16 any savings projected to result from the initiative for
17 one-time implementation costs and for on-going costs of the
18 contract to the extent that savings exceed costs of the
19 initiative.

20 21. The department shall request a medical assistance
21 state plan amendment to be effective July 1, 2010, that
22 specifies the coverage criteria for applied behavioral
23 analysis therapy in the remedial services program. Such
24 coverage criteria shall be based on the best practices in
25 medical literature that have been documented to achieve
26 results.

27 22. The department may issue a request for proposals to
28 implement a transportation brokerage system for administering
29 medical assistance program medical transportation payments and
30 client referrals. Any request for proposals shall be
31 structured to be budget neutral to the state.

32 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
33 is appropriated from the general fund of the state to the
34 department of human services for the fiscal year beginning
35 July 1, 2009, and ending June 30, 2010, the following amount,

1 or so much thereof as is necessary, to be used for the purpose
2 designated:

3 For administration of the health insurance premium payment
4 program, including salaries, support, maintenance, and
5 miscellaneous purposes, and for not more than the following
6 full-time equivalent positions:

7	\$	508,011
8	FTEs	19.00

9 Sec. 11. MEDICAL CONTRACTS. There is appropriated from
10 the general fund of the state to the department of human
11 services for the fiscal year beginning July 1, 2009, and
12 ending June 30, 2010, the following amount, or so much thereof
13 as is necessary, to be used for the purpose designated:

14 For medical contracts, including salaries, support,
15 maintenance, and miscellaneous purposes, and for not more than
16 the following full-time equivalent positions:

17	\$	13,651,503
18	FTEs	6.00

19 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

20 1. There is appropriated from the general fund of the
21 state to the department of human services for the fiscal year
22 beginning July 1, 2009, and ending June 30, 2010, the
23 following amount, or so much thereof as is necessary, to be
24 used for the purpose designated:

25 For the state supplementary assistance program:

26	\$	18,412,646
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27 2. The department shall increase the personal needs
28 allowance for residents of residential care facilities by the
29 same percentage and at the same time as federal supplemental
30 security income and federal social security benefits are
31 increased due to a recognized increase in the cost of living.
32 The department may adopt emergency rules to implement this
33 subsection.

34 3. If during the fiscal year beginning July 1, 2009, the
35 department projects that state supplementary assistance

1 expenditures for a calendar year will not meet the federal
2 pass-through requirement specified in Title XVI of the federal
3 Social Security Act, section 1618, as codified in 42 U.S.C. §
4 1382g, the department may take actions including but not
5 limited to increasing the personal needs allowance for
6 residential care facility residents and making programmatic
7 adjustments or upward adjustments of the residential care
8 facility or in-home health-related care reimbursement rates
9 prescribed in this division of this Act to ensure that federal
10 requirements are met. In addition, the department may make
11 other programmatic and rate adjustments necessary to remain
12 within the amount appropriated in this section while ensuring
13 compliance with federal requirements. The department may
14 adopt emergency rules to implement the provisions of this
15 subsection.

16 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

17 1. There is appropriated from the general fund of the
18 state to the department of human services for the fiscal year
19 beginning July 1, 2009, and ending June 30, 2010, the
20 following amount, or so much thereof as is necessary, to be
21 used for the purpose designated:

22 For maintenance of the healthy and well kids in Iowa (hawk-
23 i) program pursuant to chapter 514I for receipt of federal
24 financial participation under Title XXI of the federal Social
25 Security Act, which creates the state children's health
26 insurance program:

27 \$ 14,629,830

28 2. Of the funds appropriated in this section, \$128,950 is
29 allocated for continuation of the contract for advertising and
30 outreach with the department of public health and \$90,050 is
31 allocated for other advertising and outreach.

32 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
33 from the general fund of the state to the department of human
34 services for the fiscal year beginning July 1, 2009, and
35 ending June 30, 2010, the following amount, or so much thereof

1 as is necessary, to be used for the purpose designated:

2 For child care programs:

3 \$ 37,799,472

4 1. Of the funds appropriated in this section, \$34,365,770
5 shall be used for state child care assistance in accordance
6 with section 237A.13. It is the intent of the general
7 assembly to appropriate sufficient funding for the state child
8 care assistance program for the fiscal year beginning July 1,
9 2010, in order to avoid establishment of waiting list
10 requirements by the department in the preceding fiscal year in
11 anticipation that enhanced funding under the federal American
12 Recovery and Reinvestment Act of 2009 will not be replaced for
13 the fiscal year beginning July 1, 2009.

14 2. Nothing in this section shall be construed or is
15 intended as or shall imply a grant of entitlement for services
16 to persons who are eligible for assistance due to an income
17 level consistent with the waiting list requirements of section
18 237A.13. Any state obligation to provide services pursuant to
19 this section is limited to the extent of the funds
20 appropriated in this section.

21 3. Of the funds appropriated in this section, \$480,453 is
22 allocated for the statewide program for child care resource
23 and referral services under section 237A.26. A list of the
24 registered and licensed child care facilities operating in the
25 area served by a child care resource and referral service
26 shall be made available to the families receiving state child
27 care assistance in that area.

28 4. a. Of the funds appropriated in this section,
29 \$1,536,181 is allocated for child care quality improvement
30 initiatives including but not limited to the voluntary quality
31 rating system in accordance with section 237A.30.

32 b. The department shall revise the achievement bonus
33 provisions under the initiative to provide that unless the
34 initiative requires a provider to take additional actions to
35 maintain a rating, the bonus amount paid for the provider

1 maintaining a rating in years subsequent to the initial rating
2 award shall not be more than 50 percent of the amount of the
3 initial bonus award.

4 5. The department may use any of the funds appropriated in
5 this section as a match to obtain federal funds for use in
6 expanding child care assistance and related programs. For the
7 purpose of expenditures of state and federal child care
8 funding, funds shall be considered obligated at the time
9 expenditures are projected or are allocated to the
10 department's service areas. Projections shall be based on
11 current and projected caseload growth, current and projected
12 provider rates, staffing requirements for eligibility
13 determination and management of program requirements including
14 data systems management, staffing requirements for
15 administration of the program, contractual and grant
16 obligations and any transfers to other state agencies, and
17 obligations for decategorization or innovation projects.

18 6. A portion of the state match for the federal child care
19 and development block grant shall be provided as necessary to
20 meet federal matching funds requirements through the state
21 general fund appropriation made for child development grants
22 and other programs for at-risk children in section 279.51.

23 7. Of the funds appropriated in this section, \$1,097,084
24 is transferred to the Iowa empowerment fund from which it is
25 appropriated to be used for professional development for the
26 system of early care, health, and education.

27 8. Of the funds appropriated in this section, \$175,000
28 shall be allocated to a county with a population of more than
29 300,000 to be used for continuation of a grant to support
30 child care center services provided to children with mental,
31 physical, or emotional challenges in order for the children to
32 remain in a home or family setting.

33 9. Of the amount allocated in subsection 1, \$93,000 shall
34 be used for the public purpose of providing a grant to a
35 neighborhood affordable housing and services organization

1 established in a county with a population of more than
2 350,000, that provides at least 300 apartment units to house
3 more than 1,000 residents, of which more than 80 percent
4 belong to a minority population and at least 95 percent are
5 headed by a single parent and have an income below federal
6 poverty guidelines, to be used for child development
7 programming for children residing in the housing.

8 10. Notwithstanding section 8.33, moneys appropriated in
9 this section or received from the federal appropriations made
10 for the purposes of this section that remain unencumbered or
11 unobligated at the close of the fiscal year shall not revert
12 to any fund but shall remain available for expenditure for the
13 purposes designated until the close of the succeeding fiscal
14 year.

15 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
16 from the general fund of the state to the department of human
17 services for the fiscal year beginning July 1, 2009, and
18 ending June 30, 2010, the following amounts, or so much
19 thereof as is necessary, to be used for the purposes
20 designated:

21 1. For operation of the Iowa juvenile home at Toledo and
22 for salaries, support, and maintenance, and for not more than
23 the following full-time equivalent positions:

24 \$ 6,754,759
25 FTEs 125.00

26 2. For operation of the state training school at Eldora
27 and for salaries, support, and maintenance, and for not more
28 than the following full-time equivalent positions:

29 \$ 10,717,787
30 FTEs 202.70

31 3. A portion of the moneys appropriated in this section
32 shall be used by the state training school and by the Iowa
33 juvenile home for grants for adolescent pregnancy prevention
34 activities at the institutions in the fiscal year beginning
35 July 1, 2009.

1 Sec. 16. CHILD AND FAMILY SERVICES.

2 1. There is appropriated from the general fund of the
3 state to the department of human services for the fiscal year
4 beginning July 1, 2009, and ending June 30, 2010, the
5 following amount, or so much thereof as is necessary, to be
6 used for the purpose designated:

7 For child and family services:

8 \$ 90,591,451

9 2. In order to address a reduction of \$5,200,000 from the
10 amount allocated under the appropriation made for the purposes
11 of this section in prior years for purposes of juvenile
12 delinquent graduated sanction services, up to \$5,200,000 of
13 the amount of federal temporary assistance for needy families
14 block grant funding appropriated in this division of this Act
15 for child and family services shall be made available for
16 purposes of juvenile delinquent graduated sanction services.

17 3. The department may transfer funds appropriated in this
18 section as necessary to pay the nonfederal costs of services
19 reimbursed under the medical assistance program, state child
20 care assistance program, or the family investment program
21 which are provided to children who would otherwise receive
22 services paid under the appropriation in this section. The
23 department may transfer funds appropriated in this section to
24 the appropriations made in this division of this Act for
25 general administration and for field operations for resources
26 necessary to implement and operate the services funded in this
27 section.

28 4. a. Of the funds appropriated in this section, up to
29 \$26,719,010 is allocated as the statewide expenditure target
30 under section 232.143 for group foster care maintenance and
31 services. If the department projects that such expenditures
32 for the fiscal year will be less than the target amount
33 allocated in this lettered paragraph, the department may
34 reallocate the excess to provide additional funding for
35 shelter care or the child welfare emergency services addressed

1 with the allocation for shelter care.

2 b. If at any time after September 30, 2009, annualization
3 of a service area's current expenditures indicates a service
4 area is at risk of exceeding its group foster care expenditure
5 target under section 232.143 by more than 5 percent, the
6 department and juvenile court services shall examine all group
7 foster care placements in that service area in order to
8 identify those which might be appropriate for termination. In
9 addition, any aftercare services believed to be needed for the
10 children whose placements may be terminated shall be
11 identified. The department and juvenile court services shall
12 initiate action to set dispositional review hearings for the
13 placements identified. In such a dispositional review
14 hearing, the juvenile court shall determine whether needed
15 aftercare services are available and whether termination of
16 the placement is in the best interest of the child and the
17 community.

18 5. In accordance with the provisions of section 232.188,
19 the department shall continue the child welfare and juvenile
20 justice funding initiative during fiscal year 2009-2010. Of
21 the funds appropriated in this section, \$1,717,753 is
22 allocated specifically for expenditure for fiscal year
23 2009-2010 through the decategorization service funding pools
24 and governance boards established pursuant to section 232.188.

25 6. A portion of the funds appropriated in this section may
26 be used for emergency family assistance to provide other
27 resources required for a family participating in a family
28 preservation or reunification project or successor project to
29 stay together or to be reunified.

30 7. Notwithstanding section 234.35 or any other provision
31 of law to the contrary, state funding for shelter care shall
32 be limited to \$6,957,549. The department may continue or
33 amend shelter care provider contracts to include the child
34 welfare emergency services for children who might otherwise be
35 served in shelter care that were implemented pursuant to 2008

1 Iowa Acts, chapter 1187, section 16, subsection 7.

2 8. Except for federal funds provided by the federal
3 American Recovery and Reinvestment Act of 2009, federal funds
4 received by the state during the fiscal year beginning July 1,
5 2009, as the result of the expenditure of state funds
6 appropriated during a previous state fiscal year for a service
7 or activity funded under this section are appropriated to the
8 department to be used as additional funding for services and
9 purposes provided for under this section. Notwithstanding
10 section 8.33, moneys received in accordance with this
11 subsection that remain unencumbered or unobligated at the
12 close of the fiscal year shall not revert to any fund but
13 shall remain available for the purposes designated until the
14 close of the succeeding fiscal year.

15 9. Of the funds appropriated in this section, at least
16 \$3,464,856 shall be used for protective child care assistance.

17 10. a. Of the funds appropriated in this section, up to
18 \$3,076,999 is allocated for the payment of the expenses of
19 court-ordered services provided to juveniles who are under the
20 supervision of juvenile court services, which expenses are a
21 charge upon the state pursuant to section 232.141, subsection
22 4. Of the amount allocated in this lettered paragraph, up to
23 \$1,556,287 shall be made available to provide school-based
24 supervision of children adjudicated under chapter 232, of
25 which not more than \$15,000 may be used for the purpose of
26 training. A portion of the cost of each school-based liaison
27 officer shall be paid by the school district or other funding
28 source as approved by the chief juvenile court officer.

29 b. Of the funds appropriated in this section, up to
30 \$832,205 is allocated for the payment of the expenses of
31 court-ordered services provided to children who are under the
32 supervision of the department, which expenses are a charge
33 upon the state pursuant to section 232.141, subsection 4.

34 c. Notwithstanding section 232.141 or any other provision
35 of law to the contrary, the amounts allocated in this

1 subsection shall be distributed to the judicial districts as
2 determined by the state court administrator and to the
3 department's service areas as determined by the administrator
4 of the department's division of child and family services.
5 The state court administrator and the division administrator
6 shall make the determination of the distribution amounts on or
7 before June 15, 2009.

8 d. Notwithstanding chapter 232 or any other provision of
9 law to the contrary, a district or juvenile court shall not
10 order any service which is a charge upon the state pursuant to
11 section 232.141 if there are insufficient court-ordered
12 services funds available in the district court or departmental
13 service area distribution amounts to pay for the service. The
14 chief juvenile court officer and the departmental service area
15 manager shall encourage use of the funds allocated in this
16 subsection such that there are sufficient funds to pay for all
17 court-related services during the entire year. The chief
18 juvenile court officers and departmental service area managers
19 shall attempt to anticipate potential surpluses and shortfalls
20 in the distribution amounts and shall cooperatively request
21 the state court administrator or division administrator to
22 transfer funds between the judicial districts' or departmental
23 service areas' distribution amounts as prudent.

24 e. Notwithstanding any provision of law to the contrary, a
25 district or juvenile court shall not order a county to pay for
26 any service provided to a juvenile pursuant to an order
27 entered under chapter 232 which is a charge upon the state
28 under section 232.141, subsection 4.

29 f. Of the funds allocated in this subsection, not more
30 than \$100,000 may be used by the judicial branch for
31 administration of the requirements under this subsection.

32 11. Of the funds appropriated in this section, \$1,005,166
33 shall be transferred to the department of public health to be
34 used for the child protection center grant program in
35 accordance with section 135.118.

1 12. If the department receives federal approval to
2 implement a waiver under Title IV-E of the federal Social
3 Security Act to enable providers to serve children who remain
4 in the children's families and communities, for purposes of
5 eligibility under the medical assistance program children who
6 participate in the waiver shall be considered to be placed in
7 foster care.

8 13. Of the funds appropriated in this section, \$2,695,256
9 is allocated for the preparation for adult living program
10 pursuant to section 234.46.

