

# LSB 5002 JA Not Yet Filed

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

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to and making appropriations for health and  
human  
2 services and including other related provisions and  
3 appropriations, making penalties applicable and providing  
4 effective, retroactive, and applicability date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 5002JA 82  
7 pf/jp/14

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1 1 DIVISION I  
1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS  
1 3 ELDER AFFAIRS  
1 4 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is  
1 5 appropriated from the general fund of the state to the  
1 6 department of elder affairs for the fiscal year beginning  
1 7 July  
1 8 1, 2008, and ending June 30, 2009, the following amount,  
1 9 or so  
1 8 much thereof as is necessary, to be used for the purposes  
1 9 designated:  
1 10 For aging programs for the department of elder affairs  
and  
1 11 area agencies on aging to provide citizens of Iowa who  
are 60  
1 12 years of age and older with case management for the frail  
1 13 elderly only if the monthly cost per client for case  
1 14 management for the frail elderly services provided does  
not  
1 15 exceed an average of \$70, resident advocate committee

1 16 coordination, employment, and other services which may  
 include  
 1 17 but are not limited to adult day services, respite care,  
 chore  
 1 18 services, telephone reassurance, information and  
 assistance,  
 1 19 and home repair services, and for the construction of  
 entrance  
 1 20 ramps which make residences accessible to the physically  
 1 21 handicapped, and for salaries, support, administration,  
 1 22 maintenance, and miscellaneous purposes, and for not more  
 than

1 23 the following full-time equivalent positions:  
 1 24 ..... \$  
 4,851,698  
 1 25 ..... FTEs  
 37.50

1 26 1. Funds appropriated in this section may be used to  
 1 27 supplement federal funds under federal regulations. To  
 1 28 receive funds appropriated in this section, a local area  
 1 29 agency on aging shall match the funds with moneys from  
 other  
 1 30 sources according to rules adopted by the department.  
 Funds  
 1 31 appropriated in this section may be used for elderly  
 services  
 1 32 not specifically enumerated in this section only if  
 approved  
 1 33 by an area agency on aging for provision of the service  
 within  
 1 34 the area.

1 35 2. Of the funds appropriated in this section,  
 \$2,788,223  
 2 1 shall be used for case management for the frail elderly.  
 Of  
 2 2 the funds allocated in this subsection, \$1,385,015 shall  
 be  
 2 3 transferred to the department of human services in equal  
 2 4 amounts on a quarterly basis for reimbursement of case  
 2 5 management services provided under the medical assistance  
 2 6 elderly waiver. The department of human services shall  
 adopt  
 2 7 rules for case management services provided under the  
 medical

2 8 assistance elderly waiver in consultation with the  
 2 9 department  
 2 10 of elder affairs. The monthly cost per client for case  
 2 11 management for the frail elderly services provided shall  
 2 12 not  
 2 13 exceed an average of \$70.

2 14 3. Of the funds appropriated in this section, \$200,198  
 2 15 shall be transferred to the department of economic  
 2 16 development  
 2 17 for the Iowa commission on volunteer services to be used  
 2 18 for  
 2 19 the retired and senior volunteer program.

2 20 4. Of the funds appropriated in this section, \$130,000  
 2 21 shall be used to continue to fund additional long-term  
 2 22 care  
 2 23 resident's advocate positions.

2 24 5. Of the funds appropriated in this section, \$250,000  
 2 25 shall be used for continuation of the substitute decision  
 2 26 maker Act pursuant to chapter 231E.

HEALTH

2 27 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is  
 2 28 appropriated from the general fund of the state to the  
 2 29 department of public health for the fiscal year beginning  
 2 30 July

2 31 1, 2008, and ending June 30, 2009, the following amounts,  
 2 32 or  
 2 33 so much thereof as is necessary, to be used for the  
 2 34 purposes  
 2 35 designated:

1. ADDICTIVE DISORDERS

2 36 For reducing the prevalence of use of tobacco,  
 2 37 alcohol, and  
 2 38 other drugs, and treating individuals affected by  
 2 39 addictive  
 2 40 behaviors, including gambling, and for not more than the  
 2 41 following full-time equivalent positions:

2 42 ..... \$  
 2 43 1,532,149  
 2 44 ..... FTEs 6.00

3 1 The requirement of section 123.53, subsection 3, is  
 3 2 met by  
 3 3 the appropriations made in this Act for purposes of  
 3 4 addictive

3 3 disorders for the fiscal year beginning July 1, 2008.

3 4 2. HEALTHY CHILDREN AND FAMILIES

3 5 For promoting the optimum health status for children,  
3 6 adolescents from birth through 21 years of age, and  
3 7 families,

3 7 and for not more than the following full-time equivalent  
3 8 positions:

3 9 ..... \$  
2,436,913

3 10 ..... FTEs  
16.00

3 11 a. Of the funds appropriated in this subsection, not  
3 12 more  
3 13 than \$645,917 shall be used for the healthy opportunities  
3 14 to  
3 15 experience success (HOPES)=healthy families Iowa (HFI)  
3 16 program  
3 17 established pursuant to section 135.106. The department  
3 18 shall  
3 19 transfer the funding allocated for the HOPES=HFI program  
3 20 to  
3 21 the Iowa empowerment board for distribution and shall  
3 22 assist  
3 23 the board in managing the contracting for the funding.  
3 24 The  
3 25 funding shall be distributed to renew the grants that  
3 26 were  
3 27 provided to the grantees that operated the program during  
3 28 the  
3 29 fiscal year ending June 30, 2008.

3 21 b. Of the funds appropriated in this subsection,  
3 22 \$325,000  
3 23 shall be used to continue to address the healthy mental  
3 24 development of children from birth through five years of  
3 25 age  
3 26 through local evidence-based strategies that engage both  
3 27 the  
3 28 public and private sectors in promoting healthy  
3 29 development,  
3 30 prevention, and treatment for children.

