

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

A BILL FOR

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

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

DRAFT

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DIVISION I

DEPARTMENT ON AGING

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging 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, 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:

| | |
|-------|--------------|
| | \$ 4,662,988 |
| | FTEs 38.5 |

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.
2. a. Of the funds appropriated in this section, \$1,246,514 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt

1 rules for case management services provided under the medical
2 assistance elderly waiver in consultation with the department
3 on aging.

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

21 3. Of the funds appropriated in this section, \$129,961 shall
22 be transferred to the department of economic development for
23 the Iowa commission on volunteer services to be used for the
24 retired and senior volunteer program.

25 DIVISION II

26 DEPARTMENT OF PUBLIC HEALTH

27 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations
28 made in this section may include amounts carried forward from
29 appropriations and allocations made for the same purposes in
30 the previous fiscal year. There is appropriated from the
31 general fund of the state to the department of public health
32 for the fiscal year beginning July 1, 2010, and ending June
33 30, 2011, the following amounts, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 1. ADDICTIVE DISORDERS

1 For reducing the prevalence of use of tobacco, alcohol, and
2 other drugs, and treating individuals affected by addictive
3 behaviors, including gambling, and for not more than the
4 following full-time equivalent positions:

5 \$ 28,974,840
6 FTEs 17.50

7 a. Of the funds appropriated in this subsection, \$7,595,782
8 shall be used for the tobacco use prevention and control
9 initiative, including efforts at the state and local levels, as
10 provided in chapter 142A.

11 (1) The director of public health shall dedicate sufficient
12 resources to promote and ensure retailer compliance with
13 tobacco laws and ordinances relating to persons under 18
14 years of age, and shall prioritize the state's compliance in
15 the allocation of available funds to comply with 42 U.S.C.
16 § 300x-26 and section 453A.2.

17 (2) Of the full-time equivalent positions authorized in
18 this subsection, 2.00 full-time equivalent positions shall
19 be utilized to provide for enforcement of tobacco laws,
20 regulations, and ordinances under a chapter 28D agreement
21 entered into between the Iowa department of public health and
22 the alcoholic beverages division of the department of commerce.

23 (3) Of the funds allocated in this lettered paragraph,
24 \$1,796,508 shall be used for youth programs designed to
25 achieve the goals of the initiative, that are directed by youth
26 participants for youth pursuant to section 142A.9.

27 b. Of the funds appropriated in this subsection,
28 \$17,677,258 shall be used for substance abuse treatment and
29 prevention.

30 (1) Of the funds allocated in this lettered paragraph,
31 \$943,813 shall be used for the public purpose of a grant
32 program to provide substance abuse prevention programming for
33 children.

34 (a) Of the funds allocated in this subparagraph, \$449,445
35 shall be utilized for the public purpose of providing grant

1 funding for organizations that provide programming for children
2 by utilizing mentors. Programs approved for such grants
3 shall be certified or will be certified within six months of
4 receiving the grant award by the Iowa commission on volunteer
5 services as utilizing the standards for effective practice for
6 mentoring programs.

7 (b) Of the funds allocated in this subparagraph, \$449,445
8 shall be utilized for the public purpose of providing grant
9 funding for organizations that provide programming that
10 includes youth development and leadership. The programs shall
11 also be recognized as being programs that are scientifically
12 based with evidence of their effectiveness in reducing
13 substance abuse in children.

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

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

18 (e) Of the funds allocated for the grant program, \$44,923
19 shall be used to administer substance abuse prevention grants
20 and for program evaluations.

21 (2) It is the intent of the general assembly that from the
22 moneys allocated in this lettered paragraph persons with a dual
23 diagnosis of substance abuse and gambling addictions shall be
24 given priority in treatment services.

25 c. Of the funds appropriated in this subsection, \$300,320
26 shall be used for culturally competent substance abuse
27 treatment pilot projects.

28 (1) The department shall utilize the amount allocated
29 in this lettered paragraph for at least three pilot projects
30 to provide culturally competent substance abuse treatment in
31 various areas of the state. Each pilot project shall target
32 a particular ethnic minority population. The populations
33 targeted shall include but are not limited to African-American,
34 Asian, and Latino.

35 (2) The pilot project requirements shall provide for

1 documentation or other means to ensure access to the cultural
2 competence approach used by a pilot project so that such
3 approach can be replicated and improved upon in successor
4 programs.

5 d. The amount of the appropriation made in this subsection
6 reflects savings to be realized by the department as a result
7 of merging the bureau of substance abuse prevention and
8 treatment and the division of tobacco use prevention and
9 control. The department shall complete the merger during the
10 fiscal year beginning July 1, 2010.

11 e. (1) Of the funds appropriated in this subsection,
12 \$3,716,530 shall be used for funding of gambling treatment,
13 including administrative costs and to provide programs
14 which may include but are not limited to outpatient and
15 follow-up treatment for persons affected by problem gambling,
16 rehabilitation and residential treatment programs, information
17 and referral services, education and preventive services, and
18 financial management services. Of the amount allocated in
19 this lettered paragraph, up to \$100,000 may be used for the
20 licensing of gambling treatment programs as provided in section
21 135.150.

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

34 (b) From the amounts designated for gambling and substance
35 abuse treatment, the department may use up to \$100,000 for

1 administrative costs to continue developing and implementing
2 the process in accordance with subparagraph division (a).

3 (3) The requirement of section 123.53, subsection 3, is
4 met by the appropriations and allocations made in this Act for
5 purposes of substance abuse treatment and addictive disorders
6 for the fiscal year beginning July 1, 2010.

7 2. HEALTHY CHILDREN AND FAMILIES

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

| | | |
|----------|------|-----------|
| 12 | \$ | 2,963,467 |
| 13 | FTEs | 14.00 |

14 a. Of the funds appropriated in this subsection, not more
15 than \$738,203 shall be used for the healthy opportunities to
16 experience success (HOPES)-healthy families Iowa (HFI) program
17 established pursuant to section 135.106. The funding shall
18 be distributed to renew the grants that were provided to the
19 grantees that operated the program during the fiscal year
20 ending June 30, 2010.

21 b. Of the funds appropriated in this subsection, \$311,459
22 shall be used to continue to address the healthy mental
23 development of children from birth through five years of age
24 through local evidence-based strategies that engage both the
25 public and private sectors in promoting healthy development,
26 prevention, and treatment for children.

27 c. Of the funds appropriated in this subsection, \$31,597
28 shall be distributed to a statewide dental carrier to provide
29 funds to continue the donated dental services program patterned
30 after the projects developed by the national foundation of
31 dentistry for the handicapped to provide dental services to
32 indigent elderly and disabled individuals.

33 d. Of the funds appropriated in this subsection, \$129,279
34 shall be used for childhood obesity prevention.

35 e. Of the funds appropriated in this subsection, \$171,295

1 shall be used to provide audiological services and hearing
2 aids for children. The department may enter into a contract
3 to administer this paragraph.

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

12 3. CHRONIC CONDITIONS

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

| | |
|----------|--------------|
| 16 | \$ 3,434,908 |
| 17 | FTEs 4.50 |

18 a. Of the funds appropriated in this subsection, \$160,582
19 shall be used for grants to individual patients who have
20 phenylketonuria (PKU) to assist with the costs of necessary
21 special foods.

22 b. Of the funds appropriated in this subsection, \$416,682
23 is allocated for continuation of the contracts for resource
24 facilitator services in accordance with section 135.22B,
25 subsection 9, and for brain injury training services and
26 recruiting of service providers to increase the capacity within
27 this state to address the needs of individuals with brain
28 injuries and such individuals' families.

29 c. Of the funds appropriated in this subsection, \$235,085
30 shall be used as additional funding to leverage federal funding
31 through the federal Ryan White Care Act, Tit. II, AIDS drug
32 assistance program supplemental drug treatment grants.

33 d. Of the funds appropriated in this subsection, \$57,013
34 shall be used for the public purpose of providing a grant to an
35 existing national-affiliated organization to provide education,

1 client-centered programs, and client and family support for
2 people living with epilepsy and their families.

3 e. Of the funds appropriated in this subsection, \$344,944
4 shall be used for child health specialty clinics.

5 f. Of the funds appropriated in this subsection, \$408,802
6 shall be used for the comprehensive cancer control program to
7 reduce the burden of cancer in Iowa through prevention, early
8 detection, effective treatment, and ensuring quality of life.
9 The department shall utilize one of the full-time equivalent
10 positions authorized in this subsection for administration of
11 the activities related to the comprehensive cancer control
12 program.

13 g. Of the funds appropriated in this subsection, \$145,550
14 shall be used for cervical and colon cancer screening.

15 4. COMMUNITY CAPACITY

16 For strengthening the health care delivery system at the
17 local level, and for not more than the following full-time
18 equivalent positions:

| | | |
|----------|------|-----------|
| 19 | \$ | 5,503,037 |
| 20 | FTEs | 21.00 |

21 a. Of the funds appropriated in this subsection, \$63,592
22 is allocated for a child vision screening program implemented
23 through the university of Iowa hospitals and clinics in
24 collaboration with community empowerment areas.

25 b. Of the funds appropriated in this subsection, \$129,741 is
26 allocated for continuation of an initiative implemented at the
27 university of Iowa and \$117,142 is allocated for continuation
28 of an initiative at the state mental health institute at
29 Cherokee to expand and improve the workforce engaged in
30 mental health treatment and services. The initiatives shall
31 receive input from the university of Iowa, the department
32 of human services, the department of public health, and the
33 mental health, mental retardation, developmental disabilities,
34 and brain injury commission to address the focus of the
35 initiatives.

1 c. Of the funds appropriated in this subsection, \$1,264,812
2 shall be used for essential public health services that promote
3 healthy aging throughout the lifespan, contracted through a
4 formula for local boards of health, to enhance health promotion
5 and disease prevention services.

6 d. Of the funds appropriated in this section, \$130,214 shall
7 be deposited in the governmental public health system fund
8 created in section 135A.8 to be used for the purposes of the
9 fund.

10 e. Of the funds appropriated in this subsection, \$143,150
11 shall be used for the mental health professional shortage area
12 program implemented pursuant to section 135.80.

13 f. Of the funds appropriated in this subsection,
14 \$40,900 shall be used for a grant to a statewide association
15 of psychologists that is affiliated with the American
16 psychological association to be used for continuation of a
17 program to rotate intern psychologists in placements in urban
18 and rural mental health professional shortage areas, as defined
19 in section 135.80.

20 g. Of the funds appropriated in this subsection, the
21 following amounts shall be allocated to the Iowa collaborative
22 safety net provider network established pursuant to section
23 135.153 to be used for the purposes designated:

24 (1) For distribution to the Iowa-Nebraska primary
25 care association for statewide coordination of the Iowa
26 collaborative safety net provider network:
27 \$ 73,620

28 (2) For distribution to the Iowa family planning network
29 agencies for necessary infrastructure, statewide coordination,
30 provider recruitment, service delivery, and provision of
31 assistance to patients in determining an appropriate medical
32 home:
33 \$ 74,517

34 (3) For distribution to the local boards of health that
35 provide direct services for pilot programs in three counties to

1 assist patients in determining an appropriate medical home:
2 \$ 74,517
3 (4) For distribution to maternal and child health centers
4 for pilot programs in three counties to assist patients in
5 determining an appropriate medical home:
6 \$ 74,517
7 (5) For distribution to free clinics for necessary
8 infrastructure, statewide coordination, provider recruitment,
9 service delivery, and provision of assistance to patients in
10 determining an appropriate medical home:
11 \$ 184,050
12 (6) For distribution to rural health clinics for necessary
13 infrastructure, statewide coordination, provider recruitment,
14 service delivery, and provision of assistance to patients in
15 determining an appropriate medical home:
16 \$ 110,430
17 (7) For continuation of the safety net provider patient
18 access to specialty health care initiative as described in 2007
19 Iowa Acts, chapter 218, section 109:
20 \$ 294,480
21 (8) For continuation of the pharmaceutical infrastructure
22 for safety net providers as described in 2007 Iowa Acts,
23 chapter 218, section 108:
24 \$ 294,480
25 The Iowa collaborative safety net provider network may
26 continue to distribute funds allocated pursuant to this
27 lettered paragraph through existing contracts or renewal of
28 existing contracts.
29 h. (1) Of the funds appropriated in this subsection,
30 \$180,000 shall be used for continued implementation of
31 the recommendations of the direct care worker task force
32 established pursuant to 2005 Iowa Acts, chapter 88, based upon
33 the report submitted to the governor and the general assembly
34 in December 2006. The department may use a portion of the
35 funds allocated in this paragraph for an additional position

1 to assist in the continued implementation. The focus of the
2 implementation shall be researching and establishing a system
3 to collect and maintain accurate data on the direct care
4 workforce; beginning the groundwork to establish a board of
5 direct care workers within the department of public health by
6 July 1, 2014; and other recommendations of the task force that
7 result in the development of a state infrastructure to provide
8 stability to the direct care workforce.

9 (2) The department of public health shall report to the
10 persons designated in this Act for submission of reports
11 regarding use of the funds allocated in this lettered
12 paragraph, on or before January 15, 2011.

13 i. (1) Of the funds appropriated in this subsection,
14 \$135,000 shall be used for allocation to an independent
15 statewide direct care worker association for education,
16 outreach, leadership development, mentoring, and other
17 initiatives intended to enhance the recruitment and retention
18 of direct care workers in health and long-term care.

19 (2) Of the funds appropriated in this subsection, \$63,000
20 shall be used to provide conference scholarships to direct care
21 workers.

22 (3) The association specified in this lettered paragraph
23 shall report to the persons designated in this Act for
24 submission of reports on or before January 1, 2011, the use of
25 the funds allocated in this lettered paragraph, any progress
26 made regarding the initiatives specified and in expanding the
27 association statewide, and the number of scholarships provided,
28 and shall include in the report a copy of the association's
29 internal revenue service form 990.

30 j. The department may utilize one of the full-time
31 equivalent positions authorized in this subsection for
32 administration of the activities related to the Iowa
33 collaborative safety net provider network.

34 k. The department may utilize one of the full-time
35 equivalent positions authorized in this subsection for

1 administration of the volunteer health care provider program
2 pursuant to section 135.24.

3 5. HEALTHY AGING

4 To provide public health services that reduce risks and
5 invest in promoting and protecting good health over the
6 course of a lifetime with a priority given to older Iowans and
7 vulnerable populations:

8 \$ 8,045,779

9 a. Of the funds appropriated in this subsection, \$2,209,696
10 shall be used for local public health nursing services.

11 b. Of the funds appropriated in this subsection, \$5,836,083
12 shall be used for home care aide services.

13 6. ENVIRONMENTAL HAZARDS

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

17 \$ 900,352

18 FTEs 4.50

19 a. Of the funds appropriated in this subsection, \$536,033
20 shall be used for childhood lead poisoning provisions.

21 b. Of the funds appropriated in this subsection, not more
22 than \$253,135 shall be used for the development of scientific
23 and medical expertise in environmental epidemiology.

24 7. INFECTIOUS DISEASES

25 For reducing the incidence and prevalence of communicable
26 diseases, and for not more than the following full-time
27 equivalent positions:

28 \$ 1,475,095

29 FTEs 5.00

30 8. PUBLIC PROTECTION

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

34 \$ 3,212,987

35 FTEs 130.20

1 a. Of the funds appropriated in this subsection, not more
2 than \$471,690 shall be credited to the emergency medical
3 services fund created in section 135.25. Moneys in the
4 emergency medical services fund are appropriated to the
5 department to be used for the purposes of the fund.

6 b. Of the funds appropriated in this subsection, \$209,229
7 shall be used for sexual violence prevention programming
8 through a statewide organization representing programs serving
9 victims of sexual violence through the department's sexual
10 violence prevention program. The amount allocated in this
11 lettered paragraph shall not be used to supplant funding
12 administered for other sexual violence prevention or victims
13 assistance programs.

14 c. Of the funds appropriated in this subsection, not more
15 than \$485,520 shall be used for the state poison control
16 center.

17 9. RESOURCE MANAGEMENT

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

| | | |
|----------|------|---------|
| 21 | \$ | 956,265 |
| 22 | FTEs | 10.00 |

23 The university of Iowa hospitals and clinics under the
24 control of the state board of regents shall not receive
25 indirect costs from the funds appropriated in this section.
26 The university of Iowa hospitals and clinics billings to the
27 department shall be on at least a quarterly basis.

28 DIVISION III

29 DEPARTMENT OF VETERANS AFFAIRS

30 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
31 appropriated from the general fund of the state to the
32 department of veterans affairs for the fiscal year beginning
33 July 1, 2010, and ending June 30, 2011, the following amounts,
34 or so much thereof as is necessary, to be used for the purposes
35 designated:

1 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

2 For salaries, support, maintenance, and miscellaneous
3 purposes, including the war orphans educational assistance fund
4 created in section 35.8, and for not more than the following
5 full-time equivalent positions:

6 \$ 960,453
7 FTEs 15.20

8 2. IOWA VETERANS HOME

9 For salaries, support, maintenance, and miscellaneous
10 purposes:

11 \$ 9,630,846

12 a. The Iowa veterans home billings involving the department
13 of human services shall be submitted to the department on at
14 least a monthly basis.

15 b. If there is a change in the employer of employees
16 providing services at the Iowa veterans home under a collective
17 bargaining agreement, such employees and the agreement shall
18 be continued by the successor employer as though there had not
19 been a change in employer.