11 14. Of the funds appropriated in this section, \$975,166
12 shall be used for juvenile drug courts. The amount allocated
13 in this subsection shall be distributed as follows:

14 a. To the judicial branch for salaries to assist with the
15 operation of juvenile drug court programs operated in the
16 following jurisdictions:

17 (1) Marshall county:		
18	\$	58,509
19 (2) Woodbury county:		
20	\$	117,267
21 (3) Polk county:		
22	\$	182,779
23 (4) The third judicial district:		
24	\$	63,385
25 (5) The eighth judicial district:		
26	\$	63,385

27 b. For court-ordered services to support substance abuse
28 services provided to the juveniles participating in the
29 juvenile drug court programs listed in paragraph "a" and the
30 juveniles' families:

31	\$	489,837
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32 The state court administrator shall allocate the funding
33 designated in this paragraph among the programs.

34 15. Of the funds appropriated in this section, \$225,529
35 shall be used for the public purpose of providing a grant to a

1 nonprofit human services organization providing services to
2 individuals and families in multiple locations in southwest
3 Iowa and Nebraska for support of a project providing
4 immediate, sensitive support and forensic interviews, medical
5 exams, needs assessments, and referrals for victims of child
6 abuse and their nonoffending family members.

7 16. Of the funds appropriated in this section, \$123,923 is
8 allocated for the elevate approach of providing a support
9 network to children placed in foster care.

10 17. Of the funds appropriated in this section, \$285,600 is
11 allocated for sibling visitation provisions for children
12 subject to a court order for out-of-home placement in
13 accordance with section 232.108.

14 18. Of the funds appropriated in this section, \$190,400 is
15 allocated for use pursuant to section 235A.1 for continuation
16 of the initiative to address child sexual abuse implemented
17 pursuant to 2007 Iowa Acts, chapter 218, section 18,
18 subsection 21.

19 19. Of the funds appropriated in this section, \$75,741 is
20 allocated for the public purpose of renewing of a grant to a
21 county with a population between 189,000 and 196,000 in the
22 latest preceding certified federal census for implementation
23 of the county's runaway treatment plan under section 232.195.

24 20. Of the funds appropriated in this section, \$590,780 is
25 allocated for the community partnership for child protection
26 sites.

27 21. Of the funds appropriated in this section, \$355,036 is
28 allocated for the department's minority youth and family
29 projects under the redesign of the child welfare system.

30 22. Of the funds appropriated in this section, \$281,217 is
31 allocated for funding of the state match for the federal
32 substance abuse and mental health services administration
33 (SAMHSA) system of care grant.

34 23. Of the funds appropriated in this section, \$23,792 is
35 allocated for the public purpose of providing a grant to a

1 child welfare services provider headquartered in a county with
2 a population between 189,000 and 196,000 in the latest
3 preceding certified federal census that provides multiple
4 services including but not limited to a psychiatric medical
5 institution for children, shelter, residential treatment,
6 after school programs, school-based programming, and an
7 Asperger's syndrome program, to be used for support services
8 for children with autism spectrum disorder and their families.

9 Sec. 17. ADOPTION SUBSIDY.

10 1. There is appropriated from the general fund of the
11 state to the department of human services for the fiscal year
12 beginning July 1, 2009, and ending June 30, 2010, the
13 following amount, or so much thereof as is necessary, to be
14 used for the purpose designated:

15 For adoption subsidy payments and services:

16 \$ 34,883,674

17 2. The department may transfer funds appropriated in this
18 section to the appropriation made in this Act for general
19 administration for costs paid from the appropriation relating
20 to adoption subsidy.

21 3. Except for federal funds provided by the federal
22 American Recovery and Reinvestment Act of 2009, federal funds
23 received by the state during the fiscal year beginning July 1,
24 2009, as the result of the expenditure of state funds during a
25 previous state fiscal year for a service or activity funded
26 under this section are appropriated to the department to be
27 used as additional funding for the services and activities
28 funded under this section. Notwithstanding section 8.33,
29 moneys received in accordance with this subsection that remain
30 unencumbered or unobligated at the close of the fiscal year
31 shall not revert to any fund but shall remain available for
32 expenditure for the purposes designated until the close of the
33 succeeding fiscal year.

34 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited
35 in the juvenile detention home fund created in section 232.142

1 during the fiscal year beginning July 1, 2009, and ending June
2 30, 2010, are appropriated to the department of human services
3 for the fiscal year beginning July 1, 2009, and ending June
4 30, 2010, for distribution of an amount equal to a percentage
5 of the costs of the establishment, improvement, operation, and
6 maintenance of county or multicounty juvenile detention homes
7 in the fiscal year beginning July 1, 2008. Moneys
8 appropriated for distribution in accordance with this section
9 shall be allocated among eligible detention homes, prorated on
10 the basis of an eligible detention home's proportion of the
11 costs of all eligible detention homes in the fiscal year
12 beginning July 1, 2008. The percentage figure shall be
13 determined by the department based on the amount available for
14 distribution for the fund. Notwithstanding section 232.142,
15 subsection 3, the financial aid payable by the state under
16 that provision for the fiscal year beginning July 1, 2009,
17 shall be limited to the amount appropriated for the purposes
18 of this section.

19 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

20 1. There is appropriated from the general fund of the
21 state to the department of human services for the fiscal year
22 beginning July 1, 2009, and ending June 30, 2010, the
23 following amount, or so much thereof as is necessary, to be
24 used for the purpose designated:

25 For the family support subsidy program:

26 \$ 1,697,137

27 2. The department shall use at least \$433,212 of the
28 moneys appropriated in this section for the family support
29 center component of the comprehensive family support program
30 under section 225C.47. Not more than \$25,000 of the amount
31 allocated in this subsection shall be used for administrative
32 costs.

33 Sec. 20. CONNER DECREE. There is appropriated from the
34 general fund of the state to the department of human services
35 for the fiscal year beginning July 1, 2009, and ending June

1 30, 2010, the following amount, or so much thereof as is
2 necessary, to be used for the purpose designated:

3 For building community capacity through the coordination
4 and provision of training opportunities in accordance with the
5 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
6 Iowa, July 14, 1994):

7 \$ 37,358

8 Sec. 21. MENTAL HEALTH INSTITUTES.

9 1. There is appropriated from the general fund of the
10 state to the department of human services for the fiscal year
11 beginning July 1, 2009, and ending June 30, 2010, the
12 following amounts, or so much thereof as is necessary, to be
13 used for the purposes designated:

14 a. For the state mental health institute at Cherokee for
15 salaries, support, maintenance, and miscellaneous purposes,
16 and for not more than the following full-time equivalent
17 positions:

18 \$ 5,436,076

19 FTEs 205.00

20 b. For the state mental health institute at Clarinda for
21 salaries, support, maintenance, and miscellaneous purposes,
22 and for not more than the following full-time equivalent
23 positions:

24 \$ 6,227,335

25 FTEs 114.95

26 c. For the state mental health institute at Independence
27 for salaries, support, maintenance, and miscellaneous
28 purposes, and for not more than the following full-time
29 equivalent positions:

30 \$ 9,503,567

31 FTEs 287.85

32 d. For the state mental health institute at Mount Pleasant
33 for salaries, support, maintenance, and miscellaneous
34 purposes, and for not more than the following full-time
35 equivalent positions:

1 \$ 1,795,552

2 FTEs 116.44

3 2. The department shall submit a proposal for closing one
4 state mental health institute and consolidating the services
5 provided at the other state mental health institutes. The
6 plan shall be submitted to the persons designated by this
7 division of this Act for submission of reports on or before
8 December 15, 2009.

9 Sec. 22. STATE RESOURCE CENTERS.

10 1. There is appropriated from the general fund of the
11 state to the department of human services for the fiscal year
12 beginning July 1, 2009, and ending June 30, 2010, the
13 following amounts, or so much thereof as is necessary, to be
14 used for the purposes designated:

15 a. For the state resource center at Glenwood for salaries,
16 support, maintenance, and miscellaneous purposes:

17 \$ 17,620,487

18 b. For the state resource center at Woodward for salaries,
19 support, maintenance, and miscellaneous purposes:

20 \$ 10,929,200

21 2. The department may continue to bill for state resource
22 center services utilizing a scope of services approach used
23 for private providers of ICFMR services, in a manner which
24 does not shift costs between the medical assistance program,
25 counties, or other sources of funding for the state resource
26 centers.

27 3. The state resource centers may expand the time-limited
28 assessment and respite services during the fiscal year.

29 4. If the department's administration and the department
30 of management concur with a finding by a state resource
31 center's superintendent that projected revenues can reasonably
32 be expected to pay the salary and support costs for a new
33 employee position, or that such costs for adding a particular
34 number of new positions for the fiscal year would be less than
35 the overtime costs if new positions would not be added, the

1 superintendent may add the new position or positions. If the
2 vacant positions available to a resource center do not include
3 the position classification desired to be filled, the state
4 resource center's superintendent may reclassify any vacant
5 position as necessary to fill the desired position. The
6 superintendents of the state resource centers may, by mutual
7 agreement, pool vacant positions and position classifications
8 during the course of the fiscal year in order to assist one
9 another in filling necessary positions.

10 5. If existing capacity limitations are reached in
11 operating units, a waiting list is in effect for a service or
12 a special need for which a payment source or other funding is
13 available for the service or to address the special need, and
14 facilities for the service or to address the special need can
15 be provided within the available payment source or other
16 funding, the superintendent of a state resource center may
17 authorize opening not more than two units or other facilities
18 and begin implementing the service or addressing the special
19 need during fiscal year 2009-2010.

20 Sec. 23. MI/MR/DD STATE CASES.

21 1. There is appropriated from the general fund of the
22 state to the department of human services for the fiscal year
23 beginning July 1, 2009, and ending June 30, 2010, the
24 following amount, or so much thereof as is necessary, to be
25 used for the purpose designated:

26 For distribution to counties for state case services for
27 persons with mental illness, mental retardation, and
28 developmental disabilities in accordance with section 331.440:
29 \$ 11,446,288

30 2. For the fiscal year beginning July 1, 2009, and ending
31 June 30, 2010, \$200,000 is allocated for state case services
32 from the amounts appropriated from the fund created in section
33 8.41 to the department of human services from the funds
34 received from the federal government under 42 U.S.C., ch. 6A,
35 subch. XVII, relating to the community mental health center

1 block grant, for the federal fiscal years beginning October 1,
2 2007, and ending September 30, 2008, beginning October 1,
3 2008, and ending September 30, 2009, and beginning October 1,
4 2009, and ending September 30, 2010. The allocation made in
5 this subsection shall be made prior to any other distribution
6 allocation of the appropriated federal funds.

7 3. For the fiscal year beginning July 1, 2009, to the
8 extent the appropriation made in this section and other
9 funding provided for state case services and other support, as
10 defined in section 331.440, and the other funding available in
11 the county's services fund under section 331.424A are
12 insufficient to pay the costs of such services and other
13 support, a county of residence may implement a waiting list or
14 other measures to maintain expenditures within the available
15 funding.

16 4. Notwithstanding section 8.33, moneys appropriated in
17 this section that remain unencumbered or unobligated at the
18 close of the fiscal year shall not revert but shall remain
19 available for expenditure for the purposes designated until
20 the close of the succeeding fiscal year.

21 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES --
22 COMMUNITY SERVICES FUND. There is appropriated from the
23 general fund of the state to the mental health and
24 developmental disabilities community services fund created in
25 section 225C.7 for the fiscal year beginning July 1, 2009, and
26 ending June 30, 2010, the following amount, or so much thereof
27 as is necessary, to be used for the purpose designated:

28 For mental health and developmental disabilities community
29 services in accordance with this division of this Act:
30 \$ 15,790,111

31 1. Of the funds appropriated in this section, \$15,535,967
32 shall be allocated to counties for funding of community-based
33 mental health and developmental disabilities services. The
34 moneys shall be allocated to a county as follows:

35 a. Fifty percent based upon the county's proportion of the

1 state's population of persons with an annual income which is
2 equal to or less than the poverty guideline established by the
3 federal office of management and budget.

4 b. Fifty percent based upon the county's proportion of the
5 state's general population.

6 2. a. A county shall utilize the funding the county
7 receives pursuant to subsection 1 for services provided to
8 persons with a disability, as defined in section 225C.2.
9 However, no more than 50 percent of the funding shall be used
10 for services provided to any one of the service populations.

11 b. A county shall use at least 50 percent of the funding
12 the county receives under subsection 1 for contemporary
13 services provided to persons with a disability, as described
14 in rules adopted by the department.

15 3. Of the funds appropriated in this section, \$26,160
16 shall be used to support the Iowa compass program providing
17 computerized information and referral services for Iowans with
18 disabilities and their families.

19 4. a. Funding appropriated for purposes of the federal
20 social services block grant is allocated for distribution to
21 counties for local purchase of services for persons with
22 mental illness or mental retardation or other developmental
23 disability.

24 b. The funds allocated in this subsection shall be
25 expended by counties in accordance with the county's approved
26 county management plan. A county without an approved county
27 management plan shall not receive allocated funds until the
28 county's management plan is approved.

29 c. The funds provided by this subsection shall be
30 allocated to each county as follows:

31 (1) Fifty percent based upon the county's proportion of
32 the state's population of persons with an annual income which
33 is equal to or less than the poverty guideline established by
34 the federal office of management and budget.

35 (2) Fifty percent based upon the amount provided to the

1 county for local purchase of services in the preceding fiscal
2 year.

3 5. A county is eligible for funds under this section if
4 the county qualifies for a state payment as described in
5 section 331.439.

6 6. Of the funds appropriated in this section, \$226,720
7 shall be used for the public purpose of continuing a grant to
8 a statewide association of counties for development and
9 implementation of the community services network to replace
10 the county management information system.

11 7. The most recent population estimates issued by the
12 United States bureau of the census shall be applied for the
13 population factors utilized in this section.

14 Sec. 25. SEXUALLY VIOLENT PREDATORS.

15 1. There is appropriated from the general fund of the
16 state to the department of human services for the fiscal year
17 beginning July 1, 2009, and ending June 30, 2010, the
18 following amount, or so much thereof as is necessary, to be
19 used for the purpose designated:

20 For costs associated with the commitment and treatment of
21 sexually violent predators in the unit located at the state
22 mental health institute at Cherokee, including costs of legal
23 services and other associated costs, including salaries,
24 support, maintenance, and miscellaneous purposes, and for not
25 more than the following full-time equivalent positions:

26	\$	6,860,204
27	FTEs	105.50

28 2. Unless specifically prohibited by law, if the amount
29 charged provides for recoupment of at least the entire amount
30 of direct and indirect costs, the department of human services
31 may contract with other states to provide care and treatment
32 of persons placed by the other states at the unit for sexually
33 violent predators at Cherokee. The moneys received under such
34 a contract shall be considered to be repayment receipts and
35 used for the purposes of the appropriation made in this

1 section.

2 Sec. 26. FIELD OPERATIONS. There is appropriated from the
3 general fund of the state to the department of human services
4 for the fiscal year beginning July 1, 2009, and ending June
5 30, 2010, the following amount, or so much thereof as is
6 necessary, to be used for the purposes designated:

7 For field operations, including salaries, support,
8 maintenance, and miscellaneous purposes, and for not more than
9 the following full-time equivalent positions:

10 \$ 63,032,831

11 FTEs 2,000.13

12 Priority in filling full-time equivalent positions shall be
13 given to those positions related to child protection services
14 and eligibility determination for low-income families.

15 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
16 from the general fund of the state to the department of human
17 services for the fiscal year beginning July 1, 2009, and
18 ending June 30, 2010, the following amount, or so much thereof
19 as is necessary, to be used for the purpose designated:

20 For general administration, including salaries, support,
21 maintenance, and miscellaneous purposes, and for not more than
22 the following full-time equivalent positions:

23 \$ 15,252,523

24 FTEs 354.33

25 1. Of the funds appropriated in this section, \$48,556 is
26 allocated for the prevention of disabilities policy council
27 established in section 225B.3.