3 27 c. Of the funds appropriated in this subsection,  
3 28 \$100,000  
3 29 is allocated for distribution to the children's hospital  
3 30 of

3 29 Iowa mother's milk bank.  
 3 30 d. Of the funds appropriated in this subsection,  
 3 31 \$40,000  
 3 32 shall be distributed to a statewide dental carrier to  
 3 33 provide  
 3 34 funds to continue the donated dental services program  
 3 35 patterned after the projects developed by the national  
 3 36 foundation of dentistry for the handicapped to provide  
 3 37 dental  
 3 38 services to indigent elderly and disabled individuals.

4 1 3. CHRONIC CONDITIONS

4 2 For serving individuals identified as having chronic  
 4 3 conditions or special health care needs, and for not more  
 4 4 than  
 4 5 the following full-time equivalent positions:  
 4 6 ..... \$  
 4 7 2,342,840  
 4 8 ..... FTEs 5.00

4 9 a. Of the funds appropriated in this subsection,  
 4 10 \$100,000  
 4 11 shall be used for grants to individual patients who have  
 4 12 phenylketonuria (PKU) to assist with the costs of  
 4 13 necessary  
 4 14 special foods.

4 15 b. Of the funds appropriated in this subsection,  
 4 16 \$500,000  
 4 17 is allocated for contracts for resource facilitator  
 4 18 services  
 4 19 in accordance with section 135.22B, subsection 10, and  
 4 20 for  
 4 21 brain injury training services and recruiting of service  
 4 22 providers to increase the capacity within this state to  
 4 23 address the needs of individuals with brain injuries and  
 4 24 such  
 4 25 individuals' families.

4 26 4. COMMUNITY CAPACITY

4 27 For strengthening the health care delivery system at  
 4 28 the  
 4 29 local level, and for not more than the following  
 4 30 full-time  
 4 31 equivalent positions:  
 4 32 ..... \$  
 4 33 1,760,532

4 23 ..... FTEs  
12.00

4 24 a. Of the funds appropriated in this subsection,  
\$100,000

4 25 is allocated for a child vision screening program  
implemented

4 26 through the university of Iowa hospitals and clinics in  
4 27 collaboration with community empowerment areas.

4 28 b. Of the funds appropriated in this subsection,  
\$159,700

4 29 is allocated for an initiative implemented at the  
university

4 30 of Iowa and \$140,300 is allocated for an initiative at  
the

4 31 state mental health institute at Cherokee to expand and  
4 32 improve the workforce engaged in mental health treatment  
and

4 33 services. The initiatives shall receive input from the  
4 34 university of Iowa, the department of human services, the  
4 35 department of public health, and the mental health,  
mental

5 1 retardation, developmental disabilities, and brain injury  
5 2 commission to address the focus of the initiatives. The  
5 3 department of human services, the department of public  
health,

5 4 and the commission shall receive regular updates  
concerning

5 5 the status of the initiatives.

5 6 5. ELDERLY WELLNESS

5 7 For promotion of healthy aging and optimization of the  
5 8 health of older adults:

5 9 ..... \$  
9,233,985

5 10 6. ENVIRONMENTAL HAZARDS

5 11 For reducing the public's exposure to hazards in the  
5 12 environment, primarily chemical hazards, and for not more  
than

5 13 the following full-time equivalent positions:

5 14 ..... \$  
747,960

5 15 ..... FTEs 2.00

5 16 a. Of the funds appropriated in this subsection,  
\$100,000

5 17 shall be used to fund the position of a bureau chief for  
the  
5 18 center for acute disease epidemiology (CADE).

5 19 b. Of the funds appropriated in this subsection,  
\$121,000  
5 20 shall be used for childhood lead poisoning provisions  
pursuant  
5 21 to sections 135.102 and 135.103.

5 22 7. INFECTIOUS DISEASES

5 23 For reducing the incidence and prevalence of  
communicable  
5 24 diseases, and for not more than the following full-time  
5 25 equivalent positions:

5 26 ..... \$  
1,701,974  
5 27 ..... FTEs 7.00

5 28 Of the funds appropriated in this subsection, an  
increase  
5 29 of \$43,688 is provided for the purchasing of vaccines for  
5 30 immunizations.

5 31 8. PUBLIC PROTECTION

5 32 For protecting the health and safety of the public  
through  
5 33 establishing standards and enforcing regulations, and for  
not  
5 34 more than the following full-time equivalent positions:

5 35 ..... \$  
2,798,513  
6 1 ..... FTEs  
128.00

6 2 a. Of the funds appropriated in this subsection,  
\$643,500  
6 3 shall be credited to the emergency medical services fund  
6 4 created in section 135.25. Moneys in the emergency  
6 5 medical  
6 6 services fund are appropriated to the department to be  
used  
6 7 for the purposes of the fund.

6 8 b. Of the funds appropriated in this subsection,  
\$23,810  
6 9 shall be used for the office of the state medical  
examiner.

6 c. Of the funds appropriated in this subsection,  
\$150,000

6 10 shall be used for management of the antiviral stockpile.  
6 11 d. Of the funds appropriated in this subsection,  
6 12 \$100,000  
6 13 shall be used for sexual violence prevention programming  
6 14 through a statewide organization representing programs  
6 15 serving  
6 16 victims of sexual violence through the department's  
6 17 sexual  
6 18 violence prevention program. The amount allocated in this  
6 19 paragraph "d" shall not be used to supplant funding  
6 20 administered for other sexual violence prevention or  
6 21 victims  
6 22 assistance programs.

6 19 e. The department may incur expenses for start-up  
6 20 costs to  
6 21 implement licensing of plumbers and mechanical  
6 22 professionals  
6 23 in accordance with 2007 Iowa Acts, chapter 198, provided  
6 24 the  
6 25 amounts expended are covered by the close of the fiscal  
6 26 year  
6 27 through the repayment receipts from license fees.

6 24 9. RESOURCE MANAGEMENT

6 25 For establishing and sustaining the overall ability of  
6 26 the  
6 27 department to deliver services to the public, and for not  
6 28 more  
6 29 than the following full-time equivalent positions:

6 28 ..... \$  
6 29 1,205,933

6 29 ..... FTEs  
6 30 10.00

6 30 Of the funds appropriated in this subsection, \$150,150  
6 31 shall be used for administration of tobacco-related  
6 32 programs.