20 3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED
21 VETERANS

22 For provision of educational assistance pursuant to section
23 35.9:

24 \$ 12,731

25 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS
26 FUND STANDING APPROPRIATIONS. Notwithstanding the standing
27 appropriation in the following designated section for the
28 fiscal year beginning July 1, 2010, and ending June 30, 2011,
29 the amounts appropriated from the general fund of the state
30 pursuant to that section for the following designated purposes
31 shall not exceed the following amount:

32 For the county commissions of veterans affairs fund under
33 section 35A.16:

34 \$ 900,000

35 Sec. 5. MERCHANT MARINE BONUS FUND — COUNTY GRANTS. There

1 is appropriated from the merchant marine bonus fund created in
2 section 35A.8 to the department of veterans affairs for the
3 fiscal year beginning July 1, 2010, and ending June 30, 2011,
4 the following amount, or so much thereof as is necessary, to be
5 used for the purposes designated:

6 For the county commissions of veterans affairs fund under
7 section 35A.16:

8 \$ 90,000

9 DIVISION IV

10 DEPARTMENT OF HUMAN SERVICES

11 Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

12 GRANT. There is appropriated from the fund created in section
13 8.41 to the department of human services for the fiscal year
14 beginning July 1, 2010, and ending June 30, 2011, from moneys
15 received under the federal temporary assistance for needy
16 families (TANF) block grant pursuant to the federal Personal
17 Responsibility and Work Opportunity Reconciliation Act of 1996,
18 Pub. L. No. 104-193, and successor legislation, and from moneys
19 received under the emergency contingency fund for temporary
20 assistance for needy families state program established
21 pursuant to the federal American Recovery and Reinvestment
22 Act of 2009, Pub. L. No. 111-5 § 2101, which are federally
23 appropriated for the federal fiscal years beginning October 1,
24 2009, and ending September 30, 2010, and beginning October 1,
25 2010, and ending September 30, 2011, the following amounts, or
26 so much thereof as is necessary, to be used for the purposes
27 designated:

28 1. To be credited to the family investment program account
29 and used for assistance under the family investment program
30 under chapter 239B:

31 \$ 36,733,711

32 2. To be credited to the family investment program account
33 and used for the job opportunities and basic skills (JOBS)
34 program and implementing family investment agreements in
35 accordance with chapter 239B:

1 \$ 12,411,528

2 Notwithstanding section 8.33, not more than 5 percent of
3 the moneys designated in this subsection that are allocated
4 by the department for contracted services, other than
5 family self-sufficiency grant services allocated under this
6 subsection, that remain unencumbered or unobligated at the
7 close of the fiscal year shall not revert but shall remain
8 available for expenditure for the purposes designated until
9 the close of the succeeding fiscal year. However, unless such
10 moneys are encumbered or obligated on or before September 30,
11 2011, the moneys shall revert.

12 3. To be used for the family development and
13 self-sufficiency grant program in accordance with section
14 216A.107:

15 \$ 2,898,980

16 Notwithstanding section 8.33, moneys appropriated in this
17 subsection that remain unencumbered or unobligated at the close
18 of the fiscal year shall not revert but shall remain available
19 for expenditure for the purposes designated until the close of
20 the succeeding fiscal year. However, unless such moneys are
21 encumbered or obligated on or before September 30, 2011, the
22 moneys shall revert.

23 4. For field operations:

24 \$ 23,760,474

25 5. For general administration:

26 \$ 3,744,000

27 6. For state child care assistance:

28 \$ 12,382,687

29 a. Of the funds appropriated in this subsection,
30 \$12,382,687 shall be transferred to the child care and
31 development block grant appropriation made by the Eighty-third
32 General Assembly, 2010 Session, for the federal fiscal
33 year beginning October 1, 2010, and ending September 30,
34 2011. Of this amount, \$200,000 shall be used for provision
35 of educational opportunities to registered child care home

1 providers in order to improve services and programs offered
2 by this category of providers and to increase the number of
3 providers. The department may contract with institutions
4 of higher education or child care resource and referral
5 centers to provide the educational opportunities. Allowable
6 administrative costs under the contracts shall not exceed 5
7 percent. The application for a grant shall not exceed two
8 pages in length.

9 b. Any funds appropriated in this subsection remaining
10 unallocated shall be used for state child care assistance
11 payments for individuals enrolled in the family investment
12 program who are employed.

13 7. For mental health and developmental disabilities
14 community services:

15 \$ 4,894,052

16 8. For child and family services:

17 \$ 32,084,430

18 9. For child abuse prevention grants:

19 \$ 125,000

20 10. For pregnancy prevention grants on the condition that
21 family planning services are funded:

22 \$ 1,327,878

23 Pregnancy prevention grants shall be awarded to programs
24 in existence on or before July 1, 2010, if the programs are
25 comprehensive in scope and have demonstrated positive outcomes.
26 Grants shall be awarded to pregnancy prevention programs
27 which are developed after July 1, 2010, if the programs are
28 comprehensive in scope and are based on existing models that
29 have demonstrated positive outcomes. Grants shall comply with
30 the requirements provided in 1997 Iowa Acts, chapter 208,
31 section 14, subsections 1 and 2, including the requirement that
32 grant programs must emphasize sexual abstinence. Priority in
33 the awarding of grants shall be given to programs that serve
34 areas of the state which demonstrate the highest percentage of
35 unplanned pregnancies of females of childbearing age within the

1 geographic area to be served by the grant.

2 11. For technology needs and other resources necessary
3 to meet federal welfare reform reporting, tracking, and case
4 management requirements:

5 \$ 1,037,186

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

11 \$ 6,350,000

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

17 13. Notwithstanding any provision to the contrary,
18 including but not limited to requirements in section 8.41 or
19 provisions in 2009 or 2010 Iowa Acts regarding the receipt
20 and appropriation of federal block grants, federal funds
21 from the emergency contingency fund for temporary assistance
22 for needy families state program established pursuant to the
23 federal American Recovery and Reinvestment Act of 2009, Pub.
24 L. No. 111-5 § 2101, received by the state during the fiscal
25 year beginning July 1, 2009, and ending June 30, 2010, not
26 otherwise appropriated in this section and remaining available
27 as of July 1, 2010, and received by the state during the fiscal
28 year beginning July 1, 2010, and ending June 30, 2011, are
29 appropriated to the extent as may be necessary to fully fund
30 the family investment program during the fiscal year beginning
31 July 1, 2010, and ending June 30, 2011.

32 a. The federal funds appropriated in this subsection
33 shall be expended only after all other funds appropriated in
34 subsection 1 for assistance under the family investment program
35 under chapter 239B have been expended.

1 b. The department shall, on a quarterly basis, advise the
2 legislative services agency and department of management of
3 the amount of funds appropriated in this subsection that was
4 expended in the prior quarter.

5 14. Of the amounts appropriated in this section,
6 \$12,962,008 for the fiscal year beginning July 1, 2010, shall
7 be transferred to the appropriation of the federal social
8 services block grant made for that fiscal year.

9 15. The department may transfer funds allocated in this
10 section to the appropriations made in this Act for general
11 administration and field operations for resources necessary to
12 implement and operate the services referred to in this section
13 and those funded in the appropriation made in this division of
14 this Act for the family investment program from the general
15 fund of the state.

16 Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

17 1. Moneys credited to the family investment program (FIP)
18 account for the fiscal year beginning July 1, 2010, and
19 ending June 30, 2011, shall be used to provide assistance in
20 accordance with chapter 239B.

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

24 3. The department may transfer funds allocated in
25 this section to the appropriations in this Act for general
26 administration and field operations for resources necessary to
27 implement and operate the services referred to in this section
28 and those funded in the appropriation made in this division of
29 this Act for the family investment program from the general
30 fund of the state.

31 4. Moneys appropriated in this division of this Act and
32 credited to the FIP account for the fiscal year beginning July
33 1, 2010, and ending June 30, 2011, are allocated as follows:

34 a. To be retained by the department of human services to
35 be used for coordinating with the department of human rights

1 to more effectively serve participants in the FIP program and
2 other shared clients and to meet federal reporting requirements
3 under the federal temporary assistance for needy families block
4 grant:

5 \$ 20,000

6 b. To the department of human rights for staffing,
7 administration, and implementation of the family development
8 and self-sufficiency grant program in accordance with section
9 216A.107:

10 \$ 5,397,251

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

15 (2) The department of human rights may continue to implement
16 the family development and self-sufficiency grant program
17 statewide during fiscal year 2010-2011.

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

19 \$ 1,634,400

20 A portion of the moneys allocated for the subaccount may
21 be used for field operations salaries, data management system
22 development, and implementation costs and support deemed
23 necessary by the director of human services in order to
24 administer the FIP diversion program.

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

26 \$ 68,059

27 (1) The department shall amend the food stamp employment and
28 training state plan in order to maximize to the fullest extent
29 permitted by federal law the use of the 50-50 match provisions
30 for the claiming of allowable federal matching funds from the
31 United States department of agriculture pursuant to the federal
32 food stamp employment and training program for providing
33 education, employment, and training services for eligible food
34 assistance program participants, including but not limited to
35 related dependent care and transportation expenses.

1 (2) The department shall implement measures to expand usage
2 of the federal food assistance programs administered by the
3 department and to appropriately determine eligibility for the
4 programs by raising the income limit to the extent allowed
5 under federal requirements and eliminating the asset test. The
6 eligibility determination measures shall include but are not
7 limited to checking applications to identify persons convicted
8 of crimes who are incarcerated in correctional facilities and
9 jails or are otherwise ineligible for food assistance programs
10 under federal requirements for having committed a crime.

11 e. For the JOBS program:

12 \$ 20,652,993

13 5. Of the child support collections assigned under FIP,
14 an amount equal to the federal share of support collections
15 shall be credited to the child support recovery appropriation
16 made 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
23 are 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, food stamp, and medical assistance programs
32 if necessary to comply with federal requirements.

33 Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
34 is appropriated from the general fund of the state to the
35 department of human services for the fiscal year beginning July

1 1, 2010, and ending June 30, 2011, the following amount, or
2 so much thereof as is necessary, to be used for the purpose
3 designated:

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

7 \$ 31,735,539

8 1. Of the funds appropriated in this section, \$8,241,465 is
9 allocated for the JOBS program.

10 2. Of the funds appropriated in this section, \$2,518,271 is
11 allocated for the family development and self-sufficiency grant
12 program.

13 3. Notwithstanding section 8.39, for the fiscal year
14 beginning July 1, 2010, if necessary to meet federal
15 maintenance of effort requirements or to transfer federal
16 temporary assistance for needy families block grant funding
17 to be used for purposes of the federal social services block
18 grant or to meet cash flow needs resulting from delays in
19 receiving federal funding or to implement, in accordance with
20 this division of this Act, activities currently funded with
21 juvenile court services, county, or community moneys and state
22 moneys used in combination with such moneys, the department
23 of human services may transfer funds within or between any
24 of the appropriations made in this division of this Act and
25 appropriations in law for the federal social services block
26 grant to the department for the following purposes, provided
27 that the combined amount of state and federal temporary
28 assistance for needy families block grant funding for each
29 appropriation remains the same before and after the transfer:

- 30 a. For the family investment program.
- 31 b. For child care assistance.
- 32 c. For child and family services.
- 33 d. For field operations.
- 34 e. For general administration.
- 35 f. MH/MR/DD/BI community services (local purchase).

1 This subsection shall not be construed to prohibit the use
2 of existing state transfer authority for other purposes. The
3 department shall report any transfers made pursuant to this
4 subsection to the legislative services agency.

5 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated
6 from the general fund of the state to the department of human
7 services for the fiscal year beginning July 1, 2010, and ending
8 June 30, 2011, the following amount, or so much thereof as is
9 necessary, to be used for the purposes designated:

10 For child support recovery, including salaries, support,
11 maintenance, and miscellaneous purposes, and for not more than
12 the following full-time equivalent positions:

| | |
|----------|---------------|
| 13 | \$ 11,827,414 |
| 14 | FTEs 520.00 |

15 1. The department shall expend up to \$24,329, including
16 federal financial participation, for the fiscal year beginning
17 July 1, 2010, for a child support public awareness campaign.
18 The department and the office of the attorney general shall
19 cooperate in continuation of the campaign. The public
20 awareness campaign shall emphasize, through a variety of
21 media activities, the importance of maximum involvement of
22 both parents in the lives of their children as well as the
23 importance of payment of child support obligations.

24 2. Federal access and visitation grant moneys shall be
25 issued directly to private not-for-profit agencies that provide
26 services designed to increase compliance with the child access
27 provisions of court orders, including but not limited to
28 neutral visitation sites and mediation services.

29 3. The appropriation made to the department for child
30 support recovery may be used throughout the fiscal year in the
31 manner necessary for purposes of cash flow management, and for
32 cash flow management purposes the department may temporarily
33 draw more than the amount appropriated, provided the amount
34 appropriated is not exceeded at the close of the fiscal year.

35 4. With the exception of the funding amount specified,

1 the requirements established under 2001 Iowa Acts, chapter
2 191, section 3, subsection 5, paragraph "c", subparagraph (3),
3 shall be applicable to parental obligation pilot projects for
4 the fiscal year beginning July 1, 2010, and ending June 30,
5 2011. Notwithstanding 441 IAC 100.8, as in effect on June 30,
6 2009, providing for termination of rules relating to the pilot
7 projects the earlier of October 1, 2006, or when legislative
8 authority is discontinued, the rules relating to the pilot
9 projects, as in effect on June 30, 2009, shall remain in effect
10 until June 30, 2011.

11 Sec. 10. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE. In
12 addition to any other appropriation made in this Act for
13 the purposes of the medical assistance program, there is
14 appropriated from the health care trust fund created in section
15 453A.35A to the department of human services for the fiscal
16 year beginning July 1, 2010, and ending June 30, 2011, the
17 following amount, or so much thereof as is necessary, for the
18 purpose designated:

19 For medical assistance reimbursement and associated costs:
20 \$106,916,532

21 Sec. 11. MEDICAL ASSISTANCE. There is appropriated from the
22 general fund of the state to the department of human services
23 for the fiscal year beginning July 1, 2010, and ending June 30,
24 2011, the following amount, or so much thereof as is necessary,
25 to be used for the purpose designated:

26 For medical assistance reimbursement and associated costs
27 as specifically provided in the reimbursement methodologies
28 in effect on June 30, 2010, except as otherwise expressly
29 authorized by law, including reimbursement for abortion
30 services which shall be available under the medical assistance
31 program only for those abortions which are medically necessary:
32 \$421,959,417

33 1. Medically necessary abortions are those performed under
34 any of the following conditions:

35 a. The attending physician certifies that continuing the

1 pregnancy would endanger the life of the pregnant woman.

2 b. The attending physician certifies that the fetus is
3 physically deformed, mentally deficient, or afflicted with a
4 congenital illness.

5 c. The pregnancy is the result of a rape which is reported
6 within 45 days of the incident to a law enforcement agency or
7 public or private health agency which may include a family
8 physician.

9 d. The pregnancy is the result of incest which is reported
10 within 150 days of the incident to a law enforcement agency
11 or public or private health agency which may include a family
12 physician.

13 e. Any spontaneous abortion, commonly known as a
14 miscarriage, if not all of the products of conception are
15 expelled.

16 2. The department shall utilize not more than \$60,000 of
17 the funds appropriated in this section to continue the AIDS/HIV
18 health insurance premium payment program as established in 1992
19 Iowa Acts, Second Extraordinary Session, chapter 1001, section
20 409, subsection 6. Of the funds allocated in this subsection,
21 not more than \$5,000 may be expended for administrative
22 purposes.

23 3. Of the funds appropriated in this Act to the department
24 of public health for addictive disorders, \$950,000 for the
25 fiscal year beginning July 1, 2010, shall be transferred to
26 the department of human services for an integrated substance
27 abuse managed care system. The department shall not assume
28 management of the substance abuse system in place of the
29 managed care contractor unless such a change in approach is
30 specifically authorized in law. The departments of human
31 services and public health shall work together to maintain
32 the level of mental health and substance abuse services
33 provided by the managed care contractor through the Iowa plan
34 for behavioral health. Each department shall take the steps
35 necessary to continue the federal waivers as necessary to

1 maintain the level of services.

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

11 b. Of the funds appropriated in this section, \$100,000
12 shall be used for participation in one or more pilot projects
13 operated by a private provider to allow the individual or
14 individuals to receive service in the community in accordance
15 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
16 (1999), for the purpose of providing medical assistance or
17 other assistance to individuals with special needs who become
18 ineligible to continue receiving services under the early and
19 periodic screening, diagnosis, and treatment program under
20 the medical assistance program due to becoming 21 years of
21 age who have been approved for additional assistance through
22 the department's exception to policy provisions, but who have
23 health care needs in excess of the funding available through
24 the exception to the policy provisions.

25 5. Of the funds appropriated in this section, up to
26 \$3,050,082 may be transferred to the field operations
27 or general administration appropriations in this Act for
28 operational costs associated with Part D of the federal
29 Medicare Prescription Drug Improvement and Modernization Act
30 of 2003, Pub. L. No. 108-173.

31 6. Of the funds appropriated in this section, not more
32 than \$166,600 shall be used to enhance outreach efforts. The
33 department may transfer funds allocated in this subsection to
34 the appropriations in this division of this Act for general
35 administration, the children's health insurance program, or

1 medical contracts, as necessary, to implement the outreach
2 efforts.

3 7. Of the funds appropriated in this section, up to \$442,100
4 may be transferred to the appropriation in this Act for medical
5 contracts to be used for clinical assessment services related
6 to remedial services in accordance with federal law.

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

18 9. It is the intent of the general assembly that the
19 department continue to implement the recommendations of
20 the assuring better child health and development initiative
21 II (ABCDII) clinical panel to the Iowa early and periodic
22 screening, diagnostic, and treatment services healthy mental
23 development collaborative board regarding changes to billing
24 procedures, codes, and eligible service providers.

25 10. Of the funds appropriated in this section, a sufficient
26 amount is allocated to supplement the incomes of residents of
27 nursing facilities, intermediate care facilities for persons
28 with mental illness, and intermediate care facilities for
29 persons with mental retardation, with incomes of less than \$50
30 in the amount necessary for the residents to receive a personal
31 needs allowance of \$50 per month pursuant to section 249A.30A.

32 11. Of the funds appropriated in this section, the following
33 amounts shall be transferred to the appropriations made in this
34 division of this Act for the state mental health institutes:

35 a. Cherokee mental health institute \$ 9,098,425

- 1 b. Clarinda mental health institute \$ 1,977,305
- 2 c. Independence mental health institute \$ 9,045,894
- 3 d. Mount Pleasant mental health institute \$ 5,752,587

4 12. a. Of the funds appropriated in this section,
5 \$7,108,069 is allocated for state match for disproportionate
6 share hospital payment of \$19,133,430 to hospitals that meet
7 both of the following conditions:

8 (1) The hospital qualifies for disproportionate share and
9 graduate medical education payments.

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

14 b. Distribution of the disproportionate share payment
15 shall be made on a monthly basis. The total amount of
16 disproportionate share payments including graduate medical
17 education, enhanced disproportionate share, and Iowa
18 state-owned teaching hospital payments shall not exceed the
19 amount of the state's allotment under Pub. L. No. 102-234.
20 In addition, the total amount of all disproportionate
21 share payments shall not exceed the hospital-specific
22 disproportionate share limits under Pub. L. No. 103-66.