28 2. The department shall report at least monthly to the
29 legislative services agency concerning the department's
30 operational and program expenditures.

31 3. Notwithstanding provisions to the contrary in chapter
32 217, if necessary to address funding reductions in general
33 administration and field operations, the department may
34 propose and implement reorganization of the departmental
35 administration and field operations during the fiscal year

1 beginning July 1, 2009. At least 30 calendar days prior to
2 implementation of any reorganization, the department shall
3 submit a detailed proposal for the reorganization to the
4 chairpersons and ranking members of the joint appropriations
5 subcommittee on health and human services, the department of
6 management, and the persons designated by this division of
7 this Act for submission of reports, to provide an opportunity
8 for review, and comment, and possible revision of the
9 proposal.

10 4. The department shall adopt rules pursuant to chapter
11 17A establishing standards for childrens centers under section
12 237B.1, as amended by this Act.

13 Sec. 28. VOLUNTEERS. There is appropriated from the
14 general fund of the state to the department of human services
15 for the fiscal year beginning July 1, 2009, and ending June
16 30, 2010, the following amount, or so much thereof as is
17 necessary, to be used for the purpose designated:

18 For development and coordination of volunteer services:
19 \$ 94,067

20 Sec. 29. FAMILY PLANNING SERVICES. There is appropriated
21 from the general fund of the state to the department of human
22 services for the fiscal year beginning July 1, 2009, and
23 ending June 30, 2010, the following amount or so much thereof
24 as is necessary, to be used for the purpose designated:

25 For family planning services to individuals with incomes
26 not to exceed 200 percent of the federal poverty level as
27 defined by the most recently revised income guidelines
28 published by the United States department of health and human
29 services, who are not currently receiving the specific benefit
30 under the medical assistance program:
31 \$ 10,000

32 Moneys appropriated under this section shall not be used to
33 provide abortions. The department shall work with appropriate
34 stakeholders to implement and administer the program.

35 Sec. 30. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM

1 -- APPROPRIATION. There is appropriated from the general fund
2 of the state to the department of human services for the
3 fiscal year beginning July 1, 2009, and ending June 30, 2010,
4 the following amount or so much thereof as is necessary for
5 the purpose designated:

6 For a pregnancy counseling and support services program as
7 specified in this section:

8 \$ 100,000

9 The department of human services shall continue the
10 pregnancy counseling and support services program to provide
11 core services consisting of information, education,
12 counseling, and support services to women who experience
13 unplanned pregnancies by supporting childbirth, assisting
14 pregnant women in remaining healthy and maintaining a healthy
15 pregnancy while deciding whether to keep the child or place
16 the child for adoption, and assisting women after the birth of
17 a child that was implemented pursuant to 2008 Iowa Acts,
18 chapter 1187, section 30.

19 Sec. 31. CIVIL MONETARY PENALTIES -- DIRECT CARE WORKERS.
20 Of the funds received by the department of human services
21 through federal civil monetary penalties from nursing
22 facilities, during the fiscal year beginning July 1, 2009, and
23 ending June 30, 2010, \$70,000 shall be used to provide
24 conference scholarships to direct care workers, subject to
25 approval by the centers for Medicare and Medicaid services of
26 the United States department of health and human services.

27 Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
28 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
29 DEPARTMENT OF HUMAN SERVICES.

30 1. a. (1) For the fiscal year beginning July 1, 2009,
31 the total state funding amount for the nursing facility budget
32 shall not exceed \$146,803,575.

33 (2) For the fiscal year beginning July 1, 2009, the
34 department shall rebase case-mix nursing facility rates.
35 However, total nursing facility budget expenditures, including

1 both case-mix and noncase-mix shall not exceed the amount
2 specified in subparagraph (1). When calculating case-mix per
3 diem cost and the patient-day-weighted medians used in
4 rate-setting for nursing facilities effective July 1, 2009,
5 the inflation factor applied from the midpoint of the cost
6 report period to the first day of the state fiscal year rate
7 period shall be adjusted to maintain state funding within the
8 amount specified in subparagraph (1).

9 (3) The department, in cooperation with nursing facility
10 representatives, shall review projections for state funding
11 expenditures for reimbursement of nursing facilities on a
12 quarterly basis and the department shall determine if an
13 adjustment to the medical assistance reimbursement rate is
14 necessary in order to provide reimbursement within the state
15 funding amount. Any temporary enhanced federal financial
16 participation that may become available to the Iowa medical
17 assistance program during the fiscal year shall not be used in
18 projecting the nursing facility budget. Notwithstanding 2001
19 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
20 "c", and subsection 3, paragraph "a", subparagraph (2), if the
21 state funding expenditures for the nursing facility budget for
22 the fiscal year beginning July 1, 2009, are projected to
23 exceed the amount specified in subparagraph (1), the
24 department shall adjust the reimbursement for nursing
25 facilities reimbursed under the case-mix reimbursement system
26 to maintain expenditures of the nursing facility budget within
27 the specified amount. The department shall revise such
28 reimbursement as necessary to adjust the annual accountability
29 measures payment in accordance with 2001 Iowa Acts, chapter
30 192, section 4, subsection 4, as amended by 2008 Iowa Acts,
31 chapter 1187, section 33, and as amended by this Act.

32 b. For the fiscal year beginning July 1, 2009, the
33 department shall reimburse pharmacy dispensing fees using a
34 single rate of \$4.57 per prescription or the pharmacy's usual
35 and customary fee, whichever is lower.

1 c. (1) For the fiscal year beginning July 1, 2009,
2 reimbursement rates for outpatient hospital services shall
3 remain at the rates in effect on June 30, 2009.

4 (2) For the fiscal year beginning July 1, 2009,
5 reimbursement rates for inpatient hospital services in effect
6 on June 30, 2009, shall be reduced by 2.3 percent.

7 (3) For the fiscal year beginning July 1, 2009, the
8 graduate medical education and disproportionate share hospital
9 fund shall remain at the amount in effect on June 30, 2009.

10 (4) In order to ensure the efficient use of limited state
11 funds in procuring health care services for low-income Iowans,
12 funds appropriated in this Act for hospital services shall not
13 be used for activities which would be excluded from a
14 determination of reasonable costs under the federal Medicare
15 program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

16 d. For the fiscal year beginning July 1, 2009,
17 reimbursement rates for rural health clinics, hospices,
18 independent laboratories, and acute mental hospitals shall be
19 increased in accordance with increases under the federal
20 Medicare program or as supported by their Medicare audited
21 costs.

22 e. For the fiscal year beginning July 1, 2009,
23 reimbursement rates for home health agencies shall remain at
24 the rates in effect on June 30, 2009, not to exceed a home
25 health agency's actual allowable cost.

26 f. For the fiscal year beginning July 1, 2009, federally
27 qualified health centers shall receive cost-based
28 reimbursement for 100 percent of the reasonable costs for the
29 provision of services to recipients of medical assistance.

30 g. For the fiscal year beginning July 1, 2009, the
31 reimbursement rates for dental services shall remain at the
32 rates in effect on June 30, 2009.

33 h. Unless legislation is enacted by the Eighty-third
34 General Assembly, 2009 Session, adjusting such rates, for the
35 fiscal year beginning July 1, 2009, the maximum reimbursement

1 rate for psychiatric medical institutions for children shall
2 be \$167.19 per day.

3 i. For the fiscal year beginning July 1, 2009, unless
4 otherwise specified in this Act, all noninstitutional medical
5 assistance provider reimbursement rates shall remain at the
6 rates in effect on June 30, 2009, except for area education
7 agencies, local education agencies, infant and toddler
8 services providers, and those providers whose rates are
9 required to be determined pursuant to section 249A.20.

10 j. Notwithstanding any provision to the contrary, for the
11 fiscal year beginning July 1, 2009, the reimbursement rate for
12 anesthesiologists shall remain at the rate in effect on June
13 30, 2009.

14 k. Notwithstanding section 249A.20, for the fiscal year
15 beginning July 1, 2009, the average reimbursement rate for
16 health care providers eligible for use of the federal Medicare
17 resource-based relative value scale reimbursement methodology
18 under that section shall remain at the rate in effect on June
19 30, 2009; however, this rate shall not exceed the maximum
20 level authorized by the federal government.

21 l. For the fiscal year beginning July 1, 2009, the
22 reimbursement rate for residential care facilities shall not
23 be less than the minimum payment level as established by the
24 federal government to meet the federally mandated maintenance
25 of effort requirement. The flat reimbursement rate for
26 facilities electing not to file semiannual cost reports shall
27 not be less than the minimum payment level as established by
28 the federal government to meet the federally mandated
29 maintenance of effort requirement.

30 m. For the fiscal year beginning July 1, 2009, inpatient
31 mental health services provided at hospitals shall be
32 reimbursed at the cost of the services, subject to Medicaid
33 program upper payment limit rules; community mental health
34 centers and providers of mental health services to county
35 residents pursuant to a waiver approved under section 225C.7,

1 subsection 3, shall be reimbursed at 100 percent of the
2 reasonable costs for the provision of services to recipients
3 of medical assistance; and psychiatrists shall be reimbursed
4 at the medical assistance program fee for service rate.

5 n. For the fiscal year beginning July 1, 2009, the
6 reimbursement rate for consumer-directed attendant care shall
7 remain at the rates in effect on June 30, 2009.

8 o. For the fiscal year beginning July 1, 2009, the
9 reimbursement rate for providers of family planning services
10 that are eligible to receive a 90 percent federal match shall
11 be increased by 5 percent above the rates in effect on June
12 30, 2009.

13 2. For the fiscal year beginning July 1, 2009, the
14 reimbursement rate for providers reimbursed under the in-
15 home-related care program shall not be less than the minimum
16 payment level as established by the federal government to meet
17 the federally mandated maintenance of effort requirement.

18 3. Unless otherwise directed in this section, when the
19 department's reimbursement methodology for any provider
20 reimbursed in accordance with this section includes an
21 inflation factor, this factor shall not exceed the amount by
22 which the consumer price index for all urban consumers
23 increased during the calendar year ending December 31, 2002.

24 4. For the fiscal year beginning July 1, 2009,
25 notwithstanding section 234.38, the foster family basic daily
26 maintenance rate, the maximum adoption subsidy rate, and the
27 maximum supervised apartment living foster care rate, and the
28 preparation for adult living program maintenance rate for
29 children ages 0 through 5 years shall be \$16.36, the rate for
30 children ages 6 through 11 years shall be \$17.01, the rate for
31 children ages 12 through 15 years shall be \$18.62, and the
32 rate for children and young adults ages 16 and older shall be
33 \$18.87.

34 5. For the fiscal year beginning July 1, 2009, the maximum
35 reimbursement rates for social services providers reimbursed

1 under a purchase of social services contract shall remain at
2 the rates in effect on June 30, 2009, or the provider's actual
3 and allowable cost plus inflation for each service, whichever
4 is less. However, the rates may be adjusted under any of the
5 following circumstances:

6 a. If a new service was added after June 30, 2009, the
7 initial reimbursement rate for the service shall be based upon
8 actual and allowable costs.

9 b. If a social service provider loses a source of income
10 used to determine the reimbursement rate for the provider, the
11 provider's reimbursement rate may be adjusted to reflect the
12 loss of income, provided that the lost income was used to
13 support actual and allowable costs of a service purchased
14 under a purchase of service contract.

15 6. For the fiscal year beginning July 1, 2009, the
16 reimbursement rates for family-centered service providers,
17 family foster care service providers, group foster care
18 service providers, and the resource family recruitment and
19 retention contractor shall remain at the rates in effect on
20 June 30, 2009.

21 7. The group foster care reimbursement rates paid for
22 placement of children out of state shall be calculated
23 according to the same rate-setting principles as those used
24 for in-state providers, unless the director of human services
25 or the director's designee determines that appropriate care
26 cannot be provided within the state. The payment of the daily
27 rate shall be based on the number of days in the calendar
28 month in which service is provided.

29 8. For the fiscal year beginning July 1, 2009, remedial
30 service providers shall receive cost-based reimbursement for
31 100 percent of the reasonable costs not to exceed the
32 established limit for the provision of services to recipients
33 of medical assistance.

34 9. a. For the fiscal year beginning July 1, 2009, the
35 combined service and maintenance components of the

1 reimbursement rate paid for shelter care services and
2 alternative child welfare emergency services purchased under a
3 contract shall be based on the financial and statistical
4 report submitted to the department. The maximum reimbursement
5 rate shall be \$92.36 per day. The department shall reimburse
6 a shelter care provider at the provider's actual and allowable
7 unit cost, plus inflation, not to exceed the maximum
8 reimbursement rate.

9 b. Notwithstanding section 232.141, subsection 8, for the
10 fiscal year beginning July 1, 2009, the amount of the
11 statewide average of the actual and allowable rates for
12 reimbursement of juvenile shelter care homes that is utilized
13 for the limitation on recovery of unpaid costs shall remain at
14 the amount in effect for this purpose in the preceding fiscal
15 year.

16 10. For the fiscal year beginning July 1, 2009, the
17 department shall calculate reimbursement rates for
18 intermediate care facilities for persons with mental
19 retardation at the 80th percentile.

20 11. For the fiscal year beginning July 1, 2009, for child
21 care providers reimbursed under the state child care
22 assistance program, the department shall set provider
23 reimbursement rates based on the rate reimbursement survey
24 completed in December 2004. Effective July 1, 2009, the child
25 care provider reimbursement rates shall remain at the rates in
26 effect on June 30, 2009. The department shall set rates in a
27 manner so as to provide incentives for a nonregistered
28 provider to become registered by applying the increase only to
29 registered and licensed providers.

30 12. For the fiscal year beginning July 1, 2009,
31 reimbursements for providers reimbursed by the department of
32 human services may be modified if appropriated funding is
33 allocated for that purpose from the senior living trust fund
34 created in section 249H.4.

35 13. The department may adopt emergency rules to implement

1 this section.

2 Sec. 33. 2001 Iowa Acts, chapter 192, section 4,
3 subsection 4, as amended by 2008 Iowa Acts, chapter 1187,
4 section 33, subsection 4, is amended by striking the
5 subsection, and inserting in lieu thereof the following:

6 4. NURSING FACILITY PAY-FOR-PERFORMANCE.

7 a. It is the intent of the general assembly that the
8 department of human services initiate a system to recognize
9 nursing facilities that provide quality of life and
10 appropriate access to medical assistance program beneficiaries
11 in a cost-effective manner.

12 b. The department shall design and implement a program to
13 establish benchmarks and to collect data for these benchmarks
14 to evaluate nursing facility performance and to adjust the
15 program and benchmarks, accordingly, to recognize improvement.
16 The program shall include procedures to provide a
17 pay-for-performance payment based upon a nursing facility's
18 achievement of multiple favorable outcomes as determined by
19 these benchmarks. Any increased reimbursement shall not
20 exceed 5 percent of the sum of the direct and nondirect care
21 medians. The increased reimbursement shall be included in the
22 calculation of nursing facility modified price-based payment
23 rates with the exception of Medicare-certified hospital-based
24 nursing facilities, state-operated nursing facilities, and
25 special population nursing facilities. The increased
26 reimbursement shall be applicable to the payment periods
27 beginning July 1, 2009.

28 c. It is the intent of the general assembly that any
29 pay-for-performance payments to nursing facilities be used to
30 support direct care staff through increased wages, enhanced
31 benefits, and expanded training opportunities and that all
32 pay-for-performance payments be used in a manner that improves
33 and enhances quality of care for residents.

34 d. The program shall include various levels of compliance
35 in order for a nursing facility to be considered eligible for

1 a pay-for-performance payment including:

2 (1) The initial meeting of prerequisites including all of
3 the following:

4 (a) A nursing facility shall not be eligible to
5 participate if during the payment period the nursing facility
6 receives a deficiency resulting in actual harm or immediate
7 jeopardy, pursuant to the federal certification guidelines at
8 an H level scope and severity or higher, regardless of the
9 amount of fines assessed.