6 32 The university of Iowa hospitals and clinics under the  
6 33 control of the state board of regents shall not receive  
6 34 indirect costs from the funds appropriated in this  
6 35 section.

6 35 The university of Iowa hospitals and clinics billings to  
6 36 the

7 1 department shall be on at least a quarterly basis.

7 2 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION.



7 3 1. In lieu of the appropriation made in section  
7 4 135.150,  
7 5 subsection 1, there is appropriated from funds available  
7 6 in  
7 7 the gambling treatment fund created in section 135.150 to  
7 8 the  
7 9 department of public health for the fiscal year beginning  
7 10 July  
7 11 1, 2008, and ending June 30, 2009, the following amount,  
7 12 or so  
7 13 much thereof as is necessary, to be used for the purposes  
7 14 designated:

7 15 To be utilized for the benefit of persons with  
7 16 addictive  
7 17 disorders:  
7 18 ..... \$  
7 19 4,678,000

7 20 a. It is the intent of the general assembly that from  
7 21 the  
7 22 moneys appropriated in this subsection persons with a  
7 23 dual  
7 24 diagnosis of substance abuse and gambling addictions  
7 25 shall be  
7 26 given priority in treatment services. The amount  
7 27 appropriated  
7 28 in this subsection includes moneys credited to the fund  
7 29 in  
7 30 previous fiscal years.

7 31 b. Of the funds appropriated in this subsection,  
7 32 \$2,988,000 shall be used for tobacco use prevention,  
7 33 cessation, and treatment.

7 34 2. The amount remaining in the gambling treatment fund  
7 35 after the appropriation made in subsection 1 is  
7 36 appropriated  
7 37 to the department to be used for funding of  
7 38 administrative  
7 39 costs and to provide programs which may include but are  
7 40 not  
7 41 limited to outpatient and follow-up treatment for persons  
7 42 affected by problem gambling, rehabilitation and  
7 43 residential  
7 44 treatment programs, information and referral services,  
7 45 education and preventive services, and financial  
7 46 management

7 30 services. Of the amount appropriated in this subsection,  
 7 31 up  
 7 32 to \$100,000 may be used for the licensing of gambling  
 7 33 treatment programs as provided in section 135.150.

7 34 DEPARTMENT OF VETERANS AFFAIRS

7 35 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is  
 7 36 appropriated from the general fund of the state to the  
 8 1 department of veterans affairs for the fiscal year  
 8 2 beginning

8 3 July 1, 2008, and ending June 30, 2009, the following  
 8 4 amounts,

8 5 or so much thereof as is necessary, to be used for the  
 8 6 purposes designated:

8 7 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

8 8 For salaries, support, maintenance, and miscellaneous  
 8 9 purposes, including the war orphans educational  
 8 10 assistance

8 11 fund created in section 35.8, and for not more than the  
 8 12 following full-time equivalent positions:

8 13 ..... \$  
 8 14 1,163,457

8 15 ..... FTEs  
 8 16 17.20

8 17 Of the amount appropriated in this subsection, \$50,000  
 8 18 is

8 19 allocated for continuation of the veterans counseling  
 8 20 program

8 21 established pursuant to section 35.12.

8 22 2. IOWA VETERANS HOME

8 23 For salaries, support, maintenance, and miscellaneous  
 8 24 purposes, and for not more than the following full-time  
 8 25 equivalent positions:

8 26 ..... \$  
 8 27 12,694,154

8 28 ..... FTEs  
 8 29 951.95

8 30 The Iowa veterans home billings involving the  
 8 31 department of  
 8 32 human services shall be submitted to the department on at  
 8 33 least a monthly basis.

8 34 3. COUNTY GRANT PROGRAM FOR VETERANS

8 35 For providing matching grants to counties to provide  
 8 36 improved services to veterans:

8 27 ..... \$  
600,000

8 28 The department shall establish or continue a grant  
8 29 application process and shall require each county  
applying for  
8 30 a grant to submit a plan for utilizing the grant to  
improve  
8 31 services for veterans. The maximum matching grant to be  
8 32 awarded to a county shall be \$10,000 and the amount  
awarded  
8 33 shall be matched on a \$1=for=\$1 basis by the county. Each  
8 34 county receiving a grant shall submit a report to the  
8 35 department identifying the impact of the grant on  
increasing  
9 1 services to veterans as specified by the department. The  
9 2 department shall submit a report to the general assembly  
by  
9 3 October 1, 2008, concerning the impact of the grant  
program on  
9 4 services to veterans.

9 5 Notwithstanding section 8.33, moneys appropriated in  
this  
9 6 subsection that remain unencumbered or unobligated at the  
9 7 close of the fiscal year shall not revert to the fund  
from  
9 8 which appropriated but shall be credited to the veterans  
trust  
9 9 fund.

9 10 4. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF  
DECEASED  
9 11 VETERANS

9 12 For provision of educational assistance pursuant to  
section  
9 13 35.9:

9 14 ..... \$  
27,000

HUMAN SERVICES

9 16 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK  
9 17 GRANT. There is appropriated from the fund created in  
section  
9 18 8.41 to the department of human services for the fiscal  
year  
9 19 beginning July 1, 2008, and ending June 30, 2009, from  
moneys

9 20 received under the federal temporary assistance for needy  
 9 21 families (TANF) block grant pursuant to the federal  
 9 22 Personal  
 9 23 Responsibility and Work Opportunity Reconciliation Act of  
 9 24 1996, Pub. L. No. 104=193, and successor legislation,  
 9 25 which  
 9 26 are federally appropriated for the federal fiscal years  
 9 27 beginning October 1, 2007, and ending September 30, 2008,  
 9 28 and  
 9 29 beginning October 1, 2008, and ending September 30, 2009,  
 9 30 the  
 9 31 following amounts, or so much thereof as is necessary, to  
 9 32 be  
 9 33 used for the purposes designated:

9 29 1. To be credited to the family investment program  
 9 30 account  
 9 31 and used for assistance under the family investment  
 9 32 program  
 9 33 under chapter 239B:  
 9 34 ..... \$  
 9 35 26,101,513

9 33 2. To be credited to the family investment program  
 9 34 account  
 9 35 and used for the job opportunities and basic skills  
 10 1 (JOBS)  
 10 2 program and implementing family investment agreements in  
 10 3 accordance with chapter 239B:  
 10 4 ..... \$  
 10 5 13,334,528

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

10 11 30,

10 12 2009, the moneys shall revert.