23 13. Of the funds appropriated in this section, up to
24 \$4,601,848 may be transferred to the IowaCare account created
25 in section 249J.24.

26 14. Of the funds appropriated in this section, \$200,000
27 shall be used for the Iowa chronic care consortium pursuant to
28 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
29 Iowa Acts, chapter 179, sections 166 and 167.

30 15. One hundred percent of the nonfederal share of payments
31 to area education agencies that are medical assistance
32 providers for medical assistance-covered services provided to
33 medical assistance-covered children, shall be made from the
34 appropriation made in this section.

35 16. Any new or renewed contract entered into by the

1 department with a third party to administer behavioral health
2 services under the medical assistance program shall provide
3 that any interest earned on payments from the state during
4 the state fiscal year shall be remitted to the department
5 and treated as recoveries to offset the costs of the medical
6 assistance program.

7 17. The department shall continue to implement the
8 provisions in 2007 Iowa Acts, chapter 218, section 124 and
9 section 126, as amended by 2008 Iowa Acts, chapter 1188,
10 section 55, relating to eligibility for certain persons with
11 disabilities under the medical assistance program in accordance
12 with the federal family opportunity Act.

13 18. A portion of the funds appropriated in this section
14 may be transferred to the appropriation in this division of
15 this Act for medical contracts to be used for administrative
16 activities associated with the money follows the person
17 demonstration project.

18 19. Notwithstanding section 8.33, the portion of the
19 funds appropriated in this section that is the result of the
20 application of the increased federal medical assistance match
21 percentage under the federal American Recovery and Reinvestment
22 Act of 2009, to the amount the state pays the federal
23 government as required under the federal Medicare Prescription
24 Drug Improvement and Modernization Act of 2003, known as
25 clawback payments, for the period October 1, 2008, through
26 December 31, 2010, that remains unobligated or unencumbered at
27 the close of the fiscal year, shall not revert to any fund but
28 shall remain available for expenditure for the purposes of the
29 medical assistance program until the close of the succeeding
30 fiscal year.

31 20. The department may transfer any savings generated
32 due to medical assistance program cost containment efforts
33 initiated pursuant to 2010 Iowa Acts, Senate File 2088, if
34 enacted, or executive order 20, issued December 16, 2009, to
35 the medical contracts appropriation made in this division of

1 this Act to defray the increased contract costs associated with
2 implementing such efforts.

3 Sec. 12. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
4 is appropriated from the general fund of the state to the
5 department of human services for the fiscal year beginning July
6 1, 2010, and ending June 30, 2011, the following amount, or
7 so much thereof as is necessary, to be used for the purpose
8 designated:

9 For administration of the health insurance premium payment
10 program, including salaries, support, maintenance, and
11 miscellaneous purposes, and for not more than the following
12 full-time equivalent positions:

| | | |
|----------|------|---------|
| 13 | \$ | 457,210 |
| 14 | FTEs | 17.00 |

15 Sec. 13. MEDICAL CONTRACTS. There is appropriated from the
16 general fund of the state to the department of human services
17 for the fiscal year beginning July 1, 2010, and ending June 30,
18 2011, the following amount, or so much thereof as is necessary,
19 to be used for the purpose designated:

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

| | | |
|----------|------|------------|
| 23 | \$ | 10,413,090 |
| 24 | FTEs | 6.00 |

25 The department of inspections and appeals shall provide all
26 state matching funds for survey and certification activities
27 performed by the department of inspections and appeals.

28 The department of human services is solely responsible for
29 distributing the federal matching funds for such activities.

30 Sec. 14. STATE SUPPLEMENTARY ASSISTANCE.

31 1. There is appropriated from the general fund of the
32 state to the department of human services for the fiscal year
33 beginning July 1, 2010, and ending June 30, 2011, the following
34 amount, or so much thereof as is necessary, to be used for the
35 purpose designated:

1 For the state supplementary assistance program:
2 \$ 18,259,235

3 2. The department shall increase the personal needs
4 allowance for residents of residential care facilities by the
5 same percentage and at the same time as federal supplemental
6 security income and federal social security benefits are
7 increased due to a recognized increase in the cost of living.
8 The department may adopt emergency rules to implement this
9 subsection.

10 3. If during the fiscal year beginning July 1, 2010,
11 the department projects that state supplementary assistance
12 expenditures for a calendar year will not meet the federal
13 pass-through requirement specified in Tit. XVI of the federal
14 Social Security Act, section 1618, as codified in 42 U.S.C.
15 § 1382g, the department may take actions including but not
16 limited to increasing the personal needs allowance for
17 residential care facility residents and making programmatic
18 adjustments or upward adjustments of the residential care
19 facility or in-home health-related care reimbursement rates
20 prescribed in this division of this Act to ensure that federal
21 requirements are met. In addition, the department may make
22 other programmatic and rate adjustments necessary to remain
23 within the amount appropriated in this section while ensuring
24 compliance with federal requirements. The department may adopt
25 emergency rules to implement the provisions of this subsection.

26 Sec. 15. CHILDREN'S HEALTH INSURANCE PROGRAM.

27 1. There is appropriated from the general fund of the
28 state to the department of human services for the fiscal year
29 beginning July 1, 2010, and ending June 30, 2011, the following
30 amount, or so much thereof as is necessary, to be used for the
31 purpose designated:

32 For maintenance of the healthy and well kids in Iowa (hawk-i)
33 program pursuant to chapter 514I, including supplemental dental
34 services, for receipt of federal financial participation under
35 Tit. XXI of the federal Social Security Act, which creates the

1 children's health insurance program:

2 \$ 23,637,040

3 2. Of the funds appropriated in this section, \$128,950 is
4 allocated for continuation of the contract for advertising and
5 outreach with the department of public health and \$90,050 is
6 allocated for other advertising and outreach.

7 3. If the funds appropriated in this section are
8 insufficient to cover the costs of both full coverage services
9 and supplemental dental services, priority in expenditure of
10 funds shall be given to covering the costs of full coverage
11 services.

12 Sec. 16. CHILD CARE ASSISTANCE. There is appropriated
13 from the general fund of the state to the department of human
14 services for the fiscal year beginning July 1, 2010, and ending
15 June 30, 2011, the following amount, or so much thereof as is
16 necessary, to be used for the purpose designated:

17 For child care programs:

18 \$ 32,325,964

19 1. Of the funds appropriated in this section, \$30,956,537
20 shall be used for state child care assistance in accordance
21 with section 237A.13. It is the intent of the general assembly
22 to appropriate sufficient funding for the state child care
23 assistance program for the fiscal year beginning July 1, 2010,
24 in order to avoid establishment of waiting list requirements
25 by the department in the preceding fiscal year in anticipation
26 that enhanced funding under the federal American Recovery and
27 Reinvestment Act of 2009 will not be replaced for the fiscal
28 year beginning July 1, 2010.

29 2. Nothing in this section shall be construed or is
30 intended as or shall imply a grant of entitlement for services
31 to persons who are eligible for assistance due to an income
32 level consistent with the waiting list requirements of section
33 237A.13. Any state obligation to provide services pursuant to
34 this section is limited to the extent of the funds appropriated
35 in this section.

1 3. Of the funds appropriated in this section, \$432,453 is
2 allocated for the statewide program for child care resource
3 and referral services under section 237A.26. A list of the
4 registered and licensed child care facilities operating in the
5 area served by a child care resource and referral service shall
6 be made available to the families receiving state child care
7 assistance in that area.

8 4. Of the funds appropriated in this section, \$936,974
9 is allocated for child care quality improvement initiatives
10 including but not limited to the voluntary quality rating
11 system in accordance with section 237A.30.

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

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

31 7. If a uniform reduction ordered by the governor under
32 section 8.31 or other operation of law, transfer, or federal
33 funding reduction reduces the appropriation made in this
34 section for the fiscal year, the percentage reduction in the
35 amount paid out to or on behalf of the families participating

1 in the state child care assistance program shall be equal to or
2 less than the percentage reduction made for any other purpose
3 payable from the appropriation made in this section and the
4 federal funding relating to it. If there is an unanticipated
5 increase in federal funding provided for state child care
6 assistance, the entire amount of the increase shall be used for
7 state child care assistance payments. If the appropriations
8 made for purposes of the state child care assistance program
9 for the fiscal year are determined to be insufficient, it is
10 the intent of the general assembly to appropriate sufficient
11 funding for the fiscal year in order to avoid establishment of
12 waiting list requirements.

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

20 Sec. 17. JUVENILE INSTITUTIONS. 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, 2010, and ending
23 June 30, 2011, the following amounts, or so much thereof as is
24 necessary, to be used for the purposes designated:

25 1. For operation of the Iowa juvenile home at Toledo and for
26 salaries, support, maintenance, and miscellaneous purposes, and
27 for not more than the following full-time equivalent positions:
28 \$ 6,137,599
29 FTEs 112.10

30 2. For operation of the state training school at Eldora and
31 for salaries, support, maintenance, and miscellaneous purposes,
32 and for not more than the following full-time equivalent
33 positions:
34 \$ 9,451,062
35 FTEs 188.90

1 3. A portion of the moneys appropriated in this section
2 shall be used by the state training school and by the Iowa
3 juvenile home for grants for adolescent pregnancy prevention
4 activities at the institutions in the fiscal year beginning
5 July 1, 2010.

6 Sec. 18. CHILD AND FAMILY SERVICES.

7 1. There is appropriated from the general fund of the
8 state to the department of human services for the fiscal year
9 beginning July 1, 2010, and ending June 30, 2011, the following
10 amount, or so much thereof as is necessary, to be used for the
11 purpose designated:

12 For child and family services:

13 \$ 79,593,023

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

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

32 4. a. Of the funds appropriated in this section, up to
33 \$29,233,006 is allocated as the statewide expenditure target
34 under section 232.143 for group foster care maintenance and
35 services. If the department projects that such expenditures

1 for the fiscal year will be less than the target amount
2 allocated in this lettered paragraph, the department may
3 reallocate the excess to provide additional funding for shelter
4 care or the child welfare emergency services addressed with the
5 allocation for shelter care.

6 b. If at any time after September 30, 2010, annualization
7 of a service area's current expenditures indicates a service
8 area is at risk of exceeding its group foster care expenditure
9 target under section 232.143 by more than 5 percent, the
10 department and juvenile court services shall examine all
11 group foster care placements in that service area in order to
12 identify those which might be appropriate for termination.
13 In addition, any aftercare services believed to be needed
14 for the children whose placements may be terminated shall be
15 identified. The department and juvenile court services shall
16 initiate action to set dispositional review hearings for the
17 placements identified. In such a dispositional review hearing,
18 the juvenile court shall determine whether needed aftercare
19 services are available and whether termination of the placement
20 is in the best interest of the child and the community.

21 5. In accordance with the provisions of section 232.188,
22 the department shall continue the child welfare and juvenile
23 justice funding initiative during fiscal year 2010-2011. Of
24 the funds appropriated in this section, \$1,717,753 is allocated
25 specifically for expenditure for fiscal year 2010-2011 through
26 the decategorization service funding pools and governance
27 boards established pursuant to section 232.188.

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

33 7. a. Notwithstanding section 234.35 or any other provision
34 of law to the contrary, state funding for shelter care shall be
35 limited to \$7,894,147. The department may continue or amend

1 shelter care provider contracts to include the child welfare
2 emergency services for children who might otherwise be served
3 in shelter care that were implemented pursuant to 2008 Iowa
4 Acts, chapter 1187, section 16, subsection 7.

5 b. Of the amount allocated for shelter care services, not
6 more than \$200,000 shall be used for the costs of transporting
7 juveniles needing shelter care services from a local area where
8 there is not a bed available to a location in which a bed is
9 available. In addition, an appropriate amount may be used
10 for wraparound and emergency services to prevent the need for
11 shelter care services, including such services for children
12 who have an immediate need for shelter care services but are
13 ineligible due to income, status, or other requirement. The
14 department shall dispense the funding in a manner that does not
15 impinge upon the availability of beds for eligible children.

16 8. Except for federal funds provided by the federal American
17 Recovery and Reinvestment Act of 2009, federal funds received
18 by the state during the fiscal year beginning July 1, 2010,
19 as the result of the expenditure of state funds appropriated
20 during a previous state fiscal year for a service or activity
21 funded under this section are appropriated to the department
22 to be used as additional funding for services and purposes
23 provided for under this section. Notwithstanding section 8.33,
24 moneys received in accordance with this subsection that remain
25 unencumbered or unobligated at the close of the fiscal year
26 shall not revert to any fund but shall remain available for the
27 purposes designated until the close of the succeeding fiscal
28 year.

29 9. Of the funds appropriated in this section, at least
30 \$3,696,285 shall be used for protective child care assistance.

31 10. a. Of the funds appropriated in this section, up to
32 \$2,062,488 is allocated for the payment of the expenses of
33 court-ordered services provided to juveniles who are under the
34 supervision of juvenile court services, which expenses are a
35 charge upon the state pursuant to section 232.141, subsection

1 4. Of the amount allocated in this lettered paragraph, up to
2 \$1,556,287 shall be made available to provide school-based
3 supervision of children adjudicated under chapter 232, of which
4 not more than \$15,000 may be used for the purpose of training.
5 A portion of the cost of each school-based liaison officer
6 shall be paid by the school district or other funding source as
7 approved by the chief juvenile court officer.

8 b. Of the funds appropriated in this section, up to \$748,985
9 is allocated for the payment of the expenses of court-ordered
10 services provided to children who are under the supervision
11 of the department, which expenses are a charge upon the state
12 pursuant to section 232.141, subsection 4.

13 c. Notwithstanding section 232.141 or any other provision
14 of law to the contrary, the amounts allocated in this
15 subsection shall be distributed to the judicial districts
16 as determined by the state administrator and to the
17 department's service areas as determined by the administrator
18 of the department's division of child and family services. The
19 state court administrator and the division administrator shall
20 make the determination of the distribution amounts on or before
21 June 15, 2010.

22 d. Notwithstanding chapter 232 or any other provision of
23 law to the contrary, a district or juvenile court shall not
24 order any service which is a charge upon the state pursuant
25 to section 232.141 if there are insufficient court-ordered
26 services funds available in the district court or departmental
27 service area distribution amounts to pay for the service. The
28 chief juvenile court officer and the departmental service area
29 manager shall encourage use of the funds allocated in this
30 subsection such that there are sufficient funds to pay for
31 all court-related services during the entire year. The chief
32 juvenile court officers and departmental service area managers
33 shall attempt to anticipate potential surpluses and shortfalls
34 in the distribution amounts and shall cooperatively request the
35 state court administrator or division administrator to transfer

1 funds between the judicial districts' or departmental service
2 areas' distribution amounts as prudent.

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

8 f. Of the funds allocated in this subsection, not more than
9 \$83,000 may be used by the judicial branch for administration
10 of the requirements under this subsection.

11 g. Of the funds allocated in this subsection, \$17,000
12 shall be used by the department of human services to support
13 the interstate commission for juveniles in accordance with
14 the interstate compact for juveniles as provided in section
15 232.173, as enacted by this Act.

16 11. Of the funds appropriated in this section, \$4,522,602 is
17 allocated for juvenile delinquent graduated sanctions services.
18 Any state funds saved as a result of efforts by juvenile court
19 services to earn federal Tit. IV-E match for juvenile court
20 services administration may be used for the juvenile delinquent
21 graduated sanctions services.

22 12. Of the funds appropriated in this section, \$988,285
23 shall be transferred to the department of public health to
24 be used for the child protection center grant program in
25 accordance with section 135.118.

26 13. If the department receives federal approval to
27 implement a waiver under Tit. IV-E of the federal Social
28 Security Act to enable providers to serve children who remain
29 in the children's families and communities, for purposes of
30 eligibility under the medical assistance program, children who
31 participate in the waiver shall be considered to be placed in
32 foster care.

33 14. Of the funds appropriated in this section, \$2,875,281 is
34 allocated for the preparation for adult living program pursuant
35 to section 234.46.

1 15. Of the funds appropriated in this section, \$520,150
2 shall be used for juvenile drug courts. The amount allocated
3 in this subsection shall be distributed as follows:

4 To the judicial branch for salaries to assist with the
5 operation of juvenile drug court programs operated in the
6 following jurisdictions:

| | | |
|----|----------------------------------|------------|
| 7 | a. Marshall county: | |
| 8 | | \$ 62,708 |
| 9 | b. Woodbury county: | |
| 10 | | \$ 125,682 |
| 11 | c. Polk county: | |
| 12 | | \$ 195,892 |
| 13 | d. The third judicial district: | |
| 14 | | \$ 67,934 |
| 15 | e. The eighth judicial district: | |
| 16 | | \$ 67,934 |

17 16. Of the funds appropriated in this section, \$227,306
18 shall be used for the public purpose of providing a grant to
19 a nonprofit human services organization providing services to
20 individuals and families in multiple locations in southwest
21 Iowa and Nebraska for support of a project providing immediate,
22 sensitive support and forensic interviews, medical exams, needs
23 assessments, and referrals for victims of child abuse and their
24 nonoffending family members.

25 17. Of the funds appropriated in this section, \$125,590
26 is allocated for the elevate approach of providing a support
27 network to children placed in foster care.

28 18. Of the funds appropriated in this section, \$202,000 is
29 allocated for use pursuant to section 235A.1 for continuation
30 of the initiative to address child sexual abuse implemented
31 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
32 21.

33 19. Of the funds appropriated in this section, \$630,240 is
34 allocated for the community partnership for child protection
35 sites.

1 20. Of the funds appropriated in this section, \$371,250
2 is allocated for the department's minority youth and family
3 projects under the redesign of the child welfare system.

4 21. Of the funds appropriated in this section, \$300,000
5 is allocated for funding of the state match for the federal
6 substance abuse and mental health services administration
7 (SAMHSA) system of care grant.

8 Sec. 19. ADOPTION SUBSIDY.

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, 2010, and ending June 30, 2011, the following
12 amount, or so much thereof as is necessary, to be used for the
13 purpose designated:

14 For adoption subsidy payments and services:
15 \$ 32,256,896

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

20 3. Except for federal funds provided by the federal American
21 Recovery and Reinvestment Act of 2009, federal funds received
22 by the state during the fiscal year beginning July 1, 2010, as
23 the result of the expenditure of state funds during a previous
24 state fiscal year for a service or activity funded under this
25 section are appropriated to the department to be used as
26 additional funding for the services and activities funded under
27 this section. Notwithstanding section 8.33, moneys received
28 in accordance with this subsection that remain unencumbered or
29 unobligated at the close of the fiscal year shall not revert
30 to any fund but shall remain available for expenditure for the
31 purposes designated until the close of the succeeding fiscal
32 year.