10 (b) The pay-for-performance payment component shall be
11 suspended for any month the nursing facility is in denial of
12 payment for new admissions status.

13 (2) Monitoring for nursing facility compliance with
14 program requirements including:

15 (a) Survey compliance during the payment period. If a
16 nursing facility receives a deficiency resulting in actual
17 harm pursuant to the federal certification guidelines at a G
18 level scope and severity or higher, the payment shall be
19 reduced by 25 percent for each such deficiency received during
20 the state fiscal year. Additionally, if the nursing facility
21 fails to cure any deficiency cited within the time required by
22 the department of inspections and appeals, the payment shall
23 be forfeited and the nursing facility shall not receive any
24 payment for that payment period.

25 (b) Compliance with the use of the pay-for-performance
26 payment received.

27 (c) Establishing and utilizing a tracking and reporting
28 system to document the use of the pay-for-performance payments
29 by the nursing facility.

30 (3) Use of measures based on the four domains of quality
31 of life, quality of care, access, and efficiency.

32 e. (1) The department shall utilize cost reports or other
33 means to document nursing facility eligibility for and
34 compliance with the pay-for-performance payments.

35 (2) The department shall publish the results of the

1 measures for which a nursing facility qualifies and the amount
2 of any pay-for-performance payment received. The department
3 shall also publish information regarding the use of the
4 pay-for-performance payments by any nursing facility receiving
5 such payment.

6 f. The department may adopt emergency rules to implement
7 this subsection.

8 g. The department shall request any medical assistance
9 state plan amendment necessary to implement the
10 pay-for-performance payment methodology.

11 Sec. 34. EMERGENCY RULES.

12 1. If specifically authorized by a provision of this
13 division of this Act, the department of human services or the
14 mental health, mental retardation, developmental disabilities,
15 and brain injury commission may adopt administrative rules
16 under section 17A.4, subsection 2, and section 17A.5,
17 subsection 2, paragraph "b", to implement the provisions and
18 the rules shall become effective immediately upon filing or on
19 a later effective date specified in the rules, unless the
20 effective date is delayed by the administrative rules review
21 committee. Any rules adopted in accordance with this section
22 shall not take effect before the rules are reviewed by the
23 administrative rules review committee. The delay authority
24 provided to the administrative rules review committee under
25 section 17A.4, subsection 5, and section 17A.8, subsection 9,
26 shall be applicable to a delay imposed under this section,
27 notwithstanding a provision in those sections making them
28 inapplicable to section 17A.5, subsection 2, paragraph "b".
29 Any rules adopted in accordance with the provisions of this
30 section shall also be published as notice of intended action
31 as provided in section 17A.4.

32 2. If during the fiscal year beginning July 1, 2009, the
33 department of human services is adopting rules in accordance
34 with this section or as otherwise directed or authorized by
35 state law, and the rules will result in an expenditure

1 increase beyond the amount anticipated in the budget process
2 or if the expenditure was not addressed in the budget process
3 for the fiscal year, the department shall notify the persons
4 designated by this division of this Act for submission of
5 reports, the chairpersons and ranking members of the
6 committees on appropriations, and the department of management
7 concerning the rules and the expenditure increase. The
8 notification shall be provided at least 30 calendar days prior
9 to the date notice of the rules is submitted to the
10 administrative rules coordinator and the administrative code
11 editor.

12 Sec. 35. DEPARTMENTAL EFFICIENCIES -- BUDGET REDUCTIONS.
13 The departments of elder affairs, public health, human
14 services, and veterans affairs shall develop a plan to
15 maximize efficiencies to reduce their respective FY 2009-2010
16 budgets by five percent beginning in FY 2010-2011. The
17 departments shall collaborate to the extent appropriate to
18 accomplish such reductions. The departments shall report
19 their plans for maximizing efficiencies and reducing their
20 budgets to the individuals specified in this Act to receive
21 reports by December 15, 2009.

22 Sec. 36. FULL-TIME EQUIVALENT POSITIONS -- REDUCTIONS.
23 The director of the department or state agency to which
24 appropriations are made pursuant to this division of this Act,
25 in making any reductions in full-time equivalent positions,
26 shall, to the greatest extent possible, retain those positions
27 providing direct services to the public.

28 Sec. 37. REPORTS. Any reports or information required to
29 be compiled and submitted under this Act shall be submitted to
30 the chairpersons and ranking members of the joint
31 appropriations subcommittee on health and human services, the
32 legislative services agency, and the legislative caucus staffs
33 on or before the dates specified for submission of the reports
34 or information.

35 Sec. 38. EFFECTIVE DATE. The following provisions of this

1 division of this Act, being deemed of immediate importance,
2 take effect upon enactment:

3 The provision under the appropriation for child and family
4 services, relating to requirements of section 232.143 for
5 representatives of the department of human services and
6 juvenile court services to establish a plan for continuing
7 group foster care expenditures for fiscal year 2009-2010.

8 DIVISION II

9 SENIOR LIVING TRUST FUND,

10 PHARMACEUTICAL SETTLEMENT ACCOUNT,

11 IOWACARE ACCOUNT, AND HEALTH CARE

12 TRANSFORMATION ACCOUNT

13 Sec. 39. DEPARTMENT OF ELDER AFFAIRS. There is
14 appropriated from the senior living trust fund created in
15 section 249H.4 to the department of elder affairs for the
16 fiscal year beginning July 1, 2009, and ending June 30, 2010,
17 the following amount, or so much thereof as is necessary, to
18 be used for the purpose designated:

19 For the development and implementation of a comprehensive
20 senior living program, including case management only if the
21 monthly cost per client for case management for the frail
22 elderly services provided does not exceed the amount specified
23 in this section, and including program administration and
24 costs associated with implementation:

25 \$ 8,486,698

26 1. a. Of the funds appropriated in this section,
27 \$1,010,000 shall be transferred to the department of human
28 services in equal amounts on a quarterly basis for
29 reimbursement of case management services provided under the
30 medical assistance elderly waiver.

31 b. The monthly cost per client for case management for the
32 frail elderly services provided shall not exceed an average of
33 \$70. However, if the department of human services adopts
34 administrative rules revising the reimbursement methodology to
35 include 15 minute units, 24-hour on-call, and other

1 requirements consistent with federal regulations, the \$70
2 monthly cap shall be eliminated and replaced with a quarterly
3 projection of expenditures and reimbursement revisions
4 necessary to maintain expenditures within the amounts budgeted
5 under the appropriations made for the fiscal year for the
6 medical assistance program.

7 c. The department shall review projections for state
8 funding expenditures for reimbursement of case management
9 services under the medical assistance elderly waiver on a
10 quarterly basis and shall determine if an adjustment to the
11 medical assistance reimbursement rates are necessary to
12 provide reimbursement within the state funding amounts
13 budgeted under the appropriations made for the fiscal year for
14 the medical assistance program. Any temporary enhanced
15 federal financial participation that may become available for
16 the medical assistance program during the fiscal year shall
17 not be used in projecting the medical assistance elderly
18 waiver case management budget. The department shall revise
19 such reimbursement rates as necessary to maintain expenditures
20 for medical assistance elderly waiver case management services
21 within the state funding amounts budgeted under the
22 appropriations made for the fiscal year for the medical
23 assistance program.

24 2. Notwithstanding section 249H.7, the department of elder
25 affairs shall distribute funds appropriated in this section in
26 a manner that will supplement and maximize federal funds under
27 the federal Older Americans Act and shall not use the amount
28 distributed for any administrative purposes of either the
29 department of elder affairs or the area agencies on aging.

30 3. Of the funds appropriated in this section, \$60,000
31 shall be used to provide dementia-specific education to direct
32 care workers and other providers of long-term care to enhance
33 existing or scheduled efforts through the Iowa caregivers
34 association, the Alzheimer's association, and other
35 organizations identified as appropriate by the department.

1 Sec. 40. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
2 appropriated from the senior living trust fund created in
3 section 249H.4 to the department of inspections and appeals
4 for the fiscal year beginning July 1, 2009, and ending June
5 30, 2010, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:

7 For the inspection and certification of assisted living
8 facilities and adult day care services, including program
9 administration and costs associated with implementation:

10 \$ 1,339,527

11 Sec. 41. IOWA FINANCE AUTHORITY. There is appropriated
12 from the senior living trust fund created in section 249H.4 to
13 the Iowa finance authority for the fiscal year beginning July
14 1, 2009, and ending June 30, 2010, the following amount, or so
15 much thereof as is necessary, to be used for the purposes
16 designated:

17 For the rent subsidy program, to provide reimbursement for
18 rent expenses to eligible persons:

19 \$ 700,000

20 Participation in the rent subsidy program shall be limited
21 to only those persons who meet the requirements for the
22 nursing facility level of care for home and community-based
23 services waiver services as in effect on July 1, 2009, and to
24 those individuals who are eligible for the federal money
25 follows the person grant program under the medical assistance
26 program.

27 Sec. 42. DEPARTMENT OF HUMAN SERVICES. Any funds
28 remaining in the senior living trust fund created in section
29 249H.4 following the appropriations from the senior living
30 trust fund made in this division of this Act to the department
31 of elder affairs, the department of inspections and appeals,
32 and the Iowa finance authority, for the fiscal year beginning
33 July 1, 2009, and ending June 30, 2010, are appropriated to
34 the department of human services to supplement the medical
35 assistance program appropriations made in this Act, including

1 program administration and costs associated with
2 implementation. In order to carry out the purposes of this
3 section, the department may transfer funds appropriated in
4 this section to supplement other appropriations made to the
5 department of human services.

6 Sec. 43. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
7 appropriated from the pharmaceutical settlement account
8 created in section 249A.33 to the department of human services
9 for the fiscal year beginning July 1, 2009, and ending June
10 30, 2010, the following amount, or so much thereof as is
11 necessary, to be used for the purpose designated:

12 To supplement the appropriations made for medical contracts
13 under the medical assistance program:

14 \$ 1,323,833

15 Sec. 44. APPROPRIATIONS FROM IOWACARE ACCOUNT.

16 1. There is appropriated from the IowaCare account created
17 in section 249J.24 to the state board of regents for
18 distribution to the university of Iowa hospitals and clinics
19 for the fiscal year beginning July 1, 2009, and ending June
20 30, 2010, the following amount, or so much thereof as is
21 necessary, to be used for the purposes designated:

22 For salaries, support, maintenance, equipment, and
23 miscellaneous purposes, for the provision of medical and
24 surgical treatment of indigent patients, for provision of
25 services to members of the expansion population pursuant to
26 chapter 249J, and for medical education:

27 \$ 27,284,584

28 a. Funds appropriated in this subsection shall not be used
29 to perform abortions except medically necessary abortions, and
30 shall not be used to operate the early termination of
31 pregnancy clinic except for the performance of medically
32 necessary abortions. For the purpose of this subsection, an
33 abortion is the purposeful interruption of pregnancy with the
34 intention other than to produce a live-born infant or to
35 remove a dead fetus, and a medically necessary abortion is one

1 performed under one of the following conditions:

2 (1) The attending physician certifies that continuing the
3 pregnancy would endanger the life of the pregnant woman.

4 (2) The attending physician certifies that the fetus is
5 physically deformed, mentally deficient, or afflicted with a
6 congenital illness.

7 (3) The pregnancy is the result of a rape which is
8 reported within 45 days of the incident to a law enforcement
9 agency or public or private health agency which may include a
10 family physician.

11 (4) The pregnancy is the result of incest which is
12 reported within 150 days of the incident to a law enforcement
13 agency or public or private health agency which may include a
14 family physician.

15 (5) The abortion is a spontaneous abortion, commonly known
16 as a miscarriage, wherein not all of the products of
17 conception are expelled.

18 b. Notwithstanding any provision of law to the contrary,
19 the amount appropriated in this subsection shall be allocated
20 in twelve equal monthly payments as provided in section
21 249J.24.

22 2. There is appropriated from the IowaCare account created
23 in section 249J.24 to the state board of regents for
24 distribution to the university of Iowa hospitals and clinics
25 for the fiscal year beginning July 1, 2009, and ending June
26 30, 2010, the following amount, or so much thereof as is
27 necessary, to be used for the purposes designated:

28 For salaries, support, maintenance, equipment, and
29 miscellaneous purposes, for the provision of medical and
30 surgical treatment of indigent patients, for provision of
31 services to members of the expansion population pursuant to
32 chapter 249J, and for medical education:
33 \$ 47,020,131

34 The amount appropriated in this subsection shall be
35 distributed only if expansion population claims adjudicated

1 and paid by the Iowa Medicaid enterprise exceed the
2 appropriation to the state board of regents for distribution
3 to the university of Iowa hospitals and clinics provided in
4 subsection 1. The amount appropriated in this subsection
5 shall be distributed monthly for expansion population claims
6 adjudicated and approved for payment by the Iowa Medicaid
7 enterprise using medical assistance program reimbursement
8 rates.

9 3. There is appropriated from the IowaCare account created
10 in section 249J.24 to the department of human services for the
11 fiscal year beginning July 1, 2009, and ending June 30, 2010,
12 the following amount, or so much thereof as is necessary, to
13 be used for the purposes designated:

14 For distribution to a publicly owned acute care teaching
15 hospital located in a county with a population over 350,000
16 for the provision of medical and surgical treatment of
17 indigent patients, for provision of services to members of the
18 expansion population pursuant to chapter 249J, and for medical
19 education:

20 \$ 46,000,000

21 a. Notwithstanding any provision of law to the contrary,
22 the amount appropriated in this subsection shall be allocated
23 in twelve equal monthly payments as provided in section
24 249J.24. Any amount appropriated in this subsection in excess
25 of \$41,000,000 shall be allocated only if federal funds are
26 available to match the amount allocated.

27 b. Notwithstanding the total amount of proceeds
28 distributed pursuant to section 249J.24, subsection 6,
29 paragraph "a", unnumbered paragraph 1, for the fiscal year
30 beginning July 1, 2009, and ending June 30, 2010, the county
31 treasurer of a county with a population of over 350,000 in
32 which a publicly owned acute care teaching hospital is located
33 shall distribute the proceeds collected pursuant to section
34 347.7 in a total amount of \$38,000,000, which would otherwise
35 be distributed to the county hospital, to the treasurer of

1 state for deposit in the IowaCare account.

2 c. (1) Notwithstanding the amount collected and
3 distributed for deposit in the IowaCare account pursuant to
4 section 249J.24, subsection 6, paragraph "a", subparagraph
5 (1), the first \$19,000,000 in proceeds collected pursuant to
6 section 347.7 between July 1, 2009, and December 31, 2009,
7 shall be distributed to the treasurer of state for deposit in
8 the IowaCare account and collections during this time period
9 in excess of \$19,000,000 shall be distributed to the acute
10 care teaching hospital identified in this subsection.

11 (2) Notwithstanding the amount collected and distributed
12 for deposit in the IowaCare account pursuant to section
13 249J.24, subsection 6, paragraph "a", subparagraph (2), the
14 first \$19,000,000 in collections pursuant to section 347.7
15 between January 1, 2010, and June 30, 2010, shall be
16 distributed to the treasurer of state for deposit in the
17 IowaCare account and collections during this time period in
18 excess of \$19,000,000 shall be distributed to the acute care
19 teaching hospital identified in this subsection.