10 13 3. To be used for the family development and  
10 14 self-sufficiency grant program as provided under section  
10 15 217.12 and this division of this Act:

10 16 ..... \$  
10 17 2,998,675

10 17 4. For field operations:

10 18 ..... \$  
10 19 17,707,495

10 19 It is the intent of the general assembly that the  
10 20 department work with Indian tribes providing services  
10 21 under  
10 22 the federal Temporary Assistance for Needy Families block  
10 23 grant to Indians who reside in Iowa but live outside the  
10 24 reservation to establish a formula for providing match  
10 25 funding  
10 26 for the expenditures made by the tribes for such  
10 27 services.

10 28 The department shall provide recommendations regarding  
10 29 implementation of the formula beginning in FY 2009=2010  
10 30 to the  
10 31 governor and the persons designated by this Act to  
10 32 receive  
10 33 reports. For the purposes of this paragraph, "Indian",  
10 34 "reservation", and "Indian tribe" mean the same as  
10 35 defined in  
10 36 section 232B.3.

10 31 5. For general administration:

10 32 ..... \$  
10 33 3,744,000

10 33 6. For local administrative costs:

10 34 ..... \$  
10 35 2,189,830

10 35 7. For state child care assistance:

11 1 ..... \$  
11 2 27,886,177

11 2 a. Of the funds appropriated in this subsection,  
11 3 \$200,000  
11 4 shall be used for provision of educational opportunities  
11 5 to  
11 6 registered child care home providers in order to improve  
11 7 services and programs offered by this category of

providers

11 6 and to increase the number of providers. The department  
may

11 7 contract with institutions of higher education or child  
care

11 8 resource and referral centers to provide the educational  
11 9 opportunities. Allowable administrative costs under the

11 10 contracts shall not exceed 5 percent. The application for  
a

11 11 grant shall not exceed two pages in length.

11 12 b. The funds appropriated in this subsection shall be  
11 13 transferred to the child care and development block grant  
11 14 appropriation.

11 15 c. Of the funds appropriated in this subsection,  
11 16 \$18,986,177 shall be transferred to the child care and  
11 17 development block grant appropriation made for the  
federal

11 18 fiscal year beginning October 1, 2008, and ending  
September

11 19 30, 2009.

11 20 d. Any funds appropriated in this subsection remaining  
11 21 unallocated shall be used for state child care assistance  
11 22 payments for individuals enrolled in the family  
investment

11 23 program who are employed.

11 24 8. For mental health and developmental disabilities  
11 25 community services:

11 26 ..... \$  
4,894,052

11 27 9. For child and family services:

11 28 ..... \$  
32,084,430

11 29 10. For child abuse prevention grants:

11 30 ..... \$  
250,000

11 31 11. For pregnancy prevention grants on the condition  
that

11 32 family planning services are funded:

11 33 ..... \$  
1,930,067

11 34 Pregnancy prevention grants shall be awarded to  
programs in

11 35 existence on or before July 1, 2008, if the programs are

12 1 comprehensive in scope and have demonstrated positive  
 12 2 outcomes. Grants shall be awarded to pregnancy prevention  
 12 3 programs which are developed after July 1, 2008, if the  
 12 4 programs are comprehensive in scope and are based on  
 existing  
 12 5 models that have demonstrated positive outcomes. Grants  
 shall  
 12 6 comply with the requirements provided in 1997 Iowa Acts,  
 12 7 chapter 208, section 14, subsections 1 and 2, including  
 the  
 12 8 requirement that grant programs must emphasize sexual  
 12 9 abstinence. Priority in the awarding of grants shall be  
 given  
 12 10 to programs that serve areas of the state which  
 demonstrate  
 12 11 the highest percentage of unplanned pregnancies of  
 females of  
 12 12 childbearing age within the geographic area to be served  
 by  
 12 13 the grant.

12 14 12. For technology needs and other resources necessary  
 to  
 12 15 meet federal welfare reform reporting, tracking, and case  
 12 16 management requirements:

12 17 ..... \$  
 12 18 1,037,186

12 19 13. For the healthy opportunities for parents to  
 12 20 experience success (HOPES) program administered by the  
 department of public health to target child abuse  
 prevention:

12 21 ..... \$  
 12 22 200,000

12 23 14. To be credited to the state child care assistance  
 appropriation made in this section to be used for funding  
 of  
 12 24 community-based early childhood programs targeted to  
 children  
 12 25 from birth through five years of age developed by  
 community  
 12 26 empowerment areas as provided in section 28.9:

12 27 ..... \$  
 12 28 7,350,000

12 29 The department shall transfer TANF block grant funding

12 29 appropriated and allocated in this subsection to the  
 12 30 child  
 12 31 care and development block grant appropriation in  
 12 32 accordance  
 12 33 with federal law as necessary to comply with the  
 12 34 provisions of  
 12 35 this subsection.

12 33 15. For a pilot program established in one or more  
 12 34 judicial districts, selected by the department and the  
 12 35 judicial council, to provide employment and support  
 13 1 services  
 13 2 to delinquent child support obligors as an alternative to  
 13 3 commitment to jail as punishment for contempt of court:  
 13 4 ..... \$  
 13 5 200,000

13 4 Of the amounts appropriated in this section,  
 13 5 \$12,962,008  
 13 6 for the fiscal year beginning July 1, 2008, shall be  
 13 7 transferred to the appropriation of the federal social  
 13 8 services block grant for that fiscal year.