33 Sec. 20. JUVENILE DETENTION HOME FUND. Moneys deposited
34 in the juvenile detention home fund created in section 232.142
35 during the fiscal year beginning July 1, 2010, and ending June

1 30, 2011, are appropriated to the department of human services
2 for the fiscal year beginning July 1, 2010, and ending June 30,
3 2011, for distribution of an amount equal to a percentage of
4 the costs of the establishment, improvement, operation, and
5 maintenance of county or multicounty juvenile detention homes
6 in the fiscal year beginning July 1, 2009. Moneys appropriated
7 for distribution in accordance with this section shall be
8 allocated among eligible detention homes, prorated on the basis
9 of an eligible detention home's proportion of the costs of all
10 eligible detention homes in the fiscal year beginning July
11 1, 2009. The percentage figure shall be determined by the
12 department based on the amount available for distribution for
13 the fund. Notwithstanding section 232.142, subsection 3, the
14 financial aid payable by the state under that provision for the
15 fiscal year beginning July 1, 2010, shall be limited to the
16 amount appropriated for the purposes of this section.

17 Sec. 21. FAMILY SUPPORT SUBSIDY PROGRAM.

18 1. There is appropriated from the general fund of the
19 state to the department of human services for the fiscal year
20 beginning July 1, 2010, and ending June 30, 2011, the following
21 amount, or so much thereof as is necessary, to be used for the
22 purpose designated:

23 For the family support subsidy program:

24 \$ 1,167,998

25 2. The department shall use at least \$289,444 of the moneys
26 appropriated in this section for the family support center
27 component of the comprehensive family support program under
28 section 225C.47. Not more than \$25,000 of the amount allocated
29 in this subsection shall be used for administrative costs.

30 3. If at any time during the fiscal year, the amount of
31 funding available for the family support subsidy program
32 is reduced from the amount initially used to establish the
33 figure for the number of family members for whom a subsidy
34 is to be provided at any one time during the fiscal year,
35 notwithstanding section 225C.38, subsection 2, the department

1 shall revise the figure as necessary to conform to the amount
2 of funding available.

3 Sec. 22. CONNER DECREE. There is appropriated from the
4 general fund of the state to the department of human services
5 for the fiscal year beginning July 1, 2010, and ending June 30,
6 2011, the following amount, or so much thereof as is necessary,
7 to be used for the purpose designated:

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

12 \$ 33,622

13 Sec. 23. MENTAL HEALTH INSTITUTES.

14 1. There is appropriated from the general fund of the
15 state to the department of human services for the fiscal year
16 beginning July 1, 2010, and ending June 30, 2011, the following
17 amounts, or so much thereof as is necessary, to be used for the
18 purposes designated:

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

22 \$ 4,796,979

23 FTEs 202.66

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

27 \$ 5,554,698

28 FTEs 106.73

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

32 \$ 8,425,653

33 FTEs 265.47

34 d. For the state mental health institute at Mount Pleasant
35 for salaries, support, maintenance, and miscellaneous purposes,

1 and for not more than the following full-time equivalent
2 positions:

| | | |
|---------|------|-----------|
| 3 | \$ | 1,563,175 |
| 4 | FTEs | 111.64 |

5 2. The department, as part of efforts to develop and
6 implement the comprehensive mental health and disability
7 services plan as provided in section 225C.6B, shall review
8 services provided by or offered at the state mental health
9 institutes and may modify such services to further the plan and
10 provide cost-effective and necessary services.

11 Sec. 24. STATE RESOURCE CENTERS.

12 1. There is appropriated from the general fund of the
13 state to the department of human services for the fiscal year
14 beginning July 1, 2010, and ending June 30, 2011, the following
15 amounts, or so much thereof as is necessary, to be used for the
16 purposes designated:

| | |
|---|---------------|
| 17 a. For the state resource center at Glenwood for salaries, 18 support, maintenance, and miscellaneous purposes: | |
| 19 | \$ 14,982,839 |

| | |
|---|--------------|
| 20 b. For the state resource center at Woodward for salaries, 21 support, maintenance, and miscellaneous purposes: | |
| 22 | \$ 9,312,271 |

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

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

30 4. If the department's administration and the department
31 of management concur with a finding by a state resource
32 center's superintendent that projected revenues can reasonably
33 be expected to pay the salary and support costs for a new
34 employee position, or that such costs for adding a particular
35 number of new positions for the fiscal year would be less

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

11 5. If existing capacity limitations are reached in
12 operating units, a waiting list is in effect for a service or
13 a special need for which a payment source or other funding
14 is available for the service or to address the special need,
15 and facilities for the service or to address the special need
16 can be provided within the available payment source or other
17 funding, the superintendent of a state resource center may
18 authorize opening not more than two units or other facilities
19 and begin implementing the service or addressing the special
20 need during fiscal year 2010-2011.

21 Sec. 25. MI/MR/DD STATE CASES.

22 1. There is appropriated from the general fund of the
23 state to the department of human services for the fiscal year
24 beginning July 1, 2010, and ending June 30, 2011, the following
25 amount, or so much thereof as is necessary, to be used for the
26 purpose designated:

27 For distribution to counties for state case services
28 for persons with mental illness, mental retardation, and
29 developmental disabilities in accordance with section 331.440:
30 \$ 10,295,207

31 2. For the fiscal year beginning July 1, 2010, and ending
32 June 30, 2011, \$200,000 is allocated for state case services
33 from the amounts appropriated from the fund created in section
34 8.41 to the department of human services from the funds
35 received from the federal government under 42 U.S.C. ch. 6A,

1 subch. XVII, relating to the community mental health center
2 block grant, for the federal fiscal years beginning October
3 1, 2008, and ending September 30, 2009, beginning October 1,
4 2009, and ending September 30, 2010, and beginning October 1,
5 2010, and ending September 30, 2011. The allocation made in
6 this subsection shall be made prior to any other distribution
7 allocation of the appropriated federal funds.

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

13 Sec. 26. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES —
14 COMMUNITY SERVICES FUND. There is appropriated from
15 the general fund of the state to the mental health and
16 developmental disabilities community services fund created in
17 section 225C.7 for the fiscal year beginning July 1, 2010, and
18 ending June 30, 2011, the following amount, or so much thereof
19 as is necessary, to be used for the purpose designated:

20 For mental health and developmental disabilities community
21 services in accordance with this division of this Act:
22 \$ 14,211,100

23 1. Of the funds appropriated in this section, \$14,187,556
24 shall be allocated to counties for funding of community-based
25 mental health and developmental disabilities services. The
26 moneys shall be allocated to a county as follows:

27 a. Fifty percent based upon the county's proportion of the
28 state's population of persons with an annual income which is
29 equal to or less than the poverty guideline established by the
30 federal office of management and budget.

31 b. Fifty percent based upon the county's proportion of the
32 state's general population.

33 2. a. A county shall utilize the funding the county
34 receives pursuant to subsection 1 for services provided to
35 persons with a disability, as defined in section 225C.2.

1 However, no more than 50 percent of the funding shall be used
2 for services provided to any one of the service populations.

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

7 3. Of the funds appropriated in this section, \$23,544
8 shall be used to support the Iowa compass program providing
9 computerized information and referral services for Iowans with
10 disabilities and their families.

11 4. a. Funding appropriated for purposes of the federal
12 social services block grant is allocated for distribution
13 to counties for local purchase of services for persons with
14 mental illness or mental retardation or other developmental
15 disability.

16 b. The funds allocated in this subsection shall be expended
17 by counties in accordance with the county's county management
18 plan approved by the board of supervisors. A county without
19 an approved county management plan shall not receive allocated
20 funds until the county's management plan is approved.

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

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

27 (2) Fifty percent based upon the amount provided to the
28 county for local purchase of services in the preceding fiscal
29 year.

30 5. A county is eligible for funds under this section if the
31 county qualifies for a state payment as described in section
32 331.439.

33 6. The most recent population estimates issued by the United
34 States bureau of the census shall be applied for the population
35 factors utilized in this section.

1 and eligibility determination for low-income families.

2 Sec. 29. GENERAL ADMINISTRATION. There is appropriated
3 from the general fund of the state to the department of human
4 services for the fiscal year beginning July 1, 2010, and ending
5 June 30, 2011, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:

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

| | |
|----------|---------------|
| 10 | \$ 14,227,271 |
| 11 | FTEs 363.00 |

12 1. Of the funds appropriated in this section, \$43,700
13 allocated for the prevention of disabilities policy council
14 established in section 225B.3.

15 2. The department shall report at least monthly to the
16 legislative services agency concerning the department's
17 operational and program expenditures.

18 Sec. 30. CHILDREN'S MENTAL HEALTH AND CHILD WELFARE
19 SERVICES.

20 1. It is the intent of the general assembly to improve
21 coordination and integration of mental health services and
22 outcomes for children, as well as alignment of the services
23 and outcomes with the child welfare system. The department
24 of human services, in collaboration with providers, shall
25 develop a plan for transitioning administration of the remedial
26 services program from fee-for-service approach to the Iowa
27 plan, behavioral health managed care plan. The transition
28 plan shall address specific strategies for improving service
29 coordination for children and adults; establish vendor
30 performance standards; provide a process for ongoing monitoring
31 of quality of care, performance, and quality improvement
32 technical assistance for providers; identify methods and
33 standards for credentialing remedial providers; and provide
34 implementation timeframes.

35 2. The department shall establish a transition committee

1 that includes representatives from departmental staff for
2 Medicaid, child welfare, field, and mental health services,
3 the director of the Iowa plan, the executive director of an
4 organization representing the majority of remedial services
5 providers, and three remedial services providers designated
6 by the executive director of the provider organization. The
7 committee shall develop the plan and manage the transition,
8 if the plan is implemented. The plan shall be developed
9 by December 31, 2010. The department may proceed with
10 implementing the plan over the six month period following
11 December 31, 2010, if the department determines that the plan
12 meets the legislative intent identified in subsection 1.

13 Sec. 31. VOLUNTEERS. There is appropriated from the general
14 fund of the state to the department of human services for the
15 fiscal year beginning July 1, 2010, and ending June 30, 2011,
16 the following amount, or so much thereof as is necessary, to be
17 used for the purpose designated:

18 For development and coordination of volunteer services:
19 \$ 84,660

20 Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
21 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
22 DEPARTMENT OF HUMAN SERVICES.

23 1. a. (1) For the fiscal year beginning July 1, 2010,
24 the total state funding amount for the nursing facility budget
25 shall not exceed \$153,126,081.

26 (2) The department, in cooperation with nursing facility
27 representatives, shall review projections for state funding
28 expenditures for reimbursement of nursing facilities on a
29 quarterly basis and the department shall determine if an
30 adjustment to the medical assistance reimbursement rate is
31 necessary in order to provide reimbursement within the state
32 funding amount. Any temporary enhanced federal financial
33 participation that may become available to the Iowa medical
34 assistance program during the fiscal year shall not be used
35 in projecting the nursing facility budget. Notwithstanding

1 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
2 "c", and subsection 3, paragraph "a", subparagraph (2),
3 if the state funding expenditures for the nursing facility
4 budget for the fiscal year beginning July 1, 2010, are
5 projected to exceed the amount specified in subparagraph (1),
6 the department shall adjust the reimbursement for nursing
7 facilities reimbursed under the case-mix reimbursement system
8 to maintain expenditures of the nursing facility budget
9 within the specified amount. The department shall revise such
10 reimbursement as necessary to adjust the annual accountability
11 measures payment in accordance with 2001 Iowa Acts, chapter
12 192, section 4, subsection 4, as amended by 2008 Iowa Acts,
13 chapter 1187, section 33, and as amended by 2009 Iowa Acts,
14 chapter 182, section 33, to implement a pay-for-performance
15 payment.

16 (3) For the fiscal year beginning July 1, 2010, special
17 population nursing facilities shall be reimbursed at the rates
18 in effect on November 30, 2009.

19 b. For the fiscal year beginning July 1, 2010, the
20 department shall reimburse pharmacy dispensing fees using a
21 single rate of \$4.34 per prescription or the pharmacy's usual
22 and customary fee, whichever is lower.

23 c. (1) For the fiscal year beginning July 1, 2010,
24 reimbursement rates for outpatient hospital services shall
25 remain at the rates in effect on June 30, 2010.

26 (2) For the fiscal year beginning July 1, 2010,
27 reimbursement rates for inpatient hospital services shall
28 remain at the rates in effect on June 30, 2010. The Iowa
29 hospital association shall submit information to the general
30 assembly's standing committees on government oversight during
31 the 2011 session of the general assembly regarding actions
32 taken to increase compensation and other costs of employment
33 for hospital staff who provide direct care to patients.

34 (3) For the fiscal year beginning July 1, 2010, the graduate
35 medical education and disproportionate share hospital fund

1 shall remain at the amount in effect on June 30, 2010.

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

8 d. For the fiscal year beginning July 1, 2010, reimbursement
9 rates for rural health clinics, hospices, independent
10 laboratories, rehabilitation agencies, and acute mental
11 hospitals shall be increased in accordance with increases under
12 the federal Medicare program or as supported by their Medicare
13 audited costs.

14 e. For the fiscal year beginning July 1, 2010, reimbursement
15 rates for home health agencies shall remain at the rates in
16 effect on June 30, 2010, not to exceed a home health agency's
17 actual allowable cost.

18 f. For the fiscal year beginning July 1, 2010, federally
19 qualified health centers shall receive cost-based reimbursement
20 for 100 percent of the reasonable costs for the provision of
21 services to recipients of medical assistance.

22 g. For the fiscal year beginning July 1, 2010, the
23 reimbursement rates for dental services shall remain at the
24 rates in effect on June 30, 2010.

25 h. For the fiscal year beginning July 1, 2010, state-owned
26 psychiatric medical institutions for children shall receive
27 cost-based reimbursement for 100 percent of the actual and
28 allowable costs for the provision of services to recipients of
29 medical assistance. For nonstate-owned psychiatric medical
30 institutions for children, reimbursement shall be determined in
31 accordance with section 249A.31.

32 i. For the fiscal year beginning July 1, 2010, unless
33 otherwise specified in this Act, all noninstitutional medical
34 assistance provider reimbursement rates shall remain at the
35 rates in effect on June 30, 2010, except for area education

1 agencies, local education agencies, infant and toddler services
2 providers, targeted case management, and those providers
3 whose rates are required to be determined pursuant to section
4 249A.20.

5 j. Notwithstanding any provision to the contrary, for the
6 fiscal year beginning July 1, 2010, the reimbursement rate for
7 anesthesiologists shall remain at the rate in effect on June
8 30, 2010.

9 k. Notwithstanding section 249A.20, for the fiscal year
10 beginning July 1, 2010, the average reimbursement rate for
11 health care providers eligible for use of the federal Medicare
12 resource-based relative value scale reimbursement methodology
13 under that section shall remain at the rate in effect on June
14 30, 2010; however, this rate shall not exceed the maximum level
15 authorized by the federal government.

16 l. For the fiscal year beginning July 1, 2010, the
17 reimbursement rate for residential care facilities shall not
18 be less than the minimum payment level as established by the
19 federal government to meet the federally mandated maintenance
20 of effort requirement. The flat reimbursement rate for
21 facilities electing not to file semiannual cost reports shall
22 not be less than the minimum payment level as established
23 by the federal government to meet the federally mandated
24 maintenance of effort requirement.

25 m. For the fiscal year beginning July 1, 2010, inpatient
26 mental health services provided at hospitals shall remain at
27 the rates in effect on June 30, 2010, subject to Medicaid
28 program upper payment limit rules; community mental health
29 centers and providers of mental health services to county
30 residents pursuant to a waiver approved under section 225C.7,
31 subsection 3, shall be reimbursed at 100 percent of the
32 reasonable costs for the provision of services to recipients of
33 medical assistance; and psychiatrists shall be reimbursed at
34 the medical assistance program fee for service rate.

35 n. For the fiscal year beginning July 1, 2010, the

1 reimbursement rate for consumer-directed attendant care shall
2 remain at the rates in effect on June 30, 2010.

3 o. For the fiscal year beginning July 1, 2010, the
4 reimbursement rate for providers of family planning services
5 that are eligible to receive a 90 percent federal match shall
6 remain at the rates in effect on January 31, 2010.

7 p. Unless otherwise provided in this section, the
8 department shall continue the reduction in payments to medical
9 assistance program providers for the fiscal year beginning
10 July 1, 2010, and ending June 30, 2011, in the percentage
11 amount applicable to the respective provider as specified under
12 Executive Order 19.

13 2. For the fiscal year beginning July 1, 2010, the
14 reimbursement rate for providers reimbursed under the
15 in-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
22 by 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, 2010,
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 \$15.54, the rate for
30 children ages 6 through 11 years shall be \$16.16, the rate for
31 children ages 12 through 15 years shall be \$17.69, 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, 2010, 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, 2010, 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, 2010, 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,
11 the provider's reimbursement rate may be adjusted to reflect
12 the loss of income, provided that the lost income was used to
13 support actual and allowable costs of a service purchased under
14 a purchase of service contract.

15 6. For the fiscal year beginning July 1, 2010, the
16 reimbursement rates for family-centered service providers,
17 family foster care service providers, group foster care service
18 providers, and the resource family recruitment and retention
19 contractor shall remain at the rates in effect on June 30,
20 2010.

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 for
24 in-state providers, unless the director of human services or
25 the director's designee determines that appropriate care cannot
26 be provided within the state. The payment of the daily rate
27 shall be based on the number of days in the calendar month in
28 which service is provided.

29 8. For the fiscal year beginning July 1, 2010, remedial
30 service providers shall receive the same level of reimbursement
31 under the same methodology in effect on June 30, 2010.

32 9. a. For the fiscal year beginning July 1, 2010,
33 the combined service and maintenance components of the
34 reimbursement rate paid for shelter care services and
35 alternative child welfare emergency services purchased under

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

7 b. Notwithstanding section 232.141, subsection 8, for the
8 fiscal year beginning July 1, 2010, the amount of the statewide
9 average of the actual and allowable rates for reimbursement of
10 juvenile shelter care homes that is utilized for the limitation
11 on recovery of unpaid costs shall remain at the amount in
12 effect for this purpose in the preceding fiscal year.