20 Sec. 45. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
21 TRANSFORMATION. Notwithstanding any provision to the
22 contrary, there is appropriated from the account for health
23 care transformation created in section 249J.23 to the
24 department of human services for the fiscal year beginning
25 July 1, 2009, and ending June 30, 2010, the following amounts,
26 or so much thereof as is necessary, to be used for the
27 purposes designated:

28 1. For the costs of medical examinations and development
29 of personal health improvement plans for the expansion
30 population pursuant to section 249J.6:

31 \$ 556,800

32 2. For the provision of a medical information hotline for
33 the expansion population as provided in section 249J.6:

34 \$ 100,000

35 3. For other health promotion partnership activities

1 pursuant to section 249J.14:

2 \$ 600,000

3 4. For the costs related to audits, performance
4 evaluations, and studies required pursuant to chapter 249J:

5 \$ 125,000

6 5. For administrative costs associated with chapter 249J:

7 \$ 1,132,412

8 6. For planning and development, in cooperation with the
9 department of public health, of a phased-in program to provide
10 a dental home for children in accordance with section 249J.14,
11 subsection 7:

12 \$ 1,000,000

13 7. For continuation of the establishment of the tuition
14 assistance for individuals serving individuals with
15 disabilities pilot program, as enacted in 2008 Iowa Acts,
16 chapter 1187, section 130:

17 \$ 50,000

18 8. For payment to the publicly owned acute care teaching
19 hospital located in a county with a population of over 350,000
20 that is a participating provider pursuant to chapter 249J:

21 \$ 290,000

22 Disbursements under this subsection shall be made monthly.
23 The hospital shall submit a report following the close of the
24 fiscal year regarding use of the funds appropriated in this
25 subsection to the persons specified in this Act to receive
26 reports.

27 Notwithstanding section 8.39, subsection 1, without the
28 prior written consent and approval of the governor and the
29 director of the department of management, the director of
30 human services may transfer funds among the appropriations
31 made in this section as necessary to carry out the purposes of
32 the account for health care transformation. The department
33 shall report any transfers made pursuant to this section to
34 the legislative services agency.

35 Sec. 46. IOWACARE RENEWAL OF WAIVER. It is the intent of

1 the general assembly that the department of human services
2 apply for renewal of the IowaCare section 1115 demonstration
3 waiver under the medical assistance program. The department
4 shall seek to renew the existing terms of the waiver for an
5 additional five-year period and shall seek maximum expenditure
6 authority for payments to the state's four mental health
7 institutes. The IowaCare section 1115 demonstration waiver
8 renewal shall be amended to remove the limitation on new
9 provider taxes and shall transfer the seriously emotionally
10 disturbed children waiver to be approved as a section 1915(c)
11 home and community-based services waiver.

12 Sec. 47. MEDICAL ASSISTANCE PROGRAM -- NONREVERSION FOR FY
13 2009-2010. Notwithstanding section 8.33, if moneys
14 appropriated for purposes of the medical assistance program
15 for the fiscal year beginning July 1, 2009, and ending June
16 30, 2010, from the general fund of the state, the senior
17 living trust fund, the health care trust fund, and the
18 property tax relief fund are in excess of actual expenditures
19 for the medical assistance program and remain unencumbered or
20 unobligated at the close of the fiscal year, the excess moneys
21 shall not revert but shall remain available for expenditure
22 for the purposes of the medical assistance program until the
23 close of the succeeding fiscal year.

24 DIVISION III

25 MH/MR/DD SERVICES

26 ALLOWED GROWTH FUNDING

27 FY 2009-2010

28 Sec. 48. 2008 Iowa Acts, chapter 1191, section 1, is
29 amended to read as follows:

30 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
31 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND
32 ALLOCATIONS -- FISCAL YEAR 2009-2010.

33 ~~1-~~ There is appropriated from the general fund of the
34 state to the department of human services for the fiscal year
35 beginning July 1, 2009, and ending June 30, 2010, the

1 following amount, or so much thereof as is necessary, to be
2 used for the purpose designated:

3 For distribution to counties of the county mental health,
4 mental retardation, and developmental disabilities allowed
5 growth factor adjustment for fiscal year 2009-2010 as provided
6 in this section in lieu of the allowed growth factor
7 provisions of section 331.438, subsection 2, and section
8 331.439, subsection 3, and chapter 426B:

9 \$ 69,949,069
10 54,108,770

11 ~~2.--The amount appropriated in this section shall be~~
12 ~~allocated as provided in a later enactment of the general~~
13 ~~assembly.~~

14 Sec. 49. 2008 Iowa Acts, chapter 1191, section 1, as
15 amended by this division of this Act, is amended by adding the
16 following new subsections:

17 NEW SUBSECTION. 2. Of the amount appropriated in
18 subsection 1, \$12,000,000 shall be distributed as provided in
19 this subsection.

20 a. To be eligible to receive a distribution under this
21 subsection, a county must meet the following requirements:

22 (1) The county is levying for the maximum amount allowed
23 for the county's mental health, mental retardation, and
24 developmental disabilities services fund under section
25 331.424A for taxes due and payable in the fiscal year
26 beginning July 1, 2009, or the county is levying for at least
27 90 percent of the maximum amount allowed for the county's
28 services fund and that levy rate is more than \$2 per \$1,000 of
29 the assessed value of all taxable property in the county.

30 (2) In the fiscal year beginning July 1, 2007, the
31 county's mental health, mental retardation, and developmental
32 disabilities services fund ending balance under generally
33 accepted accounting principles was equal to or less than 15
34 percent of the county's actual gross expenditures for that
35 fiscal year.

1 b. A county's allocation of the amount appropriated in
2 this subsection shall be determined based upon the county's
3 proportion of the general population of the counties eligible
4 to receive an allocation under this subsection. The most
5 recent population estimates issued by the United States bureau
6 of the census shall be applied in determining population for
7 the purposes of this paragraph.

8 c. The allocations made pursuant to this subsection are
9 subject to the distribution provisions and withholding
10 requirements established in this section for the county mental
11 health, mental retardation, and developmental disabilities
12 allowed growth factor adjustment for the fiscal year beginning
13 July 1, 2009.

14 NEW SUBSECTION. 3. The funding appropriated in this
15 section is the allowed growth factor adjustment for fiscal
16 year 2009-2010, and shall be credited to the allowed growth
17 funding pool created in the property tax relief fund and for
18 distribution in accordance with section 426B.5, subsection 1:
19 \$ 42,108,770

20 NEW SUBSECTION. 4. The following formula amounts shall be
21 utilized only to calculate preliminary distribution amounts
22 for fiscal year 2009-2010 under this section by applying the
23 indicated formula provisions to the formula amounts and
24 producing a preliminary distribution total for each county:

25 a. For calculation of a distribution amount for eligible
26 counties from the allowed growth funding pool created in the
27 property tax relief fund in accordance with the requirements
28 in section 426B.5, subsection 1:
29 \$ 52,056,760

30 b. For calculation of a distribution amount for counties
31 from the mental health and developmental disabilities (MH/DD)
32 community services fund in accordance with the formula
33 provided in the appropriation made for the MH/DD community
34 services fund for the fiscal year beginning July 1, 2009:
35 \$ 15,790,111

1 NEW SUBSECTION. 5. After applying the applicable
2 statutory distribution formulas to the amounts indicated in
3 subsection 4 for purposes of producing preliminary
4 distribution totals, the department of human services shall
5 apply a withholding factor to adjust an eligible individual
6 county's preliminary distribution total. In order to be
7 eligible for a distribution under this section, a county must
8 be levying 90 percent or more of the maximum amount allowed
9 for the county's mental health, mental retardation, and
10 developmental disabilities services fund under section
11 331.424A for taxes due and payable in the fiscal year for
12 which the distribution is payable. An ending balance
13 percentage for each county shall be determined by expressing
14 the county's ending balance on a modified accrual basis under
15 generally accepted accounting principles for the fiscal year
16 beginning July 1, 2007, in the county's mental health, mental
17 retardation, and developmental disabilities services fund
18 created under section 331.424A, as a percentage of the
19 county's gross expenditures from that fund for that fiscal
20 year. If a county borrowed moneys for purposes of providing
21 services from the county's services fund on or before July 1,
22 2007, and the county's services fund ending balance for that
23 fiscal year includes the loan proceeds or an amount designated
24 in the county budget to service the loan for the borrowed
25 moneys, those amounts shall not be considered to be part of
26 the county's ending balance for purposes of calculating an
27 ending balance percentage under this subsection. The
28 withholding factor for a county shall be the following
29 applicable percent:

30 a. For an ending balance percentage of less than 5
31 percent, a withholding factor of 0 percent. In addition, a
32 county that is subject to this lettered paragraph shall
33 receive an inflation adjustment equal to 3 percent of the
34 gross expenditures reported for the county's services fund for
35 the fiscal year.

1 b. For an ending balance percentage of 5 percent or more
2 but less than 10 percent, a withholding factor of 0 percent.
3 In addition, a county that is subject to this lettered
4 paragraph shall receive an inflation adjustment equal to 2
5 percent of the gross expenditures reported for the county's
6 services fund for the fiscal year.

7 c. For an ending balance percentage of 10 percent or more
8 but less than 25 percent, a withholding factor of 25 percent.
9 However, for counties with an ending balance percentage of 10
10 percent or more but less than 15 percent, the amount withheld
11 shall be limited to the amount by which the county's ending
12 balance was in excess of the ending balance percentage of 10
13 percent.

14 d. For an ending balance percentage of 25 percent or more,
15 a withholding percentage of 100 percent.

16 NEW SUBSECTION. 6. The total withholding amounts applied
17 pursuant to subsection 5 shall be equal to a withholding
18 target amount of \$5,947,990. If the department of human
19 services determines that the amount to be withheld in
20 accordance with subsection 6 is not equal to the target
21 withholding amount, the department shall adjust the
22 withholding factors listed in subsection 6 as necessary to
23 achieve the target withholding amount. However, in making
24 such adjustments to the withholding factors, the department
25 shall strive to minimize changes to the withholding factors
26 for those ending balance percentage ranges that are lower than
27 others and shall not adjust the zero withholding factor or the
28 inflation adjustment percentage specified in subsection 5,
29 paragraph "a".

30 Sec. 50. ADULT MENTAL HEALTH AND DEVELOPMENTAL
31 DISABILITIES SERVICES SYSTEM TASK FORCE. The co-chairpersons
32 of the joint appropriations subcommittee on health and human
33 services shall appoint a task force of stakeholders for the
34 2009 legislative interim to address the service system
35 administered by counties for adult mental health and

1 developmental disabilities services. The task force shall
2 address both funding and service issues and may utilize a
3 facilitator to assist the process. The task force shall
4 submit a final report with recommendations to the governor and
5 general assembly for action during the 2010 legislative
6 session.

7 Sec. 51. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
8 DISABILITIES, AND BRAIN INJURY COMMISSION AND MENTAL HEALTH
9 PLANNING COUNCIL. During the fiscal year beginning July 1,
10 2009, the mental health, mental retardation, developmental
11 disabilities, and brain injury commission and the Iowa mental
12 health planning council established by the department of human
13 services pursuant to federal requirements for the community
14 mental health services block grant, or the officers of such
15 bodies, shall meet at least quarterly to coordinate the
16 efforts of the bodies.

17 DIVISION IV

18 HEALTH CARE TRUST FUND APPROPRIATIONS --

19 HEALTH CARE ACTIVITIES

20 Sec. 52. DEPARTMENT OF PUBLIC HEALTH. In addition to any
21 other appropriation made in this Act for the purposes
22 designated, there is appropriated from the health care trust
23 fund created in section 453A.35A to the department of public
24 health for the fiscal year beginning July 1, 2009, and ending
25 June 30, 2010, the following amounts, or so much thereof as is
26 necessary, for the purposes designated:

27 1. ADDICTIVE DISORDERS

28 \$ 2,748,692

29 a. Of the funds appropriated in this subsection, \$357,871
30 shall be used for culturally competent substance abuse
31 treatment pilot projects.

32 (1) The department shall utilize the amount allocated in
33 this lettered paragraph for at least three pilot projects to
34 provide culturally competent substance abuse treatment in
35 various areas of the state. Each pilot project shall target a

1 particular ethnic minority population. The populations
2 targeted shall include but are not limited to
3 African-American, Asian, and Latino.

4 (2) The pilot project requirements shall provide for
5 documentation or other means to ensure access to the cultural
6 competence approach used by a pilot project so that such
7 approach can be replicated and improved upon in successor
8 programs.

9 b. Of the funds appropriated in this subsection,
10 \$1,597,656 shall be used for tobacco use prevention,
11 cessation, and treatment. The department shall utilize the
12 funds to provide for a variety of activities related to
13 tobacco use prevention, cessation, and treatment including to
14 support Quitline Iowa, QuitNet cessation counseling and
15 education, grants to school districts and community
16 organizations to support Just Eliminate Lies youth chapters
17 and youth tobacco prevention activities, the Just Eliminate
18 Lies tobacco prevention media campaign, nicotine replacement
19 therapy, and other prevention and cessation materials and
20 media promotion.

21 c. Of the funds appropriated in this subsection, \$793,166
22 shall be used for substance abuse treatment activities.

23 2. HEALTHY CHILDREN AND FAMILIES

24 \$ 493,574

25 a. Of the funds appropriated in this subsection, \$159,603
26 shall be used to address the healthy mental development of
27 children from birth through five years of age through local
28 evidence-based strategies that engage both the public and
29 private sectors in promoting healthy development, prevention,
30 and treatment for children.

31 b. Of the funds appropriated in this subsection, \$143,643
32 shall be used for childhood obesity prevention.

33 c. Of the funds appropriated in this subsection, \$190,328
34 shall be used to provide audiological services and hearing
35 aids for children. The department may enter into a contract

1 to administer this paragraph.

2 d. It is the intent of the general assembly that the
3 department of public health shall implement the
4 recommendations of the postnatal tissue and fluid bank task
5 force created in 2007 Iowa Acts, chapter 147, based upon the
6 report submitted to the general assembly in November 2007, as
7 funding becomes available. The department shall notify the
8 Iowa Code editor and the persons specified in this Act to
9 receive reports when such funding becomes available.

10 3. CHRONIC CONDITIONS

11 \$ 891,219

12 a. Of the funds appropriated in this subsection, \$383,271
13 shall be used for child health specialty clinics.

14 b. Of the funds appropriated in this subsection, \$346,224
15 shall be used for the comprehensive cancer control program to
16 reduce the burden of cancer in Iowa through prevention, early
17 detection, effective treatment, and ensuring quality of life.
18 The department shall utilize one of the full-time equivalent
19 positions authorized in this subsection for administration of
20 the activities related to the comprehensive cancer control
21 program.

22 c. Of the funds appropriated in this subsection, \$161,724
23 shall be used for cervical and colon cancer screening.

24 4. COMMUNITY CAPACITY

25 \$ 2,253,507

26 a. Of the funds appropriated in this subsection, \$61,349
27 shall be used to further develop and implement at the state
28 level, and pilot at the local level, the Iowa public health
29 standards approved by the department.

30 b. Of the funds appropriated in this subsection, \$163,600
31 shall be used for the mental health professional shortage area
32 program implemented pursuant to section 135.80.

33 c. Of the funds appropriated in this subsection, \$40,900
34 shall be used for a grant to a statewide association of
35 psychologists that is affiliated with the American

1 psychological association to be used for continuation of a
2 program to rotate intern psychologists in placements in urban
3 and rural mental health professional shortage areas, as
4 defined in section 135.80.