13 8 The department may transfer funds allocated in this  
 13 9 section  
 13 10 to the appropriations in this Act for general  
 13 11 administration  
 13 12 and field operations for resources necessary to implement  
 13 13 and  
 13 14 operate the services referred to in this section and  
 13 15 those  
 13 16 funded in the appropriation made in this division of this  
 13 17 Act  
 13 18 for the family investment program from the general fund  
 13 19 of the  
 13 20 state.

13 15 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

13 16 1. Moneys credited to the family investment program  
 13 17 (FIP)  
 13 18 account for the fiscal year beginning July 1, 2008, and  
 13 19 ending  
 13 20 June 30, 2009, shall be used to provide assistance in  
 13 21 accordance with chapter 239B.

13 20 2. The department may use a portion of the moneys  
 13 21 credited  
 13 22 to the FIP account under this section as necessary for



13 22 salaries, support, maintenance, and miscellaneous  
13 23 purposes.

13 24 3. The department may transfer funds allocated in this  
13 25 section to the appropriations in this Act for general  
13 26 administration and field operations for resources  
13 27 necessary to  
13 28 implement and operate the services referred to in this  
13 29 section  
13 30 and those funded in the appropriation made in this  
13 31 division of  
13 32 this Act for the family investment program from the  
13 33 general  
13 34 fund of the state.

13 35 4. Moneys appropriated in this division of this Act  
14 1 and  
14 2 credited to the FIP account for the fiscal year beginning  
14 3 July  
14 4 1, 2008, and ending June 30, 2009, are allocated as  
14 5 follows:

14 6 a. To be retained by the department of human services  
14 7 to  
14 8 be used for coordinating with the department of human  
14 9 rights  
14 10 to more effectively serve participants in the FIP program  
14 11 and  
14 12 other shared clients and to meet federal reporting  
14 13 requirements under the federal temporary assistance for  
14 14 needy  
14 15 families block grant:  
14 16 ..... \$  
14 17 20,000

14 18 b. To the department of human rights for staffing,  
14 19 administration, and implementation of the family  
14 20 development  
14 21 and self=sufficiency grant program as provided under  
14 22 section  
14 23 217.12:  
14 24 ..... \$  
14 25 5,563,042

14 26 (1) Of the funds allocated for the family development  
14 27 and  
14 28 self=sufficiency grant program in this lettered  
14 29 paragraph, not  
14 30 more than 5 percent of the funds shall be used for the

14 13 administration of the grant program.

14 14 (2) The department of human rights may continue to  
14 15 implement the family development and self=sufficiency  
grant

14 16 program statewide during fiscal year 2008=2009.

14 17 (3) The department of human rights is responsible for  
14 18 complying with all federal temporary assistance for needy  
14 19 families block grant requirements with respect to the  
funds

14 20 allocated in this lettered paragraph and for any federal  
14 21 penalty that may result from a failure to meet the  
14 22 requirements. These responsibilities include but are not  
14 23 limited to ensuring that all expenditures of federal  
block

14 24 grant and state maintenance of effort funds are  
appropriate

14 25 and allowable in accordance with federal requirements and  
meet

14 26 federal work participation requirements with respect to  
the

14 27 population receiving benefits or services under the  
family

14 28 development and self=sufficiency grant program that are  
14 29 subject to work requirements.

14 30 (4) With the allocation of funding for the family  
14 31 development and self=sufficiency grant program directly  
to the

14 32 department of human rights in lieu of allocation through  
the

14 33 department of human services, the department of human  
rights

14 34 shall assume all responsibility for the grant program.  
The

14 35 responsibility includes identifying and addressing  
15 1 implementation of any revisions in state law or  
administrative

15 2 rule needed to effect this change, including but not  
limited

15 3 to identifying any amendments needed to section 217.12.

15 4 (5) The department of human rights shall provide the  
15 5 department of human services with information necessary  
for

15 6 compliance with federal temporary assistance for needy

15 7 families block grant state plan and reporting  
15 8 requirements,  
15 9 including but not limited to financial and data reports.

15 9 c. For the diversion subaccount of the FIP account:  
15 10 ..... \$  
15 11 2,814,000

15 11 (1) A portion of the moneys allocated for the  
15 12 subaccount  
15 13 may be used for field operations salaries, data  
15 14 management  
15 15 system development, and implementation costs and support  
15 16 deemed necessary by the director of human services in  
15 17 order to  
15 18 administer the FIP diversion program.

15 16 (2) Of the funds allocated in this lettered paragraph,  
15 17 not  
15 18 more than \$250,000 shall be used to develop or continue  
15 19 community-level parental obligation pilot projects. The  
15 20 requirements established under 2001 Iowa Acts, chapter  
15 21 191,  
15 22 section 3, subsection 5, paragraph "c", subparagraph (3),  
15 23 shall remain applicable to the parental obligation pilot  
15 24 projects for fiscal year 2008=2009. Notwithstanding 441  
15 25 IAC  
15 26 100.8, providing for termination of rules relating to the  
15 27 pilot projects the earlier of October 1, 2006, or when  
15 28 legislative authority is discontinued, the rules relating  
15 29 to  
15 30 the pilot projects shall remain in effect until June 30,  
15 31 2009.

15 27 d. For continuation of the program to provide  
15 28 transitional  
15 29 benefits to families with members who are employed at the  
15 30 time  
15 31 the family leaves the family investment program in  
15 32 accordance  
15 33 with section 239B.11A:

15 31 ..... \$  
15 32 2,000,000

15 32 e. For the food stamp employment and training program:  
15 33 ..... \$  
15 34 68,059

15 34 f. For the JOBS program:

15 35 ..... \$  
22,310,116

16 1 5. Of the child support collections assigned under  
FIP, an  
16 2 amount equal to the federal share of support collections  
shall  
16 3 be credited to the child support recovery appropriation.  
Of  
16 4 the remainder of the assigned child support collections  
16 5 received by the child support recovery unit, a portion  
shall  
16 6 be credited to the FIP account, a portion may be used to  
16 7 increase recoveries, and a portion may be used to sustain  
cash  
16 8 flow in the child support payments account. If as a  
result  
16 9 the appropriations allocated in this section are  
insufficient  
16 10 to sustain cash assistance payments and meet federal  
16 11 maintenance of effort requirements, the department shall  
seek  
16 12 supplemental funding. If child support collections  
assigned  
16 13 under FIP are greater than estimated or are otherwise  
16 14 determined not to be required for maintenance of effort,  
the  
16 15 state share of either amount may be transferred to or  
retained  
16 16 in the child support payment account.