13 10. For the fiscal year beginning July 1, 2010, the
14 department shall calculate reimbursement rates for intermediate
15 care facilities for persons with mental retardation at the
16 80th percentile. Beginning July 1, 2010, the rate calculation
17 methodology shall utilize the consumer price index inflation
18 factor applicable to the fiscal year beginning July 1, 2010.

19 11. For the fiscal year beginning July 1, 2010, for child
20 care providers reimbursed under the state child care assistance
21 program, the department shall set provider reimbursement
22 rates based on the rate reimbursement survey completed in
23 December 2004. Effective July 1, 2010, the child care provider
24 reimbursement rates shall remain at the rates in effect on June
25 30, 2010. The department shall set rates in a manner so as
26 to provide incentives for a nonregistered provider to become
27 registered by applying the increase only to registered and
28 licensed providers.

29 12. For the fiscal year beginning July 1, 2010,
30 reimbursements for providers reimbursed by the department of
31 human services may be modified if appropriated funding is
32 allocated for that purpose from the senior living trust fund
33 created in section 249H.4.

34 13. The department may adopt emergency rules to implement
35 this section.

1 Sec. 33. EMERGENCY RULES.

2 1. If specifically authorized by a provision of this
3 division of this Act, the department of human services or the
4 mental health, mental retardation, developmental disabilities,
5 and brain injury commission may adopt administrative rules
6 under section 17A.4, subsection 3, and section 17A.5,
7 subsection 2, paragraph "b", to implement the provisions and
8 the rules shall become effective immediately upon filing or
9 on a later effective date specified in the rules, unless the
10 effective date is delayed by the administrative rules review
11 committee. Any rules adopted in accordance with this section
12 shall not take effect before the rules are reviewed by the
13 administrative rules review committee. The delay authority
14 provided to the administrative rules review committee under
15 section 17A.4, subsection 7, and section 17A.8, subsection 9,
16 shall be applicable to a delay imposed under this section,
17 notwithstanding a provision in those sections making them
18 inapplicable to section 17A.5, subsection 2, paragraph "b".
19 Any rules adopted in accordance with the provisions of this
20 section shall also be published as notice of intended action
21 as provided in section 17A.4.

22 2. If during the fiscal year beginning July 1, 2010, the
23 department of human services is adopting rules in accordance
24 with this section or as otherwise directed or authorized by
25 state law, and the rules will result in an expenditure increase
26 beyond the amount anticipated in the budget process or if the
27 expenditure was not addressed in the budget process for the
28 fiscal year, the department shall notify the persons designated
29 by this division of this Act for submission of reports,
30 the chairpersons and ranking members of the committees on
31 appropriations, and the department of management concerning the
32 rules and the expenditure increase. The notification shall be
33 provided at least 30 calendar days prior to the date notice of
34 the rules is submitted to the administrative rules coordinator
35 and the administrative code editor.

1 Sec. 34. REPORTS. Any reports or information required to be
2 compiled and submitted under this Act shall be submitted to the
3 chairpersons and ranking members of the joint appropriations
4 subcommittee on health and human services, the legislative
5 services agency, and the legislative caucus staffs on or
6 before the dates specified for submission of the reports or
7 information.

8 Sec. 35. EFFECTIVE DATE. The following provisions of this
9 division of this Act, being deemed of immediate importance,
10 take effect upon enactment:

11 The provision under the appropriation for child and family
12 services, relating to requirements of section 232.143 for
13 representatives of the department of human services and
14 juvenile court services to establish a plan for continuing
15 group foster care expenditures for fiscal year 2010-2011.

16 DIVISION V

17 SENIOR LIVING TRUST FUND,
18 PHARMACEUTICAL SETTLEMENT ACCOUNT,
19 IOWACARE ACCOUNT, AND HEALTH CARE
20 TRANSFORMATION ACCOUNT

21 Sec. 36. DEPARTMENT ON AGING. There is appropriated from
22 the senior living trust fund created in section 249H.4 to the
23 department on aging for the fiscal year beginning July 1, 2010,
24 and ending June 30, 2011, the following amount, or so much
25 thereof as is necessary, to be used for the purpose designated:

26 For the development and implementation of a comprehensive
27 senior living program, including case management and
28 including program administration and costs associated with
29 implementation:

30 \$ 8,486,698

31 1. a. Of the funds appropriated in this section, \$1,010,000
32 shall be transferred to the department of human services in
33 equal amounts on a quarterly basis for reimbursement of case
34 management services provided under the medical assistance
35 elderly waiver.

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

18 2. Notwithstanding section 249H.7, the department on aging
19 shall distribute funds appropriated in this section in a
20 manner that will supplement and maximize federal funds under
21 the federal Older Americans Act and shall not use the amount
22 distributed for any administrative purposes of either the
23 department on aging or the area agencies on aging.

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

30 4. Of the funds appropriated in this section, \$51,000 shall
31 be used to provide funding for the legal hotline for older
32 Iowans.

33 5. Of the funds appropriated in this section, \$193,000
34 shall be used to provide state matching funds for the senior
35 community services employment program.

1 Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS. There
2 is appropriated from the senior living trust fund created in
3 section 249H.4 to the department of inspections and appeals for
4 the fiscal year beginning July 1, 2010, and ending June 30,
5 2011, the following amount, or so much thereof as is necessary,
6 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. 38. 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, 2010, and ending June 30, 2011, the following amount, or
15 so 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 nursing
22 facility level of care for home and community-based services
23 waiver services as in effect on July 1, 2010, and to those
24 individuals who are eligible for the federal money follows the
25 person grant program under the medical assistance program. Of
26 the funds appropriated in this section, not more than \$35,000
27 may be used for administrative costs.

28 Sec. 39. DEPARTMENT OF HUMAN SERVICES. Any funds remaining
29 in the senior living trust fund created in section 249H.4
30 following the appropriations from the senior living trust
31 fund made in this division of this Act to the department on
32 aging, the department of inspections and appeals, and the Iowa
33 finance authority, for the fiscal year beginning July 1, 2010,
34 and ending June 30, 2011, are appropriated to the department
35 of human services to supplement the medical assistance

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

6 Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
7 appropriated from the pharmaceutical settlement account created
8 in section 249A.33 to the department of human services for the
9 fiscal year beginning July 1, 2010, and ending June 30, 2011,
10 the following amount, or so much thereof as is necessary, to be
11 used for the purpose designated:

12 To supplement the appropriations made for medical contracts
13 under the medical assistance program:
14 \$ 3,298,191

15 Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.

16 1. There is appropriated from the IowaCare account
17 created 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, 2010, and ending June 30,
20 2011, the following amount, or so much thereof as is necessary,
21 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 pregnancy
31 clinic except for the performance of medically necessary
32 abortions. For the purpose of this subsection, an abortion is
33 the purposeful interruption of pregnancy with the intention
34 other than to produce a live-born infant or to remove a dead
35 fetus, and a medically necessary abortion is one performed

1 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 reported
8 within 45 days of the incident to a law enforcement agency or
9 public or private health agency which may include a family
10 physician.

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

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

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

21 2. There is appropriated from the IowaCare account
22 created in section 249J.24 to the state board of regents for
23 distribution to the university of Iowa hospitals and clinics
24 for the fiscal year beginning July 1, 2010, and ending June 30,
25 2011, the following amount, or so much thereof as is necessary,
26 to be used for the purposes designated:

27 For salaries, support, maintenance, equipment, and
28 miscellaneous purposes, 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 \$ 49,020,031

33 Notwithstanding any provision of law to the contrary, the
34 amount appropriated in this subsection shall be distributed
35 based on claims submitted, adjudicated, and paid by the Iowa

1 Medicaid enterprise.

2 3. There is appropriated from the IowaCare account created
3 in section 249J.24 to the department of human services for the
4 fiscal year beginning July 1, 2010, and ending June 30, 2011,
5 the following amount, or so much thereof as is necessary, to be
6 used for the purposes designated:

7 For distribution to a publicly owned acute care teaching
8 hospital located in a county with a population over 350,000 for
9 the provision of medical and surgical treatment of indigent
10 patients, for provision of services to members of the expansion
11 population pursuant to chapter 249J, and for medical education:
12 \$ 51,000,000

13 a. Notwithstanding any provision of law to the contrary,
14 the amount appropriated in this subsection shall be distributed
15 based on claims submitted, adjudicated, and paid by the Iowa
16 Medicaid enterprise plus a monthly disproportionate share
17 hospital payment. Any amount appropriated in this subsection
18 in excess of \$48,000,000 shall be distributed only if the sum
19 of the expansion population claims adjudicated and paid by the
20 Iowa Medicaid enterprise plus the estimated disproportionate
21 share hospital payments exceeds \$48,000,000. The amount paid
22 in excess of \$48,000,000 shall not adjust the original monthly
23 payment amount but shall be distributed monthly based on actual
24 claims adjudicated and paid by the Iowa Medicaid enterprise
25 plus the estimated disproportionate share hospital amount. Any
26 amount appropriated in this subsection in excess of \$48,000,000
27 shall be allocated only if federal funds are available to match
28 the amount allocated.

29 b. Notwithstanding the total amount of proceeds distributed
30 pursuant to section 249J.24, subsection 6, paragraph "a",
31 unnumbered paragraph 1, for the fiscal year beginning July
32 1, 2010, and ending June 30, 2011, the county treasurer of a
33 county with a population of over 350,000 in which a publicly
34 owned acute care teaching hospital is located shall distribute
35 the proceeds collected pursuant to section 347.7 in a total

1 amount of \$38,000,000, which would otherwise be distributed to
2 the county hospital, to the treasurer of state for deposit in
3 the IowaCare account.

4 c. (1) Notwithstanding the amount collected and
5 distributed for deposit in the IowaCare account pursuant to
6 section 249J.24, subsection 6, paragraph "a", subparagraph
7 (1), the first \$19,000,000 in proceeds collected pursuant to
8 section 347.7 between July 1, 2010, and December 31, 2010,
9 shall be distributed to the treasurer of state for deposit in
10 the IowaCare account and collections during this time period in
11 excess of \$19,000,000 shall be distributed to the acute care
12 teaching hospital identified in this subsection.

13 (2) Notwithstanding the amount collected and distributed
14 for deposit in the IowaCare account pursuant to section
15 249J.24, subsection 6, paragraph "a", subparagraph (2),
16 the first \$19,000,000 in collections pursuant to section
17 347.7 between January 1, 2011, and June 30, 2011, shall be
18 distributed to the treasurer of state for deposit in the
19 IowaCare account and collections during this time period in
20 excess of \$19,000,000 shall be distributed to the acute care
21 teaching hospital identified in this subsection.

22 Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
23 TRANSFORMATION — DEPARTMENT OF HUMAN SERVICES.

24 Notwithstanding any provision to the contrary, there is
25 appropriated from the account for health care transformation
26 created in section 249J.23 to the department of human services
27 for the fiscal year beginning July 1, 2010, and ending June
28 30, 2011, the following amounts, or so much thereof as is
29 necessary, to be used for the purposes designated:

- 30 1. For the costs of medical examinations for the expansion
31 population pursuant to section 249J.6:
32 \$ 556,800
- 33 2. For the provision of an IowaCare nurse helpline for the
34 expansion population as provided in section 249J.6:
35 \$ 100,000

1 3. For other health promotion partnership activities
2 pursuant to section 249J.14:
3 \$ 600,000
4 4. For the costs related to audits, performance
5 evaluations, and studies required pursuant to chapter 249J:
6 \$ 125,000
7 5. For administrative costs associated with chapter 249J:
8 \$ 1,132,412
9 6. For planning and development, in cooperation with the
10 department of public health, of a phased-in program to provide
11 a dental home for children in accordance with section 249J.14:
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 medical contracts:
19 \$ 1,300,000
20 9. For payment to the publicly owned acute care teaching
21 hospital located in a county with a population of over 350,000
22 that is a participating provider pursuant to chapter 249J:
23 \$ 290,000
24 Disbursements under this subsection shall be made monthly.
25 The hospital shall submit a report following the close of the
26 fiscal year regarding use of the funds appropriated in this
27 subsection to the persons specified in this Act to receive
28 reports.
29 Notwithstanding section 8.39, subsection 1, without the
30 prior written consent and approval of the governor and the
31 director of the department of management, the director of human
32 services may transfer funds among the appropriations made in
33 this section as necessary to carry out the purposes of the
34 account for health care transformation. The department shall
35 report any transfers made pursuant to this section to the

1 legislative services agency.

2 Sec. 43. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR
3 FY 2011-2012. Notwithstanding any section 8.33, if moneys
4 appropriated for purposes of the medical assistance program for
5 the fiscal year beginning July 1, 2010, and ending June 30,
6 2011, from the general fund of the state, the senior living
7 trust fund, and the health care trust fund, are in excess of
8 actual expenditures for the medical assistance program and
9 remain unencumbered or unobligated at the close of the fiscal
10 year, the excess moneys shall not revert but shall remain
11 available for expenditure for the purposes of the medical
12 assistance program until the close of the succeeding fiscal
13 year.

14 DIVISION VI
15 MH/MR/DD SERVICES
16 ALLOWED GROWTH FUNDING
17 FY 2010-2011

18 Sec. 44. 2009 Iowa Acts, chapter 179, section 1, is amended
19 to read as follows:

20 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
21 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND
22 ALLOCATIONS — FISCAL YEAR 2010-2011.

23 ~~1-~~ There is appropriated from the general fund of the
24 state to the department of human services for the fiscal year
25 beginning July 1, 2010, and ending June 30, 2011, the following
26 amount, or so much thereof as is necessary, to be used for the
27 purpose designated:

28 For distribution to counties of the county mental health,
29 mental retardation, and developmental disabilities allowed
30 growth factor adjustment for fiscal year 2010-2011 as provided
31 in this section in lieu of the allowed growth factor provisions
32 of section 331.438, subsection 2, and section 331.439,
33 subsection 3, and chapter 426B:

34 \$ ~~62,157,491~~
35 48,697,893

1 ~~2. The amount appropriated in this section shall be~~
2 ~~allocated as provided in a later enactment of the general~~
3 ~~assembly.~~

4 Sec. 45. 2009 Iowa Acts, chapter 179, section 1, as
5 amended by this division of this Act, is amended by adding the
6 following new subsections:

7 NEW SUBSECTION. 1. Of the amount appropriated in this
8 section, \$146,750 shall be used for assistance to the counties
9 with limited county mental health, mental retardation, and
10 developmental disabilities services fund balances which were
11 selected in accordance with 2000 Iowa Acts, chapter 1221,
12 section 3, to receive such assistance, in the same amount
13 provided during the fiscal year beginning July 1, 2000,
14 and ending June 30, 2001, to pay reimbursement increases in
15 accordance with 2000 Iowa Acts, chapter 1221, section 3.

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

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

21 (1) The county is levying for the maximum amount allowed
22 for the county's mental health, mental retardation, and
23 developmental disabilities services fund under section 331.424A
24 for taxes due and payable in the fiscal year beginning July 1,
25 2010, or the county is levying for at least 90 percent of the
26 maximum amount allowed for the county's services fund and that
27 levy rate is more than \$2 per \$1,000 of the assessed value of
28 all taxable property in the county.

29 (2) In the fiscal year beginning July 1, 2008, the
30 county's mental health, mental retardation, and developmental
31 disabilities services fund ending balance under generally
32 accepted accounting principles was equal to or less than 15
33 percent of the county's actual gross expenditures for that
34 fiscal year.

35 b. A county's allocation of the amount appropriated in

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

7 c. The allocations made pursuant to this subsection
8 are subject to the distribution provisions and withholding
9 requirements established in this section for the county mental
10 health, mental retardation, and developmental disabilities
11 allowed growth factor adjustment for the fiscal year beginning
12 July 1, 2010.

13 NEW SUBSECTION. 3. The following amount of the funding
14 appropriated in this section is the allowed growth factor
15 adjustment for fiscal year 2010-2011, and shall be credited to
16 the allowed growth funding pool created in the property tax
17 relief fund and for distribution in accordance with section
18 426B.5, subsection 1:

19 \$ 36,551,143

20 NEW SUBSECTION. 4. The following formula amounts shall be
21 utilized only to calculate preliminary distribution amounts for
22 the allowed growth factor adjustment for fiscal year 2010-2011
23 under this section by applying the indicated formula provisions
24 to the formula amounts and producing a preliminary distribution
25 total for each county:

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

30 \$ 49,626,596

31 b. For calculation of a distribution amount for counties
32 from the mental health and developmental disabilities (MH/DD)
33 community services fund in accordance with the formula provided
34 in the appropriation made for the MH/DD community services fund
35 for the fiscal year beginning July 1, 2010:

1 \$ 14,187,556

2 NEW SUBSECTION. 5. a. After applying the applicable
3 statutory distribution formulas to the amounts indicated in
4 subsection 4 for purposes of producing preliminary distribution
5 totals, the department of human services shall apply a
6 withholding factor to adjust an eligible individual county's
7 preliminary distribution total. In order to be eligible for
8 a distribution under this section, a county must be levying
9 90 percent or more of the maximum amount allowed for the
10 county's mental health, mental retardation, and developmental
11 disabilities services fund under section 331.424A for taxes due
12 and payable in the fiscal year for which the distribution is
13 payable.

14 b. An ending balance percentage for each county shall
15 be determined by expressing the county's ending balance on a
16 modified accrual basis under generally accepted accounting
17 principles for the fiscal year beginning July 1, 2008, in the
18 county's mental health, mental retardation, and developmental
19 disabilities services fund created under section 331.424A, as a
20 percentage of the county's gross expenditures from that fund
21 for that fiscal year. If a county borrowed moneys for purposes
22 of providing services from the county's services fund on or
23 before July 1, 2008, and the county's services fund ending
24 balance for that fiscal year includes the loan proceeds or an
25 amount designated in the county budget to service the loan for
26 the borrowed moneys, those amounts shall not be considered
27 to be part of the county's ending balance for purposes of
28 calculating an ending balance percentage under this subsection.