5 d. Of the funds appropriated in this subsection, the
6 following amounts shall be allocated to the Iowa collaborative
7 safety net provider network established pursuant to section
8 135.153 to be used for the purposes designated:

9 (1) For distribution to the Iowa-Nebraska primary care
10 association for statewide coordination of the Iowa
11 collaborative safety net provider network:

12 \$ 81,800

13 (2) For distribution to the Iowa family planning network
14 agencies for necessary infrastructure, statewide coordination,
15 provider recruitment, service delivery, and provision of
16 assistance to patients in determining an appropriate medical
17 home:

18 \$ 82,796

19 (3) For distribution to the local boards of health that
20 provide direct services for pilot programs in three counties
21 to assist patients in determining an appropriate medical home:

22 \$ 82,796

23 (4) For distribution to maternal and child health centers
24 for pilot programs in three counties to assist patients in
25 determining an appropriate medical home:

26 \$ 82,796

27 (5) For distribution to free clinics for necessary
28 infrastructure, statewide coordination, provider recruitment,
29 service delivery, and provision of assistance to patients in
30 determining an appropriate medical home:

31 \$ 204,500

32 (6) For distribution to rural health clinics for necessary
33 infrastructure, statewide coordination, provider recruitment,
34 service delivery, and provision of assistance to patients in
35 determining an appropriate medical home:

1 \$ 122,700

2 (7) For continuation of the safety net provider patient
3 access to specialty health care initiative as described in
4 2007 Iowa Acts, ch. 218, section 109:

5 \$ 327,200

6 (8) For continuation of the pharmaceutical infrastructure
7 for safety net providers as described in 2007 Iowa Acts, ch.
8 218, section 108:

9 \$ 327,200

10 The Iowa collaborative safety net provider network may
11 continue to distribute funds allocated pursuant to this
12 lettered paragraph through existing contracts or renewal of
13 existing contracts.

14 e. Of the funds appropriated in this subsection, \$500,000
15 shall be used for the incubation grant program to community
16 health centers that receive a total score of 85 based on the
17 evaluation criteria of the health resources and services
18 administration of the United States department of health and
19 human services.

20 f. The department may utilize one of the full-time
21 equivalent positions authorized in this subsection for
22 administration of the activities related to the Iowa
23 collaborative safety net provider network.

24 g. The department may utilize one of the full-time
25 equivalent positions authorized in this subsection for
26 administration of the volunteer health care provider program
27 pursuant to section 135.24.

28 Sec. 53. DEPARTMENT OF HUMAN SERVICES. In addition to any
29 other appropriation made in this Act for the purposes
30 designated, there is appropriated from the health care trust
31 fund created in section 453A.35A to the department of human
32 services for the fiscal year beginning July 1, 2009, and
33 ending June 30, 2010, the following amount, or so much thereof
34 as is necessary, for the purpose designated:

35 MEDICAL ASSISTANCE

1 \$111,409,156

2 Sec. 54. Section 453A.35, subsection 1, Code 2009, is
3 amended to read as follows:

4 1. The proceeds derived from the sale of stamps and the
5 payment of taxes, fees, and penalties provided for under this
6 chapter, and the permit fees received from all permits issued
7 by the department, shall be credited to the general fund of
8 the state. However, ~~beginning July 17, 2007~~, of the revenues
9 generated from the tax on cigarettes pursuant to section
10 453A.6, subsection 1, and from the tax on tobacco products as
11 specified in section 453A.43, subsections 1, 2, 3, and 4, and
12 credited to the general fund of the state under this
13 subsection, there is appropriated, annually, to the health
14 care trust fund created in section 453A.35A, the first one
15 hundred ~~twenty-seven~~ sixteen million ~~six~~ seven hundred
16 ninety-six thousand dollars.

17 DIVISION V

18 IOWACARE

19 Sec. 55. 2008 Iowa Acts, chapter 1187, section 44,
20 subsection 3, is amended to read as follows:

21 3. There is appropriated from the IowaCare account created
22 in section 249J.24 to the department of human services for the
23 fiscal year beginning July 1, 2008, and ending June 30, 2009,
24 the following amount, or so much thereof as is necessary, to
25 be used for the purposes designated:

26 For distribution to a publicly owned acute care teaching
27 hospital located in a county with a population over three
28 hundred fifty thousand for the provision of medical and
29 surgical treatment of indigent patients, for provision of
30 services to members of the expansion population pursuant to
31 chapter 249J, and for medical education:

32 \$ ~~40,000,000~~

33 46,000,000

34 Notwithstanding any provision of law to the contrary, the
35 amount appropriated in this subsection shall be allocated in

1 twelve equal monthly payments as provided in section 249J.24.
2 Any amount appropriated in this subsection in excess of
3 ~~\$37,000,000~~ 41,000,000 shall be allocated only if federal
4 funds are available to match the amount allocated.

5 Sec. 56. IOWACARE ACCOUNT -- DISTRIBUTION AND DEPOSIT OF
6 PROCEEDS OF HOSPITAL TAX LEVY.

7 1. Notwithstanding the total amount of proceeds
8 distributed pursuant to section 249J.24, subsection 6,
9 paragraph "a", unnumbered paragraph 1, for the fiscal period
10 beginning July 1, 2008, and ending June 30, 2009, the county
11 treasurer of a county with a population over 350,000 in which
12 a publicly owned acute care teaching hospital is located shall
13 distribute the proceeds collected pursuant to section 347.7 in
14 a total amount of \$38,000,000, which would otherwise be
15 distributed to the county hospital, to the treasurer of state
16 for deposit in the IowaCare account.

17 2. Notwithstanding the amount collected and distributed
18 for deposit in the IowaCare account pursuant to section
19 249J.24, subsection 6, paragraph "a", subparagraph (2), the
20 first \$21,000,000 in proceeds collected pursuant to section
21 347.7 between January 1, 2009, and June 30, 2009, shall be
22 distributed to the treasurer of state for deposit in the
23 IowaCare account and collections during this time period in
24 excess of \$21,000,000 shall be distributed to the acute care
25 teaching hospital identified in section 249J.24, subsection 6.

26 Sec. 57. EFFECTIVE DATE -- RETROACTIVITY. This division
27 of this Act, being deemed of immediate importance, takes
28 effect upon enactment and is retroactively applicable to July
29 1, 2008.

30 DIVISION VI

31 APPROPRIATIONS -- RELATED CHANGES

32 ADDICTIVE DISORDERS -- GENERAL FUND

33 Sec. 58. 2008 Iowa Acts, chapter 1187, section 2,
34 subsection 1, is amended by adding the following new
35 paragraph:

1 NEW PARAGRAPH. c. Notwithstanding section 8.33, moneys
2 appropriated in this subsection that remain unencumbered or
3 unobligated at the close of the fiscal year shall not revert
4 but shall remain available for expenditure for the purposes
5 designated until the close of the succeeding fiscal year.

6 GAMBLING TREATMENT FUND

7 Sec. 59. 2008 Iowa Acts, chapter 1187, section 3, is
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
10 appropriated in this section that remain unencumbered or
11 unobligated at the close of the fiscal year shall not revert
12 but shall remain available for expenditure for the purposes
13 designated until the close of the succeeding fiscal year.

14 IOWA VETERANS HOME FTES

15 Sec. 60. 2008 Iowa Acts, chapter 1187, section 4,
16 subsection 2, is amended to read as follows:

17 2. IOWA VETERANS HOME

18 For salaries, support, maintenance, and miscellaneous
19 purposes, ~~and for not more than the following full-time~~
20 ~~equivalent positions:~~

21 \$ 12,694,154
22 ~~..... FTES-----951-95~~

23 a. The Iowa veterans home billings involving the
24 department of human services shall be submitted to the
25 department on at least a monthly basis.

26 b. If there is a change in the employer of employees
27 providing services at the Iowa veterans home under a
28 collective bargaining agreement, such employees and the
29 agreement shall be continued by the successor employer as
30 though there had not been a change in employer.

31 MEDICAL ASSISTANCE

32 Sec. 61. 2008 Iowa Acts, chapter 1187, section 9,
33 unnumbered paragraph 2, is amended to read as follows:

34 For medical assistance reimbursement and associated costs
35 as specifically provided in the reimbursement methodologies in

1 effect on June 30, 2008, except as otherwise expressly
2 authorized by law, including reimbursement for abortion
3 services which shall be available under the medical assistance
4 program only for those abortions which are medically
5 necessary:

6 \$649,629,269
7 593,302,330

8 EMERGENCY AND CHILDRENS MENTAL HEALTH SERVICE

9 Sec. 62. 2008 Iowa Acts, chapter 1187, section 9,
10 subsection 20, is amended by adding the following new
11 paragraph:

12 NEW PARAGRAPH. cc. The department shall revise the
13 provisions for the projects to implement an emergency mental
14 health crisis services system and a mental health services
15 system for children and youth under paragraph "c",
16 subparagraphs (1) and (2), in order for services to be
17 provided under both of the projects for a period of at least
18 24 months. Notwithstanding section 8.33, moneys allocated for
19 the projects in paragraph "c" of this subsection that remain
20 unencumbered or unobligated at the close of the fiscal year
21 shall not revert but shall remain available for expenditure
22 for the purposes designated until the close of the fiscal year
23 that begins July 1, 2010.

24 STATE SUPPLEMENTARY ASSISTANCE

25 Sec. 63. 2008 Iowa Acts, chapter 1187, section 12, is
26 amended by adding the following new subsection:

27 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
28 appropriated in this section that remain unencumbered or
29 unobligated at the close of the fiscal year shall remain
30 available for expenditure for the state supplementary
31 assistance program until the close of the succeeding fiscal
32 year.

33 NURSING FACILITIES

34 Sec. 64. 2008 Iowa Acts, chapter 1187, section 32,
35 subsection 1, paragraph a, subparagraph (1), is amended to

1 read as follows:

2 (1) For the fiscal year beginning July 1, 2008, the total
3 state funding amount for the nursing facility budget shall not
4 exceed ~~\$183,367,323~~ \$158,482,025.

5 DEPARTMENT OF ELDER AFFAIRS -- MATCHING FUNDS

6 Sec. 65. 2008 Iowa Acts, chapter 1187, section 39, is
7 amended by adding the following new subsection:

8 NEW SUBSECTION. 4. Notwithstanding section 8.33, of the
9 funds appropriated in this section, \$216,242 shall not revert
10 at the close of the fiscal year, but shall remain available to
11 provide matching funds for the senior nutrition programs
12 funded through the federal American Reinvestment and Recovery
13 Act of 2009 for the period during which federal funding is
14 available under the Act.

15 MEDICAL ASSISTANCE PROGRAM NONREVERSION

16 Sec. 66. 2008 Iowa Acts, chapter 1187, section 50, is
17 amended to read as follows:

18 ~~SEC. 50. MEDICAL ASSISTANCE PROGRAM -- REVERSION-TO-SENIOR~~
19 ~~LIVING-TRUST-FUND~~ NONREVERSION FOR FY 2008-2009.

20 Notwithstanding section 8.33, if moneys appropriated for
21 purposes of the medical assistance program for the fiscal year
22 beginning July 1, 2008, and ending June 30, 2009, from the
23 general fund of the state, the senior living trust fund, the
24 healthy Iowans tobacco trust fund, the health care trust fund,
25 and the property tax relief fund are in excess of actual
26 expenditures for the medical assistance program and remain
27 unencumbered or unobligated at the close of the fiscal year,
28 the excess moneys shall not revert but shall ~~be transferred to~~
29 ~~the senior living trust fund created in section 249H.4~~ remain
30 available for expenditure for the purposes of the medical
31 assistance program until the close of the fiscal year
32 beginning July 1, 2009.

33 ADDICTIVE DISORDERS -- HEALTH CARE TRUST FUND

34 Sec. 67. 2008 Iowa Acts, chapter 1187, section 62,
35 subsection 1, is amended by adding the following new

1 paragraph:

2 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys
3 appropriated in this subsection that remain unencumbered or
4 unobligated at the close of the fiscal year shall not revert
5 but shall remain available for expenditure for the purposes
6 designated until the close of the succeeding fiscal year.

7 VIETNAM CONFLICT VETERANS BONUS FUND

8 Sec. 68. 2007 Iowa Acts, chapter 176, section 3,
9 unnumbered paragraph 3, as enacted by 2008 Iowa Acts, chapter
10 1187, section 68, is amended to read as follows:

11 Notwithstanding section 8.33, moneys appropriated in this
12 section that remain unencumbered or unobligated at the close
13 of the fiscal year shall not revert but shall remain available
14 for expenditure for the purposes designated until the close of
15 the ~~succeeding~~ fiscal year beginning July 1, 2009.

16 INJURED VETERANS GRANT PROGRAM

17 Sec. 69. 2006 Iowa Acts, chapter 1184, section 5, as
18 enacted by 2007 Iowa Acts, chapter 203, section 1, subsection
19 4, unnumbered paragraph 2, and amended by 2008 Iowa Acts,
20 chapter 1187, section 69, is amended to read as follows:

21 Notwithstanding section 8.33, moneys appropriated in this
22 subsection that remain unencumbered or unobligated at the
23 close of the fiscal year shall not revert but shall remain
24 available for expenditure for the purposes designated until
25 the close of the fiscal year beginning July 1, ~~2008~~ 2009.

26 Sec. 70. 2008 Iowa Acts, chapter 1188, section 16, is
27 amended to read as follows:

28 SEC. 16. MEDICAL ASSISTANCE, HAWK-I, AND HAWK-I EXPANSION
29 PROGRAMS -- COVERING CHILDREN -- APPROPRIATION. There is
30 appropriated from the general fund of the state to the
31 department of human services for the designated fiscal years,
32 the following amounts, or so much thereof as is necessary, for
33 the purpose designated:

34 To cover children as provided in this Act under the medical
35 assistance, hawk-i, and hawk-i expansion programs and outreach

1 under the current structure of the programs:

2	FY 2008-2009	\$ 4,800,000
3	FY 2009-2010	\$ 4,800,000
4		<u>4,207,001</u>
5	FY 2010-2011	\$ 24,800,000

6 Sec. 71. CHILD CARE CREDIT FUND BALANCE TRANSFERRED.
7 Moneys in the child care credit fund that remain unencumbered
8 or unobligated at the close of the fiscal year beginning July
9 1, 2008, are transferred to the general fund of the state.

10 Sec. 72. ADDICTIVE DISORDERS NONREVERSION DIRECTIVE. The
11 authority provided in this division of this Act for
12 nonreversion of the appropriations for addictive disorder
13 conditions referenced in this section is limited to \$1,000,000
14 and shall be realized by applying the authority to such
15 appropriations in the following order until the limitation
16 amount is reached:

17 1. The appropriation made from the gambling treatment fund
18 in 2008 Iowa Acts, chapter 1187, section 3.

19 2. The appropriation made from the health care trust fund
20 in 2008 Iowa Acts, chapter 1187, section 62, subsection 1.

21 3. The appropriation made from the general fund of the
22 state in 2008 Iowa Acts, chapter 1187, section 2, subsection
23 1.

24 Sec. 73. EFFECTIVE DATE. This division of this Act, being
25 deemed of immediate importance, takes effect upon enactment.

26 DIVISION VII

27 HEPATITIS AWARENESS

28 Sec. 74. Section 135.19, Code 2009, is amended to read as
29 follows:

30 135.19 VIRAL HEPATITIS PROGRAM -- AWARENESS, VACCINATIONS,
31 AND TESTING -- STUDY.

32 1. If sufficient funds are appropriated by the general
33 assembly, the department shall establish and administer a
34 viral hepatitis program. The goal of the program shall be to
35 distribute information to citizens of this state who are at an

1 increased risk for exposure to viral hepatitis regarding the
2 higher incidence of hepatitis C exposure and infection among
3 these populations, the dangers presented by the disease, and
4 contacts for additional information and referrals. The
5 program shall also make available hepatitis A and hepatitis B
6 vaccinations, and hepatitis C testing.