16 17 6. The department may adopt emergency rules for the  
family  
16 18 investment, JOBS, family development and self-sufficiency  
16 19 grant, food stamp, and medical assistance programs if  
16 20 necessary to comply with federal requirements.

16 21 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There  
is  
16 22 appropriated from the general fund of the state to the  
16 23 department of human services for the fiscal year  
beginning  
16 24 July 1, 2008, and ending June 30, 2009, the following  
amount,  
16 25 or so much thereof as is necessary, to be used for the  
purpose  
16 26 designated:

16 27 To be credited to the family investment program (FIP)  
16 28 account and used for family investment program assistance  
16 29 under chapter 239B:

16 30 ..... \$  
16 31 42,675,127

16 32 1. Of the funds appropriated in this section,  
16 33 \$8,975,588  
16 34 is allocated for the JOBS program.

16 35 2. Of the funds appropriated in this section,  
17 1 \$2,584,367  
17 2 is allocated for the family development and  
17 3 self-sufficiency

17 4 grant program as provided under section 217.12 and this  
17 5 division of this Act. The department of human rights  
17 6 shall

17 7 ensure that the expenditures of moneys allocated from the  
17 8 general fund of the state pursuant to this subsection are  
17 9 eligible to be considered as state maintenance of effort  
17 10 expenditures under federal temporary assistance for needy  
17 11 families block grant requirements.

17 12 3. a. Of the funds appropriated in this section,  
17 13 \$250,000

17 14 shall be used for a grant to an Iowa-based nonprofit  
17 15 organization with a history of providing tax preparation  
17 16 assistance to low-income Iowans in order to expand the  
17 17 usage  
17 18 of the earned income tax credit. The purpose of the grant  
17 19 is  
17 20 to supply this assistance to underserved areas of the  
17 21 state.

17 22 The grant shall be provided to an organization that has  
17 23 existing national foundation support for supplying such  
17 24 assistance that can also secure local charitable match  
17 25 funding.

17 26 b. The general assembly supports efforts by the  
17 27 organization receiving funding under this subsection to  
17 28 create  
17 29 a statewide earned income tax credit and asset-building  
17 30 coalition to achieve both of the following purposes:

17 31 (1) Expanding the usage of the tax credit through new  
17 32 and  
17 33 enhanced outreach and marketing strategies, as well as  
17 34 identifying new local sites and human and financial

17 23 resources.

17 24 (2) Assessing and recommending various strategies for  
17 25 Iowans to develop assets through savings, individual  
17 26 development accounts, financial literacy, antipredatory  
17 27 lending initiatives, informed home ownership, use of  
17 28 various forms of support for work, and microenterprise business  
17 29 development targeted to persons who are self-employed or  
17 30 have fewer than five employees.

17 31 4. Notwithstanding section 8.39, for the fiscal year  
17 32 beginning July 1, 2008, if necessary to meet federal  
17 33 maintenance of effort requirements or to transfer federal  
17 34 temporary assistance for needy families block grant  
17 35 funding to be used for purposes of the federal social services block  
18 1 grant or to meet cash flow needs resulting from delays in  
18 2 receiving federal funding or to implement, in accordance  
18 3 with this division of this Act, activities currently funded  
18 4 with juvenile court services, county, or community moneys and  
18 5 state moneys used in combination with such moneys, the  
18 6 department of human services may transfer funds within or between any  
18 7 of the appropriations made in this division of this Act and  
18 8 appropriations in law for the federal social services  
18 9 block grant to the department for the following purposes,  
18 10 provided that the combined amount of state and federal temporary  
18 11 assistance for needy families block grant funding for  
18 12 each appropriation remains the same before and after the  
18 13 transfer:  
18 14 a. For the family investment program.  
18 15 b. For child care assistance.  
18 16 c. For child and family services.  
18 17 d. For field operations.  
18 18 e. For general administration.  
18 18 f. MH/MR/DD/BI community services (local purchase).

18 19 This subsection shall not be construed to prohibit the  
 use  
 18 20 of existing state transfer authority for other purposes.  
 The  
 18 21 department shall report any transfers made pursuant to  
 this  
 18 22 subsection to the legislative services agency.

18 23 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated  
 18 24 from the general fund of the state to the department of  
 human  
 18 25 services for the fiscal year beginning July 1, 2008, and  
 18 26 ending June 30, 2009, the following amount, or so much  
 thereof  
 18 27 as is necessary, to be used for the purposes designated:

18 28 For child support recovery, including salaries,  
 support,  
 18 29 maintenance, and miscellaneous purposes, and for not more  
 than  
 18 30 the following full-time equivalent positions:

18 31	..... \$
	14,951,757
18 32	..... FTEs
	515.00

18 33 1. The department shall expend up to \$31,000,  
 including  
 18 34 federal financial participation, for the fiscal year  
 beginning  
 18 35 July 1, 2008, for a child support public awareness  
 campaign.

19 1 The department and the office of the attorney general  
 shall  
 19 2 cooperate in continuation of the campaign. The public  
 19 3 awareness campaign shall emphasize, through a variety of  
 media  
 19 4 activities, the importance of maximum involvement of both  
 19 5 parents in the lives of their children as well as the  
 19 6 importance of payment of child support obligations.

19 7 2. Federal access and visitation grant moneys shall be  
 19 8 issued directly to private not-for-profit agencies that  
 19 9 provide services designed to increase compliance with the  
 19 10 child access provisions of court orders, including but  
 not  
 19 11 limited to neutral visitation sites and mediation  
 services.