29 c. For purposes of calculating withholding factors and for
30 ending balance amounts used for other purposes under law, the
31 county ending balances shall be adjusted, using forms developed
32 for this purpose by the county finance committee, to disregard
33 the temporary funding increase provided to the counties for
34 the fiscal year through the federal American Recovery and
35 Reinvestment Act of 2009, Pub. L. No. 111-5. In addition,

1 a county may adjust the ending balance amount by rebating to
2 the department all or a portion of the allowed growth and
3 MH/DD services fund moneys the county received for the fiscal
4 year beginning July 1, 2009, in accordance with 2008 Iowa
5 Acts, chapter 1191, as amended by 2009 Iowa Acts, chapter 182,
6 section 55, or from any other services fund moneys available
7 to the county. The rebate must be remitted to the department
8 on or before June 1, 2009, in order to be counted. The amount
9 rebated by a county shall be subtracted dollar-for-dollar
10 from the county's ending balance amount for the fiscal year
11 beginning July 1, 2008, for purposes of calculating the
12 withholding factor and for other ending balance purposes for
13 the fiscal year beginning July 1, 2010. The rebates received
14 by the department shall be credited to the risk pool in the
15 property tax relief fund.

16 d. The withholding factor for a county shall be the
17 following applicable percent:

18 (1) For an ending balance percentage of less than 5
19 percent, a withholding factor of 0 percent. In addition,
20 a county that is subject to this lettered paragraph shall
21 receive an inflation adjustment equal to 3 percent of the gross
22 expenditures reported for the county's services fund for the
23 fiscal year.

24 (2) For an ending balance percentage of 5 percent or more
25 but less than 10 percent, a withholding factor of 0 percent.
26 In addition, a county that is subject to this lettered
27 paragraph shall receive an inflation adjustment equal to 2
28 percent of the gross expenditures reported for the county's
29 services fund for the fiscal year.

30 (3) For an ending balance percentage of 10 percent or more
31 but less than 25 percent, a withholding factor of 25 percent.
32 However, for counties with an ending balance percentage of 10
33 percent or more but less than 15 percent, the amount withheld
34 shall be limited to the amount by which the county's ending
35 balance was in excess of the ending balance percentage of 10

1 percent.

2 (4) For an ending balance percentage of 25 percent or more,
3 a withholding percentage of 100 percent.

4 NEW SUBSECTION. 6. The total withholding amounts applied
5 pursuant to subsection 5 shall be equal to a withholding target
6 amount of \$13,075,453. If the department of human services
7 determines that the amount to be withheld in accordance with
8 subsection 6 is not equal to the target withholding amount,
9 the department shall adjust the withholding factors listed in
10 subsection 6 as necessary to achieve the target withholding
11 amount. However, in making such adjustments to the withholding
12 factors, the department shall strive to minimize changes to
13 the withholding factors for those ending balance percentage
14 ranges that are lower than others and shall not adjust the
15 zero withholding factor or the inflation adjustment percentage
16 specified in subsection 5, paragraph "a".

17 DIVISION VII

18 PRIOR APPROPRIATIONS AND

19 RELATED CHANGES

20 CERTIFIED RETIREMENT COMMUNITIES

21 Sec. 46. Section 231.24, subsection 9, Code Supplement
22 2009, is amended to read as follows:

23 9. *Program administration deferral.* ~~If in the fiscal~~
24 ~~year beginning July 1, 2009, the department on aging's~~
25 ~~appropriations or authorized full-time equivalent positions are~~
26 ~~reduced, the~~ The department may defer the implementation of
27 the certified retirement communities program until such time
28 as the department has the resources to administer the program,
29 as determined by the director.

30 AREA AGENCY ON AGING

31 BOARD TRAINING

32 Sec. 47. Section 231.33, subsection 19, Code Supplement
33 2009, is amended by striking the subsection.

34 DEMENTIA TRAINING

35 Sec. 48. 2008 Iowa Acts, chapter 1040, section 3, is amended

1 to read as follows:

2 SEC. 3. IMPLEMENTATION — CONTINGENCY. The department
3 ~~of elder affairs on aging~~ shall implement ~~on or before July~~
4 ~~1, 2010,~~ the initial provisions for expanding and improving
5 training and education of those who regularly deal with persons
6 with Alzheimer's disease and similar forms of irreversible
7 dementia and for providing funding for public awareness efforts
8 and educational efforts in accordance with section 231.62,
9 as enacted by this Act, contingent upon the availability of
10 funding as determined by the director.

11 REGIONAL SERVICE NETWORK

12 PILOT PROJECT

13 Sec. 49. 2008 Iowa Acts, chapter 1187, section 59,
14 subsection 9, paragraph a, is amended to read as follows:

15 a. The department of human services may implement a pilot
16 project for a regional service network established for mental
17 health, mental retardation, and developmental disabilities
18 services paid from the services funds under section 331.424A.
19 The initial term of the pilot project is limited to the
20 ~~two-year~~ period beginning July 1, 2008, and ending June 30,
21 ~~2010~~ 2011.

22 HEALTH CARE COVERAGE

23 EXPANSION

24 Sec. 50. 2008 Iowa Acts, chapter 1188, section 16, as
25 amended by 2009 Iowa Acts, chapter 182, section 84, is amended
26 to read as follows:

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

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

| | | |
|---|--------------------|--------------------------|
| 1 | FY 2008-2009 | \$ 4,800,000 |
| 2 | FY 2009-2010 | \$ 4,207,001 |
| 3 | FY 2010-2011 | \$ 24,800,000 |
| 4 | | <u>10,049,532</u> |

PATIENT DECISION

MAKING — PILOT PROJECT

7 Sec. 51. 2008 Iowa Acts, chapter 1188, section 36,
8 subsection 1, is amended to read as follows:

9 1. The department of public health shall establish a
10 ~~two-year~~ community coalition for patient treatment wishes
11 across the health care continuum pilot project, beginning
12 July 1, 2008, and ending June 30, ~~2010~~ 2011, in a county
13 with a population of between fifty thousand and one hundred
14 thousand. The pilot project shall utilize the process based
15 upon the national physicians orders for life sustaining
16 treatment program initiative, including use of a standardized
17 physician order for scope of treatment form. The process
18 shall require validation of the physician order for scope of
19 treatment form by the signature of an individual other than
20 the patient or the patient's legal representative who is not
21 an employee of the patient's physician. The pilot project may
22 include applicability to chronically ill, frail, and elderly or
23 terminally ill individuals in hospitals licensed pursuant to
24 chapter 135B, nursing facilities or residential care facilities
25 licensed pursuant to chapter 135C, or hospice programs as
26 defined in section 135J.1.

MEDICAID PROGRAMS — PROCESS

REQUIREMENTS

29 Sec. 52. 2009 Iowa Acts, chapter 118, section 38, subsection
30 3, is amended by striking the subsection.

IOWA VETERANS HOME

32 Sec. 53. 2009 Iowa Acts, chapter 182, section 3, subsection
33 2, is amended by adding the following new paragraph:

34 NEW PARAGRAPH. d. The funds appropriated in this subsection
35 to the Iowa veterans home that remain available for expenditure

1 for the succeeding fiscal year pursuant to section 35D.18,
2 subsection 5, shall be distributed to be used in the succeeding
3 fiscal year in accordance with this lettered paragraph. The
4 first \$500,000 shall remain available to be used for the
5 purposes of the Iowa veterans home. On or before October 15,
6 2010, the department of management shall transfer not more than
7 \$1,000,000 to the appropriation to the department of human
8 services for field operations. Any remaining funding shall be
9 used for purposes of the Iowa veterans home.

10 TEMPORARY ASSISTANCE FOR NEEDY
11 FAMILIES BLOCK GRANT

12 Sec. 54. 2009 Iowa Acts, chapter 182, section 5, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. 15. Notwithstanding section 8.33, moneys
15 appropriated in this section that remain unencumbered or
16 unobligated at the close of the fiscal year shall not revert
17 but shall remain available for expenditure for the family
18 investment program until the close of the succeeding fiscal
19 year.

20 BEHAVIORAL HEALTH SERVICES
21 ACCOUNT — MEDICAL ASSISTANCE

22 Sec. 55. 2009 Iowa Acts, chapter 182, section 9, subsection
23 16, paragraph b, is amended to read as follows:

24 b. The department shall continue to maintain a separate
25 account within the medical assistance budget for the deposit
26 of all funds remitted pursuant to a contract with a third
27 party to administer behavioral health services under the
28 medical assistance program established pursuant to 2008 Iowa
29 Acts, chapter 1187, section 9, subsection 20. Notwithstanding
30 section 8.33, other than funds remaining from the appropriation
31 allocations made for implementation of the emergency mental
32 health crisis services and system, for implementation of the
33 mental health services system for children and youth, and
34 for training of child welfare services providers in 2008
35 Iowa Acts, chapter 1187, section 9, subsection 20, paragraph

1 "c", subparagraphs (1), (2), and (6), as authorized in 2009
2 Iowa Acts, chapter 182, section 72, funds remaining in the
3 account that remain unencumbered or unobligated at the end of
4 any the fiscal year shall not revert but shall remain available
5 in succeeding fiscal years and shall be used only in accordance
6 with appropriations from the account for health and human
7 services-related purposes are appropriated to the department to
8 be used for the medical assistance program.

9 STATE SUPPLEMENTARY
10 ASSISTANCE PROGRAM

11 Sec. 56. 2009 Iowa Acts, chapter 182, section 12, is amended
12 by adding the following new subsection:

13 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
14 appropriated in this section that remain unencumbered or
15 unobligated at the close of the fiscal year shall remain
16 available for expenditure for the purposes designated until the
17 close of the succeeding fiscal year.

18 INTELLECTUAL DISABILITIES WAIVER

19 Sec. 57. INTELLECTUAL DISABILITIES WAIVER — STATEWIDE
20 METHODOLOGY. In administering the medical assistance home
21 and community-based services intellectual disability waiver,
22 the total number of openings at any one time shall be limited
23 to the number approved for the waiver by the secretary of the
24 United States department of health and human services and
25 available funding. Beginning July 1, 2010, the department
26 shall implement a statewide method of allocating waiver slots
27 and shall design a methodology for prioritizing the allocation
28 of slots, subject to federal approval. The department
29 shall convene a workgroup to develop criteria to prioritize
30 individuals on the waiting list, subject to federal approval.

31 Sec. 58. EFFECTIVE UPON ENACTMENT. This division of this
32 Act, being deemed of immediate importance, takes effect upon
33 enactment.

34 DIVISION VIII
35 INTERSTATE COMPACT FOR JUVENILES

1 Sec. 59. Section 232.2, subsection 29, Code Supplement
2 2009, is amended to read as follows:

3 29. "Juvenile" means the same as "child". However, in
4 the interstate compact ~~on~~ for juveniles, ~~sections 232.171 and~~
5 ~~232.172~~ section 232.173, "juvenile" means a person defined as a
6 juvenile in the law of a state which is a party to the compact.

7 Sec. 60. Section 232.172, Code 2009, is amended to read as
8 follows:

9 **232.172 Confinement of delinquent juvenile.**

10 1. For a juvenile under the jurisdiction of this state
11 who is subject to the interstate compact for juveniles
12 under section 232.173, the confinement of the juvenile in an
13 institution located within another compacting state shall be
14 as provided under the compact.

15 2. This subsection applies to the confinement of a
16 delinquent juvenile under the jurisdiction of this state in an
17 institution located within a noncompacting state, as defined
18 in section 232.173, that entered into the interstate compact
19 on juveniles under section 232.171, Code 2009. In addition
20 to any institution in which the authorities of this state may
21 otherwise confine or order the confinement of a the delinquent
22 juvenile, such authorities may, pursuant to the out-of-state
23 confinement amendment to the interstate compact on juveniles
24 in Code section 232.171, Code 2009, confine or order the
25 confinement of a the delinquent juvenile in a compact
26 institution within another party state.

27 Sec. 61. NEW SECTION. **232.173 Interstate compact for**
28 **juveniles.**

29 1. *Article I — Purpose.*

30 a. The compacting states to this interstate compact
31 recognize that each state is responsible for the proper
32 supervision or return of juveniles, delinquents, and status
33 offenders who are on probation or parole and who have
34 absconded, escaped, or run away from supervision and control
35 and in so doing have endangered their own safety and the safety

1 of others. The compacting states also recognize that each
2 state is responsible for the safe return of juveniles who have
3 run away from home and in doing so have left their state of
4 residence. The compacting states also recognize that Congress,
5 by enacting the Crime Control Act, 4 U.S.C. § 112 (1965), has
6 authorized and encouraged compacts for cooperative efforts and
7 mutual assistance in the prevention of crime.

8 *b.* It is the purpose of this compact, through means of joint
9 and cooperative action among the compacting states to:

10 (1) Ensure that the adjudicated juveniles and status
11 offenders subject to this compact are provided adequate
12 supervision and services in the receiving state as ordered
13 by the adjudicating judge or parole authority in the sending
14 state.

15 (2) Ensure that the public safety interests of the citizens,
16 including the victims of juvenile offenders, in both the
17 sending and receiving states are adequately protected.

18 (3) Return juveniles who have run away, absconded, or
19 escaped from supervision or control or have been accused of an
20 offense to the state requesting their return.

21 (4) Make contracts for the cooperative institutionalization
22 in public facilities in member states for delinquent youth
23 needing special services.

24 (5) Provide for the effective tracking and supervision of
25 juveniles.

26 (6) Equitably allocate the costs, benefits, and obligations
27 of the compacting states.

28 (7) Establish procedures to manage the movement between
29 states of juvenile offenders released to the community under
30 the jurisdiction of courts, juvenile departments, or any other
31 criminal or juvenile justice agency which has jurisdiction over
32 juvenile offenders.

33 (8) Insure immediate notice to jurisdictions where defined
34 offenders are authorized to travel or to relocate across state
35 lines.

1 (9) Establish procedures to resolve pending charges
2 (detainers) against juvenile offenders prior to transfer or
3 release to the community under the terms of this compact.

4 (10) Establish a system of uniform data collection on
5 information pertaining to juveniles subject to this compact
6 that allows access by authorized juvenile justice and criminal
7 justice officials, and regular reporting of compact activities
8 to heads of state executive, judicial, and legislative branches
9 and juvenile and criminal justice administrators.

10 (11) Monitor compliance with rules governing interstate
11 movement of juveniles and initiate interventions to address and
12 correct noncompliance.

13 (12) Coordinate training and education regarding the
14 regulation of interstate movement of juveniles for officials
15 involved in such activity.

16 (13) Coordinate the implementation and operation of
17 the compact with the interstate compact for the placement
18 of children, the interstate compact for adult offender
19 supervision, and other compacts affecting juveniles
20 particularly in those cases where concurrent or overlapping
21 supervision issues arise.

22 *c.* It is the policy of the compacting states that the
23 activities conducted by the interstate commission created in
24 this compact are the formation of public policies and therefore
25 are public business. Furthermore, the compacting states shall
26 cooperate and observe their individual and collective duties
27 and responsibilities for the prompt return and acceptance of
28 juveniles subject to the provisions of this compact. The
29 provisions of this compact shall be reasonably and liberally
30 construed to accomplish the purposes and policies of the
31 compact.

32 2. *Article II — Definitions.* As used in this compact,
33 unless the context clearly requires a different construction:

34 *a.* "Bylaws" means those bylaws established by the interstate
35 commission for its governance, or for directing or controlling

1 its actions or conduct.

2 *b. "Compact administrator"* means the individual in each
3 compacting state appointed pursuant to the terms of this
4 compact, responsible for the administration and management of
5 the state's supervision and transfer of juveniles subject to
6 the terms of this compact, the rules adopted by the interstate
7 commission, and policies adopted by the state council under
8 this compact.

9 *c. "Compacting state"* means any state which has enacted the
10 enabling legislation for this compact.

11 *d. "Commissioner"* means the voting representative of each
12 compacting state appointed pursuant to article III of this
13 compact.

14 *e. "Court"* means any court having jurisdiction over
15 delinquent, neglected, or dependent children.

16 *f. "Deputy compact administrator"* means the individual,
17 if any, in each compacting state appointed to act on behalf
18 of a compact administrator pursuant to the terms of this
19 compact responsible for the administration and management of
20 the state's supervision and transfer of juveniles subject to
21 the terms of this compact, the rules adopted by the interstate
22 commission, and policies adopted by the state council under
23 this compact.

24 *g. "Interstate commission"* means the interstate commission
25 for juveniles created by article III of this compact.

26 *h. "Juvenile"* means any person defined as a juvenile in
27 any member state or by the rules of the interstate commission,
28 including persons who are any of the following:

29 (1) An accused delinquent, meaning a person charged with
30 an offense that, if committed by an adult, would be a criminal
31 offense.

32 (2) An adjudicated delinquent, meaning a person found to
33 have committed an offense that, if committed by an adult, would
34 be a criminal offense.

35 (3) An accused status offender, meaning a person charged

1 with an offense that would not be a criminal offense if
2 committed by an adult.

3 (4) An adjudicated status offender, meaning a person found
4 to have committed an offense that would not be a criminal
5 offense if committed by an adult.

6 (5) A nonoffender, meaning a person in need of supervision
7 who has not been accused or adjudicated a status offender or
8 delinquent.

9 *i.* "Noncompacting state" means any state which has not
10 enacted the enabling legislation for this compact.

11 *j.* "Probation or parole" means any kind of supervision or
12 conditional release of juveniles authorized under the laws of
13 the compacting states.

14 *k.* "Rule" means a written statement by the interstate
15 commission promulgated pursuant to article VI of this compact
16 that is of general applicability, implements, interprets
17 or prescribes a policy or provision of the compact, or an
18 organizational, procedural, or practice requirement of the
19 commission, and has the force and effect of statutory law in
20 a compacting state, and includes the amendment, repeal, or
21 suspension of an existing rule.

22 *l.* "State" means a state of the United States, the District
23 of Columbia or its designee, the Commonwealth of Puerto Rico,
24 the United States Virgin Islands, Guam, American Samoa, and the
25 Northern Marianas Islands.

26 3. *Article III — Interstate commission for juveniles.*

27 *a.* The compacting states hereby create the interstate
28 commission for juveniles. The commission shall be a body
29 corporate and joint agency of the compacting states. The
30 commission shall have all the responsibilities, powers, and
31 duties set forth in this compact, and such additional powers as
32 may be conferred upon it by subsequent action of the respective
33 legislatures of the compacting states in accordance with the
34 terms of this compact.

35 *b.* The interstate commission shall consist of commissioners

1 appointed by the appropriate appointing authority in
2 each state pursuant to the rules and requirements of each
3 compacting state and in consultation with the state council for
4 interstate juvenile supervision created in this compact. The
5 commissioner shall be the compact administrator, deputy compact
6 administrator, or designee from that state who shall serve on
7 the interstate commission in such capacity under or pursuant to
8 the applicable law of the compacting state.