7 2. The department shall establish by rule a list of
8 individuals by category who are at increased risk for viral
9 hepatitis exposure. The list shall be consistent with
10 recommendations developed by the centers for disease control,
11 and shall be developed in consultation with the Iowa viral
12 hepatitis task force and the Iowa department of veterans
13 affairs. The department shall also establish by rule what
14 information is to be distributed and the form and manner of
15 distribution. The rules shall also establish a vaccination
16 and testing program, to be coordinated by the department
17 through local health departments and clinics and other
18 appropriate locations.

19 ~~3. The department shall conduct a study to provide an~~
20 ~~epidemiological profile of hepatitis C and to assess its~~
21 ~~current and future impact on the state. The department shall~~
22 ~~submit a report to the members of the general assembly by~~
23 ~~January 17, 2008, regarding the results of the study, and shall~~
24 ~~include a status report regarding the development and~~
25 ~~distribution of viral hepatitis information, and the results~~
26 ~~of the vaccination and testing program.~~

27 Sec. 75. Section 135.20, Code 2009, is repealed.

28 DIVISION VIII

29 SENIOR LIVING COORDINATING UNIT

30 Sec. 76. Section 231.14, Code 2009, is amended to read as
31 follows:

32 231.14 COMMISSION DUTIES AND AUTHORITY.

33 The commission is the policymaking body of the sole state
34 agency responsible for administration of the federal Act. The
35 commission shall adopt administrative rules pursuant to

1 chapter 17A to administer the duties specified in this chapter
2 and in all other chapters under the department's jurisdiction.

3 The commission shall:

4 1. Approve state and area plans on aging.

5 2. Adopt policies to coordinate state activities related
6 to the purposes of this chapter.

7 3. Serve as an effective and visible advocate for elders
8 by establishing policies for reviewing and commenting upon all
9 state plans, budgets, and policies which affect elders and for
10 providing technical assistance to any agency, organization,
11 association, or individual representing the needs of elders.

12 4. Divide the state into distinct planning and service
13 areas after considering the geographical distribution of
14 elders in the state, the incidence of the need for supportive
15 services, nutrition services, multipurpose senior centers, and
16 legal services, the distribution of elders who have low
17 incomes residing in such areas, the distribution of resources
18 available to provide such services or centers, the boundaries
19 of existing areas within the state which are drawn for the
20 planning or administration of supportive services programs,
21 the location of units of general purpose, local government
22 within the state, and any other relevant factors.

23 5. Designate for each planning and service area a public
24 or private nonprofit agency or organization as the area agency
25 on aging for that area.

26 6. Adopt policies to assure that the department will take
27 into account the views of elders in the development of policy.

28 7. Adopt a formula for the distribution of federal Act,
29 state elder services, and senior living program funds taking
30 into account, to the maximum extent feasible, the best
31 available data on the geographic distribution of elders in the
32 state, and publish the formula for review and comment.

33 8. Adopt policies and measures to assure that preference
34 will be given to providing services to elders with the
35 greatest economic or social needs, with particular attention

1 to low-income minority elders.

2 9. Adopt policies to administer state programs authorized
3 by this chapter.

4 10. Work in collaboration with the director of human
5 services, the director of public health, and the director of
6 the department of inspections and appeals to do all of the
7 following:

8 a. Develop, for legislative review, the mechanisms and
9 procedures necessary to implement a case-managed system of
10 long-term care based on a uniform comprehensive assessment
11 tool.

12 b. Develop common intake and release procedures for the
13 purpose of determining eligibility at one point of intake and
14 determining eligibility for programs administered by the
15 departments of human services, public health, and elder
16 affairs, such as the medical assistance program, federal food
17 assistance programs, homemaker-home health aide programs, and
18 the case management program for frail elders administered by
19 the department of elder affairs.

20 c. Develop common definitions for long-term care services.

21 d. Develop procedures for coordination at the local and
22 state level among the providers of long-term care.

23 e. Prepare a long-range plan for the provision of
24 long-term care services within the state.

25 f. Propose rules and procedures for the development of a
26 comprehensive long-term care system.

27 g. Submit a report of its activities under this subsection
28 to the governor and general assembly on January 15 of each
29 year.

30 h. Provide direction and oversight for disbursement of
31 moneys from the senior living trust fund created in section
32 249H.4.

33 i. Consult with the state universities and other
34 institutions with expertise in the area of elder issues and
35 the long-term care continua.

1 ~~The commission shall adopt administrative rules pursuant to~~
2 ~~chapter 17A to administer the duties specified in this chapter~~
3 ~~and in all other chapters under the department's jurisdiction.~~

4 Sec. 77. Section 249H.3, Code 2009, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 3A. "Commission" means the commission of
7 elder affairs.

8 Sec. 78. Section 249H.3, subsection 6, paragraph b, Code
9 2009, is amended to read as follows:

10 b. New construction for long-term care alternatives,
11 excluding new construction of assisted-living programs or
12 elder group homes, if the ~~senior-living-coordinating-unit~~
13 commission determines that new construction is more
14 cost-effective than the conversion of existing space.

15 Sec. 79. Section 249H.3, subsection 8, paragraph b, Code
16 2009, is amended to read as follows:

17 b. New construction of an assisted-living program if
18 existing nursing facility beds are no longer licensed and the
19 ~~senior-living-coordinating-unit~~ commission determines that new
20 construction is more cost-effective than the conversion of
21 existing space.

22 Sec. 80. Section 249H.3, subsection 12, Code 2009, is
23 amended by striking the subsection.

24 Sec. 81. Section 249H.4, subsection 6, Code 2009, is
25 amended to read as follows:

26 6. The treasurer of state shall provide a quarterly report
27 of trust fund activities and balances to the ~~senior-living~~
28 ~~coordinating-unit~~ commission.

29 Sec. 82. Section 249H.7, subsection 1, Code 2009, is
30 amended to read as follows:

31 1. Beginning October 1, 2000, the department of elder
32 affairs, in consultation with the ~~senior-living-coordinating~~
33 ~~unit~~ commission, shall use funds appropriated from the senior
34 living trust fund for activities related to the design,
35 maintenance, or expansion of home and community-based services

1 for seniors, including but not limited to adult day services,
2 personal care, respite, homemaker, chore, and transportation
3 services designed to promote the independence of and to delay
4 the use of institutional care by seniors with low and moderate
5 incomes. At any time that moneys are appropriated, the
6 department of elder affairs, in consultation with the ~~senior~~
7 ~~living-coordinating-unit~~ commission, shall disburse the funds
8 to the area agencies on aging.

9 Sec. 83. Section 249H.7, subsection 2, unnumbered
10 paragraph 1, Code 2009, is amended to read as follows:

11 The department of elder affairs shall adopt rules, in
12 consultation with the ~~senior-living-coordinating-unit~~
13 commission and the area agencies on aging, pursuant to chapter
14 17A, to provide all of the following:

15 Sec. 84. Section 249H.7, subsection 2, paragraph c, Code
16 2009, is amended to read as follows:

17 c. Other procedures the department of elder affairs deems
18 necessary for the proper administration of this section,
19 including but not limited to the submission of progress
20 reports, on a bimonthly basis, to the ~~senior-living~~
21 ~~coordinating-unit~~ commission.

22 Sec. 85. Section 249H.9, subsection 1, Code 2009, is
23 amended to read as follows:

24 1. The department of elder affairs and the area agencies
25 on aging, in consultation with the ~~senior-living-coordinating~~
26 ~~unit~~ commission, shall create, on a county basis, a database
27 directory of all health care and support services available to
28 seniors. The department of elder affairs shall make the
29 database electronically available to the public, and shall
30 update the database on at least a monthly basis.

31 Sec. 86. Section 249H.10, Code 2009, is amended to read as
32 follows:

33 249H.10 CAREGIVER SUPPORT -- ACCESS AND EDUCATION
34 PROGRAMS.

35 The department of human services and the department of

1 elder affairs, in consultation with the ~~senior-living~~
2 ~~coordinating-unit~~ commission, shall implement a caregiver
3 support program to provide access to respite care and to
4 provide education to caregivers in providing appropriate care
5 to seniors and persons with disabilities. The program shall
6 be provided through the area agencies on aging or other
7 appropriate agencies.

8 Sec. 87. Section 231.58, Code 2009, is repealed.

9

DIVISION IX

10

GAMBLING TREATMENT FUND ELIMINATION

11

Sec. 88. Section 99D.7, subsection 22, Code 2009, is

12 amended to read as follows:

13 22. To require licensees to establish a process to allow a
14 person to be voluntarily excluded for life from a racetrack
15 enclosure and all other licensed facilities under this chapter
16 and chapter 99F. The process established shall require that a
17 licensee disseminate information regarding persons voluntarily
18 excluded to all licensees under this chapter and chapter 99F.
19 The state and any licensee under this chapter or chapter 99F
20 shall not be liable to any person for any claim which may
21 arise from this process. In addition to any other penalty
22 provided by law, any money or thing of value that has been
23 obtained by, or is owed to, a voluntarily excluded person by a
24 licensee as a result of wagers made by the person after the
25 person has been voluntarily excluded shall not be paid to the
26 person but shall be ~~deposited-into~~ credited to the ~~gambling~~
27 ~~treatment general~~ fund created-in-section-135-150 of the
28 state.

29

Sec. 89. Section 99D.15, subsection 5, Code 2009, is

30 amended by striking the subsection.

31

Sec. 90. Section 99F.4, subsection 22, Code 2009, is

32 amended to read as follows:

33 22. To require licensees to establish a process to allow a
34 person to be voluntarily excluded for life from an excursion
35 gambling boat and all other licensed facilities under this

1 chapter and chapter 99D. The process established shall
 2 require that a licensee disseminate information regarding
 3 persons voluntarily excluded to all licensees under this
 4 chapter and chapter 99D. The state and any licensee under
 5 this chapter or chapter 99D shall not be liable to any person
 6 for any claim which may arise from this process. In addition
 7 to any other penalty provided by law, any money or thing of
 8 value that has been obtained by, or is owed to, a voluntarily
 9 excluded person by a licensee as a result of wagers made by
 10 the person after the person has been voluntarily excluded
 11 shall not be paid to the person but shall be ~~deposited into~~
 12 credited to the gambling-treatment general fund created in
 13 section-135.150 of the state.

14 Sec. 91. Section 99F.11, subsection 3, paragraph c, Code
 15 2009, is amended by striking the paragraph.

16 Sec. 92. Section 99G.39, subsection 1, Code 2009, is
 17 amended to read as follows:

18 1. Upon receipt of any revenue, the chief executive
 19 officer shall deposit the moneys in the lottery fund created
 20 pursuant to section 99G.40. At least fifty percent of the
 21 projected annual revenue accruing from the sale of tickets or
 22 shares shall be allocated for payment of prizes to the holders
 23 of winning tickets. After the payment of prizes, the
 24 ~~following shall be deducted from the authority's revenue prior~~
 25 ~~to disbursement:~~

26 ~~a.--An amount equal to one-half of one percent of the gross~~
 27 ~~lottery revenue for the year shall be deposited in the~~
 28 ~~gambling-treatment fund created in section-135.150.~~

29 ~~b.--The expenses of conducting the lottery shall be~~
 30 deducted from the authority's revenue prior to disbursement.
 31 Expenses for advertising production and media purchases shall
 32 not exceed four percent of the authority's gross revenue for
 33 the year.

34 Sec. 93. Section 135.150, Code 2009, is amended to read as
 35 follows:

1 135.150 GAMBLING TREATMENT FUND--- PROGRAM -- STANDARDS
2 AND LICENSING.

3 ~~1:--A-gambling-treatment-fund-is-created-in-the-state~~
4 ~~treasury-under-the-control-of-the-department.--The-fund~~
5 ~~consists-of-all-moneys-appropriated-to-the-fund.--However,-if~~
6 ~~moneys-appropriated-to-the-fund-in-a-fiscal-year-exceed-six~~
7 ~~million-dollars,-the-amount-exceeding-six-million-dollars~~
8 ~~shall-be-transferred-to-the-rebuild-Iowa-infrastructure-fund~~
9 ~~created-in-section-8.57.--Moneys-in-the-fund-are-appropriated~~
10 ~~to-the-department-for-the-purposes-described-in-this-section.~~

11 2: 1. a. Moneys appropriated to the department under
12 this section shall be for the purpose of operating The
13 department shall operate a gambling treatment program and
14 ~~shall-be-used-for-funding-of-administrative-costs-and~~ to
15 provide programs which may include, but are not limited to,
16 outpatient and follow-up treatment for persons affected by
17 problem gambling, rehabilitation and residential treatment
18 programs, information and referral services, crisis call
19 access, education and preventive services, and financial
20 management and credit counseling services.

21 b. A person shall not maintain or conduct a gambling
22 treatment program funded ~~under this section~~ through the
23 department unless the person has obtained a license for the
24 program from the department. The department shall adopt rules
25 to establish standards for the licensing and operation of
26 gambling treatment programs under this section. The rules
27 shall specify, but are not limited to specifying, the
28 qualifications for persons providing gambling treatment
29 services, standards for the organization and administration of
30 gambling treatment programs, and a mechanism to monitor
31 compliance with this section and the rules adopted under this
32 section.

33 ~~3:--Notwithstanding-section-12C.7,-subsection-2,-interest~~
34 ~~or-earnings-on-moneys-deposited-in-the-gambling-treatment-fund~~
35 ~~shall-be-credited-to-the-gambling-treatment-fund.~~

1 ~~Notwithstanding section 8.337, moneys credited to the gambling~~
 2 ~~treatment fund shall not revert to the fund from which~~
 3 ~~appropriated at the close of a fiscal year.~~

4 ~~4-~~ 2. The department shall report semiannually to the
 5 legislative government oversight committees regarding the
 6 operation of the gambling treatment fund and program. The
 7 report shall include, but is not limited to, information on
 8 ~~revenues and expenses related to the fund for the previous~~
 9 ~~period, fund balances for the period, and~~ the moneys expended
 10 and grants awarded for operation of the gambling treatment
 11 program.

12 Sec. 94. GAMBLING TREATMENT FUND BALANCE TRANSFERRED --
 13 EFFECTIVE DATE.

14 1. Moneys in the gambling treatment fund that remain
 15 unencumbered or unobligated at the close of the fiscal year
 16 beginning July 1, 2008, are transferred to the general fund of
 17 the state.

18 2. This section of this Act, being deemed of immediate
 19 importance, takes effect upon enactment.

20 DIVISION X

21 CHILD DEATH REVIEW TEAM

22 Sec. 95. Section 135.43, subsection 1, Code 2009, is
 23 amended to read as follows:

24 1. An Iowa child death review team is established as an
 25 ~~independent agency of state government~~ part of the office of
 26 the state medical examiner. ~~The Iowa department of public~~
 27 health office of the state medical examiner shall provide
 28 staffing and administrative support to the team.

29 Sec. 96. Section 135.43, subsection 2, unnumbered
 30 paragraph 1, Code 2009, is amended to read as follows:

31 The membership of the review team is subject to the
 32 provisions of sections 69.16 and 69.16A, relating to political
 33 affiliation and gender balance. Review team members who are
 34 not designated by another appointing authority shall be
 35 appointed by the ~~director of public health~~ state medical

1 examiner. Membership terms shall be for three years. A
2 membership vacancy shall be filled in the same manner as the
3 original appointment. The review team shall elect a
4 chairperson and other officers as deemed necessary by the
5 review team. The review team shall meet upon the call of the
6 chairperson, upon the request of a state agency, or as
7 determined by the review team. The members of the team are
8 eligible for reimbursement of actual and necessary expenses
9 incurred in the performance of their official duties. The
10 review team shall include the following:

11 Sec. 97. Section 135.43, subsection 4, unnumbered
12 paragraph 1, Code 2009, is amended to read as follows:

13 The review team shall develop protocols for a child
14 fatality review committee, to be appointed by the ~~director~~
15 state medical examiner on an ad hoc basis, to immediately
16 review the child abuse assessments which involve the fatality
17 of a child under age eighteen. The ~~director~~ state medical
18 examiner shall appoint a medical examiner, a pediatrician, and
19 a person involved with law enforcement to the committee.