19 12 3. The appropriation made to the department for child  
 19 13 support recovery may be used throughout the fiscal year  
 19 14 in the  
 19 15 manner necessary for purposes of cash flow management,  
 19 16 and for  
 19 17 cash flow management purposes the department may  
 19 18 temporarily  
 19 19 draw more than the amount appropriated, provided the  
 19 20 amount  
 19 21 appropriated is not exceeded at the close of the fiscal  
 19 22 year.

19 18 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from  
 19 19 the general fund of the state to the department of human  
 19 20 services for the fiscal year beginning July 1, 2008, and  
 19 21 ending June 30, 2009, the following amount, or so much  
 19 22 thereof

19 22 as is necessary, to be used for the purpose designated:

19 23 For medical assistance reimbursement and associated  
 19 24 costs

19 24 as specifically provided in the reimbursement  
 19 25 methodologies in  
 19 26 effect on June 30, 2008, except as otherwise expressly  
 19 27 authorized by law, including reimbursement for abortion  
 19 28 services which shall be available under the medical  
 19 29 assistance  
 19 30 program only for those abortions which are medically  
 19 31 necessary:

19 30 .....  
 19 31 \$646,745,853

19 31 1. Medically necessary abortions are those performed  
 19 32 under  
 19 33 any of the following conditions:

19 33 a. The attending physician certifies that continuing  
 19 34 the  
 19 35 pregnancy would endanger the life of the pregnant woman.

19 35 b. The attending physician certifies that the fetus is  
 20 1 physically deformed, mentally deficient, or afflicted  
 20 2 with a  
 20 3 congenital illness.

20 3 c. The pregnancy is the result of a rape which is  
 20 4 reported  
 20 5 within 45 days of the incident to a law enforcement  
 20 6 agency or



20 5 public or private health agency which may include a  
family

20 6 physician.

20 7 d. The pregnancy is the result of incest which is  
reported

20 8 within 150 days of the incident to a law enforcement  
agency or

20 9 public or private health agency which may include a  
family

20 10 physician.

20 11 e. Any spontaneous abortion, commonly known as a  
20 12 miscarriage, if not all of the products of conception are  
20 13 expelled.

20 14 2. The department shall utilize not more than \$60,000  
of

20 15 the funds appropriated in this section to continue the  
20 16 AIDS/HIV health insurance premium payment program as  
20 17 established in 1992 Iowa Acts, Second Extraordinary  
Session,

20 18 chapter 1001, section 409, subsection 6. Of the funds  
20 19 allocated in this subsection, not more than \$5,000 may be  
20 20 expended for administrative purposes.

20 21 3. Of the funds appropriated in this Act to the  
department

20 22 of public health for addictive disorders, \$950,000 for  
the

20 23 fiscal year beginning July 1, 2008, shall be transferred  
to

20 24 the department of human services for an integrated  
substance

20 25 abuse managed care system. The department shall not  
assume

20 26 management of the substance abuse system in place of the  
20 27 managed care contractor unless such a change in approach  
is

20 28 specifically authorized in law. The departments of human  
20 29 services and public health shall work together to  
maintain the

20 30 level of mental health and substance abuse services  
provided

20 31 by the managed care contractor through the Iowa plan for  
20 32 behavioral health. Each department shall take the steps

20 33 necessary to continue the federal waivers as necessary to

20 34 maintain the level of services.

20 35 4. a. The department shall aggressively pursue options  
21 1 for providing medical assistance or other assistance to  
21 2 individuals with special needs who become ineligible to  
21 3 continue receiving services under the early and periodic  
21 4 screening, diagnosis, and treatment program under the  
21 5 medical  
21 6 assistance program due to becoming 21 years of age who  
21 7 have  
21 8 been approved for additional assistance through the  
21 9 department's exception to policy provisions, but who have  
21 10 health care needs in excess of the funding available  
21 11 through  
21 12 the exception to policy provisions.

21 13 b. Of the funds appropriated in this section, \$100,000  
21 14 shall be used for participation in one or more pilot  
21 15 projects  
21 16 operated by a private provider to allow the individual or  
21 17 individuals to receive service in the community in  
21 18 accordance  
21 19 with principles established in *Olmstead v. L.C.*, 527 U.S.  
21 20 581  
21 21 (1999), for the purpose of providing medical assistance  
21 22 or  
21 23 other assistance to individuals with special needs who  
21 24 become  
21 25 ineligible to continue receiving services under the early  
21 26 and  
21 27 periodic screening, diagnosis, and treatment program  
21 28 under the  
21 29 medical assistance program due to becoming 21 years of  
21 30 age who  
21 31 have been approved for additional assistance through the  
21 32 department's exception to policy provisions, but who have  
21 33 health care needs in excess of the funding available  
21 34 through  
21 35 the exception to the policy provisions.

21 36 5. Of the funds appropriated in this section, up to  
21 37 \$3,050,082 may be transferred to the field operations or  
21 38 general administration appropriations in this Act for  
21 39 operational costs associated with Part D of the federal  
21 40 Medicare Prescription Drug, Improvement, and  
21 41 Modernization Act

21 29 of 2003, Pub. L. No. 108=173.

21 30 6. In addition to any other funds appropriated in this  
21 31 Act, of the funds appropriated in this section, \$250,000  
shall

21 32 be used for the grant to the Iowa healthcare  
collaborative as

21 33 defined in section 135.40.

21 34 7. Of the funds appropriated in this section, a  
portion

21 35 shall be used to enhance outreach efforts. The department  
may

22 1 transfer funds allocated in this subsection to the  
22 2 appropriations in this division of this Act for general  
22 3 administration, the state children's health insurance  
program,

22 4 or medical contracts, as necessary, to implement the  
outreach

22 5 efforts.

22 6 8. Of the funds appropriated in this section, up to  
22 7 \$442,100 may be transferred to the appropriation in this  
Act

22 8 for medical contracts to be used for clinical assessment  
22 9 services related to remedial services in accordance with  
22 10 federal law.

22 11 9. Of the funds appropriated in this section,  
\$1,143,522

22 12 may be used for the demonstration to maintain  
independence and

22 13 employment (DMIE) if the waiver for DMIE is approved by  
the

22 14 centers for Medicare and Medicaid services of the United  
22 15 States department of health and human services.