9 *c.* In addition to the commissioners who are the voting
10 representatives of each state, the interstate commission shall
11 include individuals who are not commissioners, but who are
12 members of interested organizations. Such noncommissioner
13 members must include a member of the national organizations
14 of governors, legislators, state chief justices, attorneys
15 general, interstate compact for adult offender supervision,
16 interstate compact for the placement of children, juvenile
17 justice and juvenile corrections officials, and crime victims.
18 All noncommissioner members of the interstate commission
19 shall be ex officio, nonvoting members. The interstate
20 commission may provide in its bylaws for such additional ex
21 officio, nonvoting members, including members of other national
22 organizations, in such numbers as shall be determined by the
23 commission.

24 *d.* Each compacting state represented at any meeting of
25 the commission is entitled to one vote. A majority of the
26 compacting states shall constitute a quorum for the transaction
27 of business, unless a larger quorum is required by the bylaws
28 of the interstate commission.

29 *e.* The commission shall meet at least once each calendar
30 year. The chairperson may call additional meetings and, upon
31 the request of a simple majority of the compacting states,
32 shall call additional meetings. Public notice shall be given
33 of all meetings and meetings shall be open to the public.

34 *f.* The interstate commission shall establish an executive
35 committee, which shall include commission officers, members,

1 and others as determined by the bylaws. The executive
2 committee shall have the power to act on behalf of the
3 interstate commission during periods when the interstate
4 commission is not in session, with the exception of rulemaking
5 or amendment to the compact. The executive committee shall
6 oversee the day-to-day activities of the administration of
7 the compact managed by an executive director and interstate
8 commission staff; administer enforcement and compliance
9 with the provisions of the compact, its bylaws, and rules;
10 and perform such other duties as directed by the interstate
11 commission or set forth in the bylaws.

12 *g.* Each member of the interstate commission shall have
13 the right and power to cast a vote to which that compacting
14 state is entitled and to participate in the business and
15 affairs of the interstate commission. A member shall vote in
16 person and shall not delegate a vote to another compacting
17 state. However, a commissioner, in consultation with the state
18 council, shall appoint another authorized representative, in
19 the absence of the commissioner from that state, to cast a vote
20 on behalf of the compacting state at a specified meeting. The
21 bylaws may provide for members' participation in meetings by
22 telephone or other means of telecommunication or electronic
23 communication.

24 *h.* The interstate commission's bylaws shall establish
25 conditions and procedures under which the interstate commission
26 shall make its information and official records available
27 to the public for inspection or copying. The interstate
28 commission may exempt from disclosure any information or
29 official records to the extent they would adversely affect
30 personal privacy rights or proprietary interests.

31 *i.* Public notice shall be given of all meetings and all
32 meetings shall be open to the public, except as set forth
33 in the rules or as otherwise provided in the compact. The
34 interstate commission and any of its committees may close a
35 meeting to the public where it determines by two-thirds vote

1 that an open meeting would be likely to:

2 (1) Relate solely to the interstate commission's internal
3 personnel practices and procedures.

4 (2) Disclose matters specifically exempted from disclosure
5 by statute.

6 (3) Disclose trade secrets or commercial or financial
7 information which is privileged or confidential.

8 (4) Involve accusing any person of a crime, or formally
9 censuring any person.

10 (5) Disclose information of a personal nature where
11 disclosure would constitute a clearly unwarranted invasion of
12 personal privacy.

13 (6) Disclose investigative records compiled for law
14 enforcement purposes.

15 (7) Disclose information contained in or related to an
16 examination or operating or condition reports prepared by, or
17 on behalf of or for the use of, the interstate commission with
18 respect to a regulated person or entity for the purpose of
19 regulation or supervision of such person or entity.

20 (8) Disclose information, the premature disclosure of which
21 would significantly endanger the stability of a regulated
22 person or entity.

23 (9) Specifically relate to the interstate commission's
24 issuance of a subpoena, or its participation in a civil action
25 or other legal proceeding.

26 *j.* For every meeting closed pursuant to this provision, the
27 interstate commission's legal counsel shall publicly certify
28 that, in the legal counsel's opinion, the meeting may be closed
29 to the public, and shall reference each relevant exemptive
30 provision. The interstate commission shall keep minutes
31 which shall fully and clearly describe all matters discussed
32 in any meeting and shall provide a full and accurate summary
33 of any actions taken, and the reasons therefore, including a
34 description of each of the views expressed on any item and the
35 record of any roll call vote, reflected in the vote of each

1 member on the question. All documents considered in connection
2 with any action shall be identified in such minutes.

3 *k.* The interstate commission shall collect standardized data
4 concerning the interstate movement of juveniles as directed
5 through its rules which shall specify the data to be collected,
6 the means of collection, and data exchange and reporting
7 requirements. Such methods of data collection, exchange, and
8 reporting shall insofar as is reasonably possible conform to
9 up-to-date technology and coordinate its information functions
10 with the appropriate repository of records.

11 *4. Article IV — Powers and duties of the interstate*
12 *commission.* The commission shall have the following powers and
13 duties:

14 *a.* To provide for dispute resolution among compacting
15 states.

16 *b.* To promulgate rules to effect the purposes and
17 obligations as enumerated in this compact, which shall have the
18 force and effect of statutory law and shall be binding in the
19 compacting states to the extent and in the manner provided in
20 this compact.

21 *c.* To oversee, supervise, and coordinate the interstate
22 movement of juveniles subject to the terms of this compact and
23 any bylaws adopted and rules promulgated by the interstate
24 commission.

25 *d.* To enforce compliance with the compact provisions, the
26 rules promulgated by the interstate commission, and the bylaws,
27 using all necessary and proper means, including but not limited
28 to the use of judicial process.

29 *e.* To establish and maintain offices which shall be located
30 within one or more of the compacting states.

31 *f.* To purchase and maintain insurance and bonds.

32 *g.* To borrow, accept, hire, or contract for services of
33 personnel.

34 *h.* To establish and appoint committees and hire staff
35 which it deems necessary for the carrying out of its functions

1 including but not limited to an executive committee as required
2 by article III which shall have the power to act on behalf of
3 the interstate commission in carrying out its powers and duties
4 hereunder.

5 *i.* To elect or appoint such officers, attorneys, employees,
6 agents, or consultants, and to fix their compensation, define
7 their duties and determine their qualifications; and to
8 establish the interstate commission's personnel policies and
9 programs relating to, inter alia, conflicts of interest, rates
10 of compensation, and qualifications of personnel.

11 *j.* To accept any and all donations and grants of money,
12 equipment, supplies, materials, and services, and to receive,
13 utilize, and dispose of it.

14 *k.* To lease, purchase, accept contributions or donations of,
15 or otherwise to own, hold, improve, or use any property, real,
16 personal, or mixed.

17 *l.* To sell, convey, mortgage, pledge, lease, exchange,
18 abandon, or otherwise dispose of any property, real, personal,
19 or mixed.

20 *m.* To establish a budget and make expenditures and levy
21 dues as provided in article VIII of this compact.

22 *n.* To sue and be sued.

23 *o.* To adopt a seal and bylaws governing the management and
24 operation of the interstate commission.

25 *p.* To perform such functions as may be necessary or
26 appropriate to achieve the purposes of this compact.

27 *q.* To report annually to the legislatures, governors,
28 judiciary, and state councils of the compacting states
29 concerning the activities of the interstate commission during
30 the preceding year. Such reports shall also include any
31 recommendations that may have been adopted by the interstate
32 commission.

33 *r.* To coordinate education, training, and public awareness
34 regarding the interstate movement of juveniles for officials
35 involved in such activity.

1 s. To establish uniform standards of the reporting,
2 collecting, and exchanging of data.

3 t. The interstate commission shall maintain its corporate
4 books and records in accordance with the bylaws.

5 5. *Article V — Organization and operation of the interstate*
6 *commission.*

7 a. *Bylaws.* The interstate commission shall, by a majority
8 of the members present and voting, within twelve months after
9 the first interstate commission meeting, adopt bylaws to govern
10 its conduct as may be necessary or appropriate to carry out the
11 purposes of the compact, including but not limited to all of
12 the following:

13 (1) Establishing the fiscal year of the interstate
14 commission.

15 (2) Establishing an executive committee and such other
16 committees as may be necessary.

17 (3) Provide for the establishment of committees governing
18 any general or specific delegation of any authority or function
19 of the interstate commission.

20 (4) Providing reasonable procedures for calling and
21 conducting meetings of the interstate commission and ensuring
22 reasonable notice of each such meeting.

23 (5) Establishing the titles and responsibilities of the
24 officers of the interstate commission.

25 (6) Providing a mechanism for concluding the operations of
26 the interstate commission and the return of any surplus funds
27 that may exist upon the termination of the compact after the
28 payment or reserving of all of its debts and obligations.

29 (7) Providing "start-up" rules for initial administration
30 of the compact.

31 (8) Establishing standards and procedures for compliance
32 and technical assistance in carrying out the compact.

33 b. *Officers and staff.*

34 (1) The interstate commission shall, by a majority of the
35 members, elect annually from among its members a chairperson

1 and a vice chairperson, each of whom shall have such authority
2 and duties as may be specified in the bylaws. The chairperson
3 or, in the chairperson's absence or disability, the vice
4 chairperson shall preside at all meetings of the interstate
5 commission. The officers so elected shall serve without
6 compensation or remuneration from the interstate commission;
7 provided that, subject to the availability of budgeted funds,
8 the officers shall be reimbursed for any ordinary and necessary
9 costs and expenses incurred by them in the performance of their
10 duties and responsibilities as officers of the interstate
11 commission.

12 (2) The interstate commission shall, through its executive
13 committee, appoint or retain an executive director for
14 such period, upon such terms and conditions and for such
15 compensation as the interstate commission may deem appropriate.
16 The executive director shall serve as secretary to the
17 interstate commission, but shall not be a member and shall hire
18 and supervise such other staff as may be authorized by the
19 interstate commission.

20 *c. Immunity, defense, and indemnification.*

21 (1) The commission's executive director and employees shall
22 be immune from suit and liability, either personally or in
23 their official capacity, for any claim for damage to or loss
24 of property or personal injury or other civil liability caused
25 or arising out of or relating to any actual or alleged act,
26 error, or omission that occurred, or that such person had a
27 reasonable basis for believing occurred within the scope of
28 commission employment, duties, or responsibilities; provided,
29 that any such person shall not be protected from suit or
30 liability for any damage, loss, injury, or liability caused by
31 the intentional or willful and wanton misconduct of any such
32 person.

33 (2) The liability of any commissioner, or the employee
34 or agent of a commissioner, acting within the scope of such
35 person's employment or duties for acts, errors, or omissions

1 occurring within such person's state may not exceed the limits
2 of liability set forth under the constitution and laws of that
3 state for state officials, employees, and agents. Nothing
4 in this subparagraph shall be construed to protect any such
5 person from suit or liability for any damage, loss, injury,
6 or liability caused by the intentional or willful and wanton
7 misconduct of any such person.

8 (3) The interstate commission shall defend the executive
9 director or the employees or representatives of the interstate
10 commission and, subject to the approval of the attorney general
11 of the state represented by any commissioner of a compacting
12 state, shall defend such commissioner or the commissioner's
13 representatives or employees in any civil action seeking to
14 impose liability arising out of any actual or alleged act,
15 error, or omission that occurred within the scope of interstate
16 commission employment, duties, or responsibilities, or that
17 the defendant had a reasonable basis for believing occurred
18 within the scope of interstate commission employment, duties,
19 or responsibilities, provided that the actual or alleged act,
20 error, or omission did not result from intentional or willful
21 and wanton misconduct on the part of such person.

22 (4) The interstate commission shall indemnify and hold
23 the commissioner of a compacting state, or the commissioner's
24 representatives or employees, or the interstate commission's
25 representatives or employees, harmless in the amount of any
26 settlement or judgment obtained against such persons arising
27 out of any actual or alleged act, error, or omission that
28 occurred within the scope of interstate commission employment,
29 duties, or responsibilities, or that such persons had a
30 reasonable basis for believing occurred within the scope of
31 interstate commission employment, duties, or responsibilities,
32 provided that the actual or alleged act, error, or omission did
33 not result from intentional or willful and wanton misconduct on
34 the part of such persons.

35 6. *Article VI — Rulemaking functions of the interstate*

1 *commission.*

2 *a.* The interstate commission shall promulgate and publish
3 rules in order to effectively and efficiently achieve the
4 purposes of the compact.

5 *b.* Rulemaking shall occur pursuant to the criteria set
6 forth in this article and the bylaws and rules adopted pursuant
7 thereto. Such rulemaking shall substantially conform to the
8 principles of the model state administrative procedures Act,
9 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or
10 such other administrative procedures act, as the interstate
11 commission deems appropriate consistent with due process
12 requirements under the Constitution of the United States as now
13 or hereafter interpreted by the United States supreme court.
14 All rules and amendments shall become binding as of the date
15 specified, as published with the final version of the rule as
16 approved by the commission.

17 *c.* When promulgating a rule, the interstate commission
18 shall, at a minimum, do all of the following:

19 (1) Publish the proposed rule's entire text stating the
20 reasons for that proposed rule.

21 (2) Allow and invite any and all persons to submit written
22 data, facts, opinions, and arguments, which information shall
23 be added to the record, and be made publicly available.

24 (3) Provide an opportunity for an informal hearing if
25 petitioned by ten or more persons.

26 (4) Promulgate a final rule and its effective date, if
27 appropriate, based on input from state or local officials, or
28 interested parties.

29 *d.* Allow, not later than sixty days after a rule is
30 promulgated, any interested person to file a petition in the
31 United States district court for the District of Columbia or in
32 the federal district court where the interstate commission's
33 principal office is located for judicial review of such rule.
34 If the court finds that the interstate commission's action is
35 not supported by substantial evidence in the rulemaking record,

1 the court shall hold the rule unlawful and set it aside. For
2 purposes of this lettered paragraph, evidence is substantial
3 if it would be considered substantial evidence under the model
4 state administrative procedures Act.

5 e. If a majority of the legislatures of the compacting
6 states rejects a rule, those states may, by enactment of a
7 statute or resolution in the same manner used to adopt the
8 compact, cause that such rule shall have no further force and
9 effect in any compacting state.

10 f. The existing rules governing the operation of the
11 interstate compact on juveniles superseded by this compact
12 shall be null and void twelve months after the first meeting of
13 the interstate commission created hereunder.

14 g. Upon determination by the interstate commission that
15 a state of emergency exists, it may promulgate an emergency
16 rule which shall become effective immediately upon adoption,
17 provided that the usual rulemaking procedures provided
18 hereunder shall be retroactively applied to said rule as soon
19 as reasonably possible, but no later than ninety days after the
20 effective date of the emergency rule.

21 7. *Article VII — Oversight, enforcement, and dispute*
22 *resolution by the interstate commission.*

23 a. *Oversight.*

24 (1) The interstate commission shall oversee the
25 administration and operations of the interstate movement of
26 juveniles subject to this compact in the compacting states
27 and shall monitor such activities being administered in
28 noncompacting states which may significantly affect compacting
29 states.

30 (2) The courts and executive agencies in each compacting
31 state shall enforce this compact and shall take all actions
32 necessary and appropriate to effectuate the compact's
33 purposes and intent. The provisions of this compact and the
34 rules promulgated hereunder shall be received by all the
35 judges, public officers, commissions, and departments of

1 the state government as evidence of the authorized statute
2 and administrative rules. All courts shall take judicial
3 notice of the compact and the rules. In any judicial or
4 administrative proceeding in a compacting state pertaining to
5 the subject matter of this compact which may affect the powers,
6 responsibilities, or actions of the interstate commission, it
7 shall be entitled to receive all service of process in any
8 such proceeding, and shall have standing to intervene in the
9 proceeding for all purposes.

10 *b. Dispute resolution.*

11 (1) The compacting states shall report to the interstate
12 commission on all issues and activities necessary for the
13 administration of the compact as well as issues and activities
14 pertaining to compliance with the provisions of the compact and
15 its bylaws and rules.

16 (2) The interstate commission shall attempt, upon the
17 request of a compacting state, to resolve any disputes or
18 other issues which are subject to the compact and which may
19 arise among compacting states and between compacting and
20 noncompacting states. The commission shall promulgate a rule
21 providing for both mediation and binding dispute resolution for
22 disputes among the compacting states.

23 (3) The interstate commission, in the reasonable exercise
24 of its discretion, shall enforce the provisions and rules of
25 this compact using any or all means set forth in article XI of
26 this compact.

27 *8. Article VIII — Finance.*

28 *a.* The interstate commission shall pay or provide for
29 the payment of the reasonable expenses of its establishment,
30 organization, and ongoing activities.

31 *b.* The interstate commission shall levy on and collect an
32 annual assessment from each compacting state to cover the cost
33 of the internal operations and activities of the interstate
34 commission and its staff which must be in a total amount
35 sufficient to cover the interstate commission's annual budget

1 as approved each year. The aggregate annual assessment amount
2 shall be allocated based upon a formula to be determined by the
3 interstate commission, taking into consideration the population
4 of each compacting state and the volume of interstate movement
5 of juveniles in each compacting state and shall promulgate a
6 rule binding upon all compacting states which governs said
7 assessment.

8 c. The interstate commission shall not incur any obligations
9 of any kind prior to securing the funds adequate to meet the
10 same; nor shall the interstate commission pledge the credit of
11 any of the compacting states, except by and with the authority
12 of the compacting state.

13 d. The interstate commission shall keep accurate accounts of
14 all receipts and disbursements. The receipts and disbursements
15 of the interstate commission shall be subject to the audit
16 and accounting procedures established under its bylaws.
17 However, all receipts and disbursements of funds handled by the
18 interstate commission shall be audited yearly by a certified or
19 licensed public accountant and the report of the audit shall
20 be included in and become part of the annual report of the
21 interstate commission.

22 9. *Article IX — The state council.* Each member state shall
23 create a state council for interstate juvenile supervision.
24 While each state may determine the membership of its own
25 state council, its membership must include at least one
26 representative from the legislative, judicial, and executive
27 branches of government, victims groups, and the compact
28 administrator, deputy compact administrator, or designee.
29 Each compacting state retains the right to determine the
30 qualifications of the compact administrator or deputy compact
31 administrator. Each state council will advise and may exercise
32 oversight and advocacy concerning that state's participation
33 in interstate commission activities and other duties as may
34 be determined by that state, including but not limited to
35 development of policy concerning operations and procedures of

1 the compact within that state.