20 Sec. 98. Section 135.43, subsections 7 and 8, Code 2009,
21 are amended to read as follows:

22 7. a. The state medical examiner, the Iowa department of
23 public health, and the department of human services shall
24 adopt rules providing for disclosure of information which is
25 confidential under chapter 22 or any other provision of state
26 law, to the review team for purposes of performing its child
27 death and child abuse review responsibilities.

28 b. A person in possession or control of medical,
29 investigative, assessment, or other information pertaining to
30 a child death and child abuse review shall allow the
31 inspection and reproduction of the information by the
32 department office of the state medical examiner upon the
33 request of the department office, to be used only in the
34 administration and for the duties of the Iowa child death
35 review team. Except as provided for a report on a child

1 fatality by an ad hoc child fatality review committee under
2 subsection 4, information and records produced under this
3 section which are confidential under section 22.7 and chapter
4 235A, and information or records received from the
5 confidential records, remain confidential under this section.
6 A person does not incur legal liability by reason of releasing
7 information to the department as required under and in
8 compliance with this section.

9 8. Review team members and their agents are immune from
10 any liability, civil or criminal, which might otherwise be
11 incurred or imposed as a result of any act, omission,
12 proceeding, decision, or determination undertaken or
13 performed, or recommendation made as a review team member or
14 agent provided that the review team members or agents acted in
15 good faith and without malice in carrying out their official
16 duties in their official capacity. The department state
17 medical examiner shall adopt rules pursuant to chapter 17A to
18 administer this subsection. A complainant bears the burden of
19 proof in establishing malice or lack of good faith in an
20 action brought against review team members involving the
21 performance of their duties and powers under this section.

22 Sec. 99. Section 691.6, Code 2009, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 10. To provide staffing and support for
25 the child death review team and any child fatality review
26 committee under section 135.43.

27 Sec. 100. CHILD DEATH REVIEW TEAM RULES. The rules
28 adopted by the department of public health for purposes of the
29 child death review team under section 135.43 shall remain in
30 effect until replaced by rules adopted for purposes of that
31 section by the state medical examiner. Until replacement
32 rules are adopted, the office of the state medical examiner
33 shall fulfill the duties assigned to the department of public
34 health under the rules being replaced.

35 DIVISION XI

1 MISCELLANEOUS STATUTORY CHANGES

2 Sec. 101. Section 123.53, subsections 3 and 4, Code 2009,
3 are amended to read as follows:

4 ~~3. The treasurer of state shall transfer into a special~~
5 ~~revenue account in the general fund of the state, a sum of~~
6 ~~money at least equal to seven percent of the gross amount of~~
7 ~~sales made by the division from the beer and liquor control~~
8 ~~fund on a monthly basis but not less than nine million dollars~~
9 ~~annually. Of the amounts transferred, two million dollars,~~
10 ~~plus an additional amount determined by the general assembly,~~
11 ~~shall be appropriated to the Iowa department of public health~~
12 ~~for use by the staff who administer the comprehensive~~
13 ~~substance abuse program under chapter 125 for substance abuse~~
14 ~~treatment and prevention programs. Any amounts received in~~
15 ~~excess of the amounts appropriated to the Iowa department of~~
16 ~~public health for use by the staff who administer the~~
17 ~~comprehensive substance abuse program under chapter 125 shall~~
18 ~~be considered part of the general fund balance.~~

19 ~~4. The treasurer of state, after making the transfer~~
20 ~~provided for in subsection 3, shall transfer to the division~~
21 ~~from the beer and liquor control fund and before any other~~
22 ~~transfer to the general fund, an amount sufficient to pay the~~
23 ~~costs incurred by the division for collecting and properly~~
24 ~~disposing of the liquor containers.~~

25 Sec. 102. Section 234.12A, subsection 1, Code 2009, is
26 amended to read as follows:

27 1. The department of human services shall maintain an
28 electronic benefits transfer program utilizing electronic
29 funds transfer systems for the food assistance program. The
30 electronic benefits transfer program implemented under this
31 section ~~shall at a minimum provide for all of the following:~~
32 ~~a. A retailer shall not be required~~ require a retailer to
33 make cash disbursements or to provide, purchase, or upgrade
34 electronic funds transfer system equipment as a condition of
35 participation in the program.

1 ~~b.--A-retailer-providing-electronic-funds-transfer-system~~
2 ~~equipment-for-transactions-pursuant-to-the-program-shall-be~~
3 ~~reimbursed-seven-cents-for-each-approved-transaction-pursuant~~
4 ~~to-the-program-utilizing-the-retailer's-equipment.~~

5 ~~e.--A-retailer-that-provides-electronic-funds-transfer~~
6 ~~system-equipment-for-transactions-pursuant-to-the-program-and~~
7 ~~who-makes-cash-disbursements-pursuant-to-the-program-utilizing~~
8 ~~the-retailer's-equipment-shall-be-paid-a-fee-of-seven-cents-by~~
9 ~~the-department-for-each-cash-disbursement-transaction-by-the~~
10 ~~retailer.~~

11 Sec. 103. Section 237B.1, subsection 3, Code 2009, is
12 amended to read as follows:

13 3. In establishing the initial and subsequent standards,
14 the department of human services shall review other
15 certification and licensing standards applicable to the
16 centers. The standards established by the department shall be
17 broad facility standards for the protection of children's
18 safety. The department shall also apply criminal and abuse
19 registry background check requirements for the persons who
20 own, operate, staff, participate in, or otherwise have contact
21 with the children receiving services from a children's center.
22 The background check requirements shall be substantially
23 equivalent to those applied under chapter 237 for a child
24 foster care facility provider. The department of human
25 services shall not establish program standards or other
26 requirements under this section involving program development
27 or oversight of the programs provided to the children served
28 by children's centers.

29 EXPLANATION

30 This bill relates to and makes appropriations for health
31 and human services for fiscal year 2009-2010 to the department
32 of veterans affairs, the Iowa veterans home, the department of
33 elder affairs, the department of public health, Iowa finance
34 authority, state board of regents, department of inspections
35 and appeals, and the department of human services.

1 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division
2 appropriates funding from the general fund of the state for
3 the department of elder affairs, the department of public
4 health, and the department of veterans affairs.

5 The division appropriates funding from the general fund of
6 the state and the federal temporary assistance for needy
7 families block grant to the department of human services. The
8 allocation for the family development and self-sufficiency
9 grant program is made directly to the department of human
10 rights.

11 The reimbursement section addresses reimbursement for
12 providers reimbursed by the department of human services.

13 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT
14 ACCOUNT, IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION ACCOUNT,
15 AND PROPERTY TAX RELIEF FUND. This division makes
16 appropriations for fiscal year 2009-2010 from the senior
17 living trust fund to the department of elder affairs, the
18 department of human services, the department of inspections
19 and appeals, and the Iowa finance authority.

20 Nursing facility accountability measure and payment
21 language originally enacted in 2001 and amended in 2008 Iowa
22 Acts, chapter 1187, section 33, is amended to provide a
23 pay-for-performance methodology commencing July 1, 2009.

24 The division makes an appropriation from the pharmaceutical
25 settlement account to the department of human services to
26 supplement the medical contracts appropriation.

27 The division makes appropriations from the IowaCare account
28 to the state board of regents for distribution to the
29 university of Iowa hospitals and clinics and to the department
30 of human services for distribution to a publicly owned acute
31 care teaching hospital in a county with a population over
32 350,000 related to the IowaCare program and indigent care.
33 The division makes an appropriation to the department of human
34 services from the health care transformation account for
35 various health care reform initiatives. The division includes

1 a directive to the department of human services regarding
2 renewal of the IowaCare waiver.

3 The division provides that if the total amount appropriated
4 from all sources for the medical assistance program for fiscal
5 year 2009-2010 exceeds the amount needed, the excess remains
6 available to be used for the program in the succeeding fiscal
7 year.

8 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING -- FISCAL YEAR
9 2009-2010. This division allocates and reduces the
10 appropriation made in 2008 Iowa Acts, chapter 1191, for mental
11 health, mental retardation, and developmental disabilities
12 (MH/MR/DD) services allowed growth factor adjustment funding
13 for fiscal year 2009-2010.

14 The co-chairpersons of the joint appropriations
15 subcommittee on human services are required to appoint a task
16 force of stakeholders to review MH/MR/DD funding and services
17 during the 2009 legislative interim.

18 During the FY 2009-2010 fiscal year, the mental health,
19 mental retardation, developmental disabilities, and brain
20 injury commission and the Iowa mental health planning council
21 established by the department of human services pursuant to
22 federal requirements for the community mental health services
23 block grant, or the officers of the bodies, are required to
24 meet at least quarterly to coordinate the efforts of the
25 bodies.

26 HEALTH CARE TRUST FUND. This division includes provisions
27 relating to health care and makes appropriations from the
28 health care trust fund.

29 Appropriations are made from the health care trust fund to
30 the department of public health for addictive disorders,
31 healthy children and families, chronic conditions, and
32 community capacity.

33 Funds are appropriated from the health care trust fund to
34 the department of human services for medical assistance.

35 The amount of the standing appropriation of tobacco product

1 related proceeds in Code section 453A.35 that is annually
2 transferred from the general fund of the state to the health
3 care trust fund is reduced to reflect the governor's 2008
4 uniform appropriation reduction and other reductions.

5 IOWACARE. This division relates to the appropriations made
6 for and county property tax levies relating to the IowaCare
7 program for FY 2008-2009. The division increases from a total
8 of \$34 million to a total of \$38 million the amount of the
9 Polk county hospital levy being distributed to the treasurer
10 of state for deposit in the IowaCare account. The division
11 only affects the second portion of the levy proceeds for the
12 period beginning January 1, 2009, and ending June 30, 2009.
13 The first portion collected \$17 million and the second portion
14 collected under the bill is \$21 million, thereby providing for
15 the annual total amount of \$38 million. The division, in
16 turn, provides for an increase in the amount of funds
17 distributed to Broadlawns Medical Center from the IowaCare
18 account from \$40 million to \$46 million, with any amount over
19 \$41 million only being allocated if federal funds are
20 available to match the amount. This division takes effect
21 upon enactment and is retroactively applicable to July 1,
22 2008.

23 APPROPRIATION-RELATED CHANGES. This division provides
24 appropriation-related changes and takes effect upon enactment.
25 2008 Iowa Acts, chapter 1187, is amended to provide for FY
26 2008-2009 appropriations made for various types of addictive
27 disorders from the general fund, the gambling treatment fund,
28 and health care trust fund, to remain available to be used for
29 addictive disorders in the succeeding fiscal year. This
30 authorization is limited to \$1 million in accordance with a
31 specified priority order.

32 2008 Iowa Acts, chapter 1187, section 4, making the annual
33 appropriation and relating to employee positions authorized
34 for the Iowa veterans home, is amended by removing the
35 limitation on the number of full-time equivalent positions in

1 the appropriation to the home for FY 2008-2009.

2 2008 Iowa Acts, chapter 1187, section 9 providing an
3 appropriation from the general fund for FY 2008-2009 for
4 medical assistance, is amended by reducing the total amount of
5 the appropriation.

6 2008 Iowa Acts, chapter 1187, section 9, relating to an
7 allocation of certain moneys for implementation of an
8 emergency mental health crisis services system and a mental
9 health services system for children and youth, is amended to
10 allow the allocations to remain available for those purposes
11 until the close of FY 2010-2011. In addition, the department
12 of human services is required to revise the project provisions
13 to be available for at least 24 months.

14 2008 Iowa Acts, chapter 1187, section 12, providing an
15 appropriation from the general fund for FY 2008-2009 for state
16 supplementary assistance, is amended to allow the
17 appropriation to remain available to be used for that purpose
18 in the succeeding fiscal year.

19 2008 Iowa Acts, chapter 1187, section 32, relating to the
20 total maximum state funding amount for the nursing facility
21 budget, is amended by reducing the maximum amount.

22 2008 Iowa Acts, chapter 1187, section 39, relating to an
23 appropriation to the department of elder affairs from the
24 senior living trust fund for FY 2008-2009, is amended to allow
25 a portion to remain available in succeeding fiscal years to
26 match federal funding for the senior nutrition programs.

27 2008 Iowa Acts, chapter 1187, section 50, relating to
28 appropriations made from various funds for FY 2008-2009 for
29 the medical assistance program by providing for transfer of
30 unused funds to the senior living trust fund, is amended to
31 provide for the funds to instead remain available to be used
32 for the medical assistance program in the succeeding fiscal
33 year.

34 An amendment of prior session law made in 2008 Iowa Acts,
35 chapter 1187, section 68, providing for an appropriation made

1 for the Vietnam veterans bonus fund to remain available until
2 the close of FY 2008-2009, is further amended for the
3 appropriation to remain available for an additional fiscal
4 year.

5 An amendment of prior session law made in 2008 Iowa Acts,
6 chapter 1187, section 69, providing for an appropriation made
7 for the injured veterans grant program, to remain available
8 until the close of FY 2008-2009, is further amended for the
9 appropriation to remain available for an additional fiscal
10 year.

11 2008 Iowa Acts, chapter 1188, section 16, providing
12 appropriations over a three-year period for health coverage of
13 children under the medical assistance and hawk-i programs, is
14 amended to reduce the FY 2008-2009 appropriation by
15 approximately \$10.6 million.

16 HEPATITIS AWARENESS. This division combines two existing
17 programs, the viral hepatitis program and the hepatitis
18 awareness program for veterans in Code sections 135.19 and
19 135.20. The program specifically for veterans is incorporated
20 into the Code section 135.19 program by including the input of
21 the Iowa department of veterans affairs.

22 SENIOR LIVING COORDINATING UNIT. This division eliminates
23 the senior living coordinating unit and places its duties
24 under the purview of the commission of elder affairs.

25 GAMBLING TREATMENT FUND ELIMINATION. This division
26 eliminates the gambling treatment fund and the percentage of
27 gambling revenues designated for the fund. These revenues
28 will instead be credited to the general fund of the state.

29 A transition section provides for the unobligated revenues
30 remaining in the gambling treatment fund at the close of FY
31 2008-2009 to be transferred to the general fund of the state.
32 This section takes effect upon enactment.

33 CHILD DEATH REVIEW TEAM. This division shifts the staffing
34 responsibility for the child death review team under Code
35 section 135.43, from the department of public health to the

1 office of the state medical examiner.

2 MISCELLANEOUS STATUTORY CHANGES. This division amends
3 various Code provisions.

4 Code section 123.53, relating to the proceeds from the sale
5 of alcoholic beverages, is amended to eliminate language
6 providing for at least \$2 million to be appropriated for
7 substance abuse treatment. Typically, the annual
8 appropriations legislation superseded the language being
9 eliminated.

10 Code section 234.12A relating to the electronic benefits
11 transfer program for the food assistance program, is amended
12 to eliminate fees paid to retailers for certain transactions.

13 The child care credit fund created in Code section 237A.28
14 and the standing appropriation in Code section 422.100 of \$2.6
15 million from individual income tax withholding receipts to the
16 child care credit fund are both repealed. Moneys in the child
17 care credit fund were subject to a standing appropriation for
18 the state child care assistance program.

19 Code section 237B.1, relating to regulation of children's
20 centers by the department of human services, is amended to
21 require the licensing standards to apply criminal and abuse
22 registry check requirements that are substantially equivalent
23 to those applied to child foster care facility providers.

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