2 10. *Article X — Compacting states, effective date, and*
3 *amendment.*

4 a. Any state, the District of Columbia, or its designee, the
5 Commonwealth of Puerto Rico, the United States Virgin Islands,
6 Guam, American Samoa, and the Northern Marianas Islands as
7 defined in article II of this compact is eligible to become a
8 compacting state.

9 b. The compact shall become effective and binding upon
10 legislative enactment of the compact into law by no less than
11 thirty-five of the states. The initial effective date shall
12 be the later of July 1, 2004, or upon enactment into law by
13 the thirty-fifth jurisdiction. Thereafter it shall become
14 effective and binding as to any other compacting state upon
15 enactment of the compact into law by that state. The governors
16 of nonmember states or their designees shall be invited to
17 participate in the activities of the interstate commission on a
18 nonvoting basis prior to adoption of the compact by all states
19 and territories of the United States.

20 c. The interstate commission may propose amendments to the
21 compact for enactment by the compacting states. No amendment
22 shall become effective and binding upon the interstate
23 commission and the compacting states unless and until it is
24 enacted into law by unanimous consent of the compacting states.

25 11. *Article XI — Withdrawal, default, termination, and*
26 *judicial enforcement.*

27 a. *Withdrawal.*

28 (1) Once effective, the compact shall continue in force and
29 remain binding upon each and every compacting state; provided
30 that a compacting state may withdraw from the compact by
31 specifically repealing the statute which enacted the compact
32 into law.

33 (2) The effective date of withdrawal is the effective date
34 of the repeal.

35 (3) The withdrawing state shall immediately notify the

1 chairperson of the interstate commission in writing upon the
2 introduction of legislation repealing this compact in the
3 withdrawing state. The interstate commission shall notify the
4 other compacting states of the withdrawing state's intent to
5 withdraw within sixty days of its receipt thereof.

6 (4) The withdrawing state is responsible for all
7 assessments, obligations, and liabilities incurred through
8 the effective date of withdrawal, including any obligations,
9 the performance of which extend beyond the effective date of
10 withdrawal.

11 (5) Reinstatement following withdrawal of any compacting
12 state shall occur upon the withdrawing state reenacting the
13 compact or upon such later date as determined by the interstate
14 commission.

15 *b. Technical assistance, fines, suspension, termination, and*
16 *default.*

17 (1) If the interstate commission determines that any
18 compacting state has at any time defaulted in the performance
19 of any of its obligations or responsibilities under this
20 compact, or the bylaws or duly promulgated rules, the
21 interstate commission may impose any or all of the following
22 penalties:

23 (a) Remedial training and technical assistance as directed
24 by the interstate commission.

25 (b) Alternative dispute resolution.

26 (c) Fines, fees, and costs in such amounts as are deemed to
27 be reasonable as fixed by the interstate commission.

28 (d) Suspension or termination of membership in the compact,
29 which shall be imposed only after all other reasonable
30 means of securing compliance under the bylaws and rules have
31 been exhausted and the interstate commission has therefore
32 determined that the offending state is in default. Immediate
33 notice of suspension shall be given by the interstate
34 commission to the governor, the chief justice or the chief
35 judicial officer of the state, the majority and minority

1 leaders of the defaulting state's legislature, and the state
2 council.

3 (2) The grounds for default include, but are not limited to,
4 failure of a compacting state to perform such obligations or
5 responsibilities imposed upon it by this compact, the bylaws
6 or duly promulgated rules, and any other grounds designated in
7 commission bylaws and rules.

8 (3) The interstate commission shall immediately notify
9 the defaulting state in writing of the penalty imposed by the
10 interstate commission and of the default pending a cure of
11 the default. The commission shall stipulate the conditions
12 and the time period within which the defaulting state must
13 cure its default. If the defaulting state fails to cure the
14 default within the time period specified by the commission,
15 the defaulting state shall be terminated from the compact upon
16 an affirmative vote of a majority of the compacting states and
17 all rights, privileges, and benefits conferred by this compact
18 shall be terminated from the effective date of termination.

19 (4) Within sixty days of the effective date of termination
20 of a defaulting state, the commission shall notify the
21 governor, the chief justice or chief judicial officer, the
22 majority and minority leaders of the defaulting state's
23 legislature, and the state council of such termination.

24 (5) The defaulting state is responsible for all
25 assessments, obligations, and liabilities incurred through
26 the effective date of termination including any obligations,
27 the performance of which extends beyond the effective date of
28 termination.

29 (6) The interstate commission shall not bear any costs
30 relating to the defaulting state unless otherwise mutually
31 agreed upon in writing between the interstate commission and
32 the defaulting state.

33 (7) Reinstatement following termination of any compacting
34 state requires both a reenactment of the compact by the
35 defaulting state and the approval of the interstate commission

1 pursuant to the rules.

2 *c. Judicial enforcement.* The interstate commission may,
3 by majority vote of the members, initiate legal action in the
4 United States district court for the District of Columbia or,
5 at the discretion of the interstate commission, in the federal
6 district where the interstate commission has its offices, to
7 enforce compliance with the provisions of the compact, its duly
8 promulgated rules and bylaws, against any compacting state in
9 default. In the event judicial enforcement is necessary the
10 prevailing party shall be awarded all costs of such litigation
11 including reasonable attorney fees.

12 *d. Dissolution of compact.*

13 (1) The compact dissolves effective upon the date of the
14 withdrawal or default of the compacting state, which reduces
15 membership in the compact to one compacting state.

16 (2) Upon the dissolution of this compact, the compact
17 becomes null and void and shall be of no further force
18 or effect, and the business and affairs of the interstate
19 commission shall be concluded and any surplus funds shall be
20 distributed in accordance with the bylaws.

21 12. *Article XII — Severability and construction.*

22 *a.* The provisions of this compact shall be severable,
23 and if any phrase, clause, sentence, or provision is deemed
24 unenforceable, the remaining provisions of the compact shall
25 be enforceable.

26 *b.* The provisions of this compact shall be liberally
27 construed to effectuate its purposes.

28 13. *Article XIII — Binding effect of compact and other laws.*

29 *a. Other laws.*

30 (1) Nothing in this compact prevents the enforcement of any
31 other law of a compacting state that is not inconsistent with
32 this compact.

33 (2) All compacting states' laws other than state
34 constitutions and other interstate compacts conflicting with
35 this compact are superseded to the extent of the conflict.

1 *b. Binding effect of the compact.*

2 (1) All lawful actions of the interstate commission,
3 including all rules and bylaws promulgated by the interstate
4 commission, are binding upon the compacting states.

5 (2) All agreements between the interstate commission and
6 the compacting states are binding in accordance with their
7 terms.

8 (3) Upon the request of a party to a conflict over meaning
9 or interpretation of interstate commission actions, and upon
10 a majority vote of the compacting states, the interstate
11 commission may issue advisory opinions regarding such meaning
12 or interpretation.

13 (4) In the event any provision of this compact exceeds
14 the constitutional limits imposed on the legislature of
15 any compacting state, the obligations, duties, powers, or
16 jurisdiction sought to be conferred by such provision upon
17 the interstate commission shall be ineffective and such
18 obligations, duties, powers, or jurisdiction shall remain in
19 the compacting state and shall be exercised by the agency
20 thereof to which such obligations, duties, powers, or
21 jurisdiction are delegated by law in effect at the time this
22 compact becomes effective.

23 DIVISION IX

24 MISCELLANEOUS

25 Sec. 62. Section 135.12, Code 2009, is amended by striking
26 the section and inserting in lieu thereof the following:

27 **135.12 Office of minority and multicultural health —**
28 **established — duties.**

29 1. The office of minority and multicultural health is
30 established in the department. The purpose of the office
31 is to improve the health of racial and ethnic minorities by
32 bridging communication, delivery, and service requirements,
33 and by providing customized services and practical approaches
34 to problems and issues encountered by organizations and
35 communities working to address the needs of these populations.

1 2. The office of minority and multicultural health shall be
2 responsible for all of the following:

3 a. Serving as the liaison and advocate for the department on
4 minority and multicultural health matters.

5 b. Assisting academic institutions, state agencies,
6 community groups, and other entities in institutionalizing
7 cultural competency within the health care workforce and
8 delivery system through education, training, and practice to
9 effectively address cross-cultural disparity and achieve health
10 equity.

11 c. Promoting community strategic planning.

12 d. Reviewing the impact of programs, regulations, and
13 health care resource policies on the delivery of and access to
14 minority and multicultural health services.

15 Sec. 63. Section 453A.35, subsection 1, Code Supplement
16 2009, is amended to read as follows:

17 1. The proceeds derived from the sale of stamps and the
18 payment of taxes, fees, and penalties provided for under this
19 chapter, and the permit fees received from all permits issued
20 by the department, shall be credited to the general fund of
21 the state. However, of the revenues generated from the tax on
22 cigarettes pursuant to section 453A.6, subsection 1, and from
23 the tax on tobacco products as specified in section 453A.43,
24 subsections 1, 2, 3, and 4, and credited to the general fund
25 of the state under this subsection, there is appropriated,
26 annually, to the health care trust fund created in section
27 453A.35A, the first one hundred ~~seventeen~~ six million seven
28 ~~hundred ninety-six~~ sixteen thousand four hundred dollars.

29 Sec. 64. Section 692A.115, Code Supplement 2009, is amended
30 to read as follows:

31 **692A.115 Employment where dependent adults reside.**

32 1. A Unless authorized as provided in subsection 2, a sex
33 offender shall not be an employee of a facility providing
34 services for dependent adults or at events where dependent
35 adults participate in programming and shall not loiter on the

1 premises or grounds of a facility or at an event providing such
2 services or programming.

3 2. An adult sex offender who is a patient or resident
4 of a health care facility as defined in section 135C.1,
5 a participant in a medical assistance program home and
6 community-based services waiver program, or a participant in a
7 medical assistance state plan employment services as part of
8 the participant's habilitation plan shall not be considered to
9 be in violation of subsection 1.

10

EXPLANATION

11 This bill relates to and makes appropriations for health
12 and human services for fiscal year 2010-2011 to the department
13 of veterans affairs, the Iowa veterans home, the department on
14 aging, the department of public health, Iowa finance authority,
15 state board of regents, department of inspections and appeals,
16 and the department of human services. The bill is organized
17 into divisions.

18 DEPARTMENT ON AGING. This division appropriates funding
19 from the general fund of the state for the department on aging.

20 DEPARTMENT OF PUBLIC HEALTH. This division appropriates
21 funding from the general fund of the state for the department
22 of public health.

23 DEPARTMENT OF VETERANS AFFAIRS. This division appropriates
24 funding from the general fund of the state for the department
25 of veterans affairs.

26 DEPARTMENT OF HUMAN SERVICES. The division appropriates
27 funding from the general fund of the state and the federal
28 temporary assistance for needy families block grant to the
29 department of human services. The allocation for the family
30 development and self-sufficiency grant program is made directly
31 to the department of human rights.

32 An appropriation is made from the health care trust fund for
33 the medical assistance (Medicaid) program in addition to the
34 general fund appropriation made for this purpose.

35 The department is required to establish a transition

1 committee to develop a plan for improving coordination
2 and integration of mental health services and outcomes for
3 children, as well as alignment of the services and outcomes
4 with the child welfare system. Among other provisions, the
5 plan is required to address transitioning administration of the
6 remedial services program from a fee-for-service approach to
7 the Iowa plan, using the behavioral health managed care plan.
8 The committee is required to include various departmental
9 staff, the Iowa plan administrator, and providers and complete
10 the plan by December 31, 2010. The department may implement
11 the plan if it determines the plan meets legislative intent.

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

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

20 The division makes an appropriation from the pharmaceutical
21 settlement account to the department of human services to
22 supplement the medical contracts appropriation.

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

32 The division provides that if the total amount appropriated
33 from all sources for the medical assistance program for fiscal
34 year 2009-2010 exceeds the amount needed, the excess remains
35 available to be used for the program in the succeeding fiscal

1 year.

2 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FISCAL YEAR
3 2010-2011. This division allocates the appropriation made in
4 2009 Iowa Acts, chapter 179, for distribution to counties for
5 adult mental illness, mental retardation, and developmental
6 disabilities services allowed growth for FY 2010-2011.

7 PRIOR APPROPRIATIONS AND RELATED CHANGES. This
8 division revises previously enacted appropriations and
9 appropriations-related provisions.

10 Code section 231.24, providing for regulation and
11 certification of retirement communities by the department
12 on aging, is amended to authorize the department to defer
13 implementation of the regulation as determined by the
14 department's director.

15 Code section 231.33, relating to the duties of the area
16 agencies on aging, is amended to eliminate a requirement for
17 an agency to require the annual completion by agency board of
18 directors members of four hours of training, provided by the
19 department on aging.

20 The FY 2010-2011 amount of a multiyear appropriation made
21 to the department of human services in 2008 Iowa Acts, chapter
22 1188, to cover children under the medical assistance, hawk-i,
23 and hawk-i expansion programs and outreach under the programs,
24 is reduced.

25 A requirement in 2008 Iowa Acts, chapter 1040, for the
26 department on aging to implement the initial provisions for
27 expanding and improving the training of those who deal with
28 persons with Alzheimer's and similar forms of irreversible
29 dementia by July 1, 2010, is instead made contingent upon the
30 availability of funding as determined by the department's
31 director.

32 A pilot project authorized in an amendment to 2008 Iowa
33 Acts, chapter 1187, for a regional service network for county
34 MH/MR/DD services, through June 30, 2010, is extended for an
35 additional year.

1 An initiative in 2008 Iowa Acts, chapter 1188, requiring the
2 department of public health to establish a community coalition
3 for addressing patient treatment wishes based on the national
4 physicians orders for life sustaining treatment program, is
5 amended to eliminate the two-year period for the pilot and to
6 delay the completion date from June 30, 2010, to June 30, 2011.

7 A provision in 2009 Iowa Acts, chapter 118, section 38,
8 for the department of human services to adopt rules making
9 various process changes to the Medicaid program, is amended by
10 striking a requirement to extend the period for annual renewal
11 by program members by mailing the renewal form to the member on
12 the first day of the month prior to the month of renewal.

13 The FY 2009-2010 appropriation to the Iowa veterans home
14 in 2009 Iowa Acts, chapter 182, section 3, is subject to an
15 existing nonreversion clause in Code section 35D.18. The
16 nonreversion authorization is modified to provide to designate
17 the first \$1 million for use by the veterans home, the next
18 \$1 million to be transferred to the appropriation made to
19 the department of human services for FY 2010-2011 for field
20 operations, and the remainder for use by the veterans home.

21 The 2009 Iowa Acts, chapter 182, section 9, FY 2009-2010
22 appropriations of the federal Temporary Assistance for Needy
23 Families block grant is amended to provide that unused funds
24 remaining at the close of the fiscal year do not revert but
25 remain available in the succeeding fiscal year for expenditure
26 for the family investment program.

27 A provision in 2009 Iowa Acts, chapter 182, section 9,
28 appropriation for the Medicaid program that provides that
29 moneys remitted by the third party administering behavioral
30 health services and remaining in a separate account do not
31 revert but remain available for appropriation for health and
32 human purposes, is amended. The amendment continues to set
33 aside funding previously appropriated for implementation of the
34 emergency mental health crisis services and system, a mental
35 health services system for children or youth, and training of

1 child welfare services providers with the remainder of the
2 funds to be used for the Medicaid program.

3 The FY 2009-2010 appropriation for the state supplementary
4 assistance program in 2009 Iowa Acts, chapter 182, section 12,
5 is amended to include a nonreversion clause providing that
6 moneys remaining at the close of the fiscal year will remain
7 available to be used for the same purpose in the succeeding
8 fiscal year.

9 A provision relating to development of a statewide
10 methodology for intellectual disabilities waiver tests is
11 included for implementation beginning July 1, 2010.

12 This division takes effect upon enactment.

13 INTERSTATE COMPACT FOR JUVENILES. This division replaces
14 the interstate compact on juveniles with a new interstate
15 compact for juveniles.

16 Code chapter 232, the juvenile justice code, is amended
17 to enact a new interstate compact for juveniles in new Code
18 section 232.173. The compact addresses how adjudicated
19 juveniles and status offenders are provided adequate
20 supervision and services in the states receiving the juveniles,
21 provides for addressing public safety concerns, provides for
22 returning juveniles who have run away, absconded, escaped, or
23 are accused of an offense requesting their return, provides for
24 contracting between states for cooperative institutionalization
25 of delinquent youth who need special services, provides for
26 effective tracking and supervision, provides for equitably
27 allocating costs, benefits, and obligations between the states,
28 and other similar related purposes.

29 The means for achieving the purposes outlined in the
30 compact is through rulemaking promulgated by the interstate
31 commission for juveniles, consisting of one representative from
32 each compacting state. A rule promulgated by the interstate
33 commission may be rejected if a majority of the compacting
34 states rejects the rule. The expenses of the interstate
35 commission are paid by assessing the compacting states

1 according to a formula to be adopted by the commission. Each
2 state is to create a state council consisting of specified
3 interests to provide oversight of the state's involvement in
4 the interstate commission. The state has the authority to
5 determine the qualifications of the compact administrator or
6 deputy compact administrator and to designate the state's
7 representative on the interstate commission.

8 The terms of the current compact took effect for the
9 compacting states in the fall of 2009 when the 35th state
10 approved entering the compact. The new compact replaces the
11 interstate compact on juveniles in Code section 232.171, which
12 is repealed by the bill. Code section 232.172, relating to
13 confinement of juvenile delinquents, is amended to provide that
14 for states that have approved the new compact, confinement is
15 governed by the new compact and for states that were part of
16 the compact being replaced, confinement is governed by terms of
17 that compact.

18 MISCELLANEOUS. This division includes miscellaneous
19 statutory changes.

20 Code section 135.12 is stricken and rewritten to replace
21 the office of multicultural health in the department of public
22 health with an office of minority and multicultural health.

23 Code section 435A.35, relating to proceeds of tobacco
24 taxes and fees paid to the general fund and the standing
25 appropriation to the health care trust fund, is amended to
26 reduce the amount of the standing appropriation to the trust
27 fund.

28 Code section 692A.115, prohibiting persons on the sex
29 offender registry from employment in facilities providing
30 services for dependent adults, is amended to allow such
31 employment for adult offenders who are a patient or resident
32 of a health care facility, participant in a Medicaid program
33 waiver program, or participant in Medicaid program state plan
34 employment services as part of the participant's habilitation
35 plan.