Additionally,

22 16 if the waiver is approved, \$440,000 of the funds shall be  
22 17 transferred to the department of corrections for DMIE  
22 18 activities.

22 19 10. The drug utilization review commission shall  
monitor

22 20 the smoking cessation benefit provided under the medical  
22 21 assistance program and shall provide a report of  
utilization,

22 22 client success, cost=effectiveness, and recommendations  
for

22 23 any changes in the benefit to the persons designated in  
this  
22 24 Act to receive reports by January 15, 2009. If a  
prescriber  
22 25 determines that all smoking cessation aids on the  
preferred  
22 26 drug list are not effective or medically appropriate for  
a  
22 27 patient, the prescriber may apply for an exception to  
policy  
22 28 for another product approved by the United States food  
and  
22 29 drug administration for smoking cessation pursuant to 441  
IAC  
22 30 1.8(1).  
22 31 11. A portion of the funds appropriated in this  
section  
22 32 may be transferred to the appropriations in this division  
of  
22 33 this Act for general administration, medical contracts,  
the  
22 34 state children's health insurance program, or field  
operations  
22 35 to be used for the state match cost to comply with the  
payment  
23 1 error rate measurement (PERM) program for both the  
medical  
23 2 assistance and state children's health insurance programs  
as  
23 3 developed by the centers for Medicare and Medicaid  
services of  
23 4 the United States department of health and human services  
to  
23 5 comply with the federal Improper Payments Information Act  
of  
23 6 2002, Pub. L. No. 107=300.  
23 7 12. It is the intent of the general assembly that the  
23 8 department implement the recommendations of the assuring  
23 9 better child health and development initiative II  
(ABCDII)  
23 10 clinical panel to the Iowa early and periodic screening,  
23 11 diagnostic, and treatment services healthy mental  
development  
23 12 collaborative board regarding changes to billing

procedures,

23 13 codes, and eligible service providers.

23 14 13. Of the funds appropriated in this section, a  
23 15 sufficient amount is allocated to supplement the incomes  
of

23 16 residents of nursing facilities, intermediate care  
facilities

23 17 for persons with mental illness, and intermediate care  
23 18 facilities for persons with mental retardation, with  
incomes

23 19 of less than \$50 in the amount necessary for the  
residents to

23 20 receive a personal needs allowance of \$50 per month  
pursuant

23 21 to section 249A.30A.

23 22 14. Of the funds appropriated in this section, the  
23 23 following amounts shall be transferred to appropriations  
made

23 24 in this division of this Act to the state mental health  
23 25 institutes:

23 26 a. Cherokee mental health institute ..... \$  
5,933,659

23 27 b. Clarinda mental health institute ..... \$  
1,289,526

23 28 c. Independence mental health institute ..... \$  
5,899,400

23 29 d. Mount Pleasant mental health institute .... \$  
3,751,626

23 30 15. a. Of the funds appropriated in this section,  
23 31 \$2,797,719 is allocated for state match for  
disproportionate

23 32 share hospital payment of \$7,321,954 to hospitals that  
meet

23 33 both of the following conditions:

23 34 (1) The hospital qualifies for disproportionate share  
and

23 35 graduate medical education payments.

24 1 (2) The hospital is an Iowa state-owned hospital with  
more

24 2 than 500 beds and eight or more distinct residency  
specialty

24 3 or subspecialty programs recognized by the American  
college of

24 4 graduate medical education.

24 5 b. Distribution of the disproportionate share payment  
24 6 shall be made on a monthly basis. The total amount of  
24 7 disproportionate share payments including graduate  
24 8 medical  
24 9 education, enhanced disproportionate share, and Iowa  
24 10 state-owned teaching hospital payments shall not exceed  
24 11 the  
24 12 amount of the state's allotment under Pub. L. No.  
24 13 102=234. In  
24 14 addition, the total amount of all disproportionate share  
24 15 payments shall not exceed the hospital-specific  
24 16 disproportionate share limits under Pub. L. No. 103=66.

24 17 16. Of the funds appropriated in this section,  
24 18 \$250,000  
24 19 shall be used for the Iowa chronic care consortium  
24 20 pursuant to  
24 21 2003 Iowa Acts, chapter 112, section 12, as amended by  
24 22 2003  
24 23 Iowa Acts, chapter 179, sections 166 and 167.

24 24 17. The department shall implement cost-saving  
24 25 initiatives  
24 26 including implementing a surcharge for claims filed on  
24 27 paper  
24 28 when electronic filing is available and collecting a  
24 29 supplemental rebate for diabetic supplies.

24 30 18. Of the funds appropriated in this section,  
24 31 \$1,624,836  
24 32 shall be used for payment of eligible special education  
24 33 services provided by the area education agencies pursuant  
24 34 to  
24 35 section 256B.15 to children eligible for medical  
24 36 assistance.

24 37 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM.  
24 38 There  
24 39 is appropriated from the general fund of the state to the  
24 40 department of human services for the fiscal year  
24 41 beginning  
24 42 July 1, 2008, and ending June 30, 2009, the following  
24 43 amount,  
24 44 or so much thereof as is necessary, to be used for the  
24 45 purpose  
24 46 designated:

24 47 For administration of the health insurance premium  
24 48 payment

24 33 program, including salaries, support, maintenance, and  
 24 34 miscellaneous purposes, and for not more than the  
 24 35 following

24 35 full-time equivalent positions:  
 25 1 ..... \$  
 25 1 566,338  
 25 2 ..... FTEs  
 25 2 21.00

25 3 Sec. 11. MEDICAL CONTRACTS. There is appropriated from  
 25 4 the general fund of the state to the department of human  
 25 5 services for the fiscal year beginning July 1, 2008, and  
 25 6 ending June 30, 2009, the following amount, or so much  
 25 6 thereof

25 7 as is necessary, to be used for the purpose designated:

25 8 For medical contracts, including salaries, support,  
 25 9 maintenance, and miscellaneous purposes, and for not more  
 25 9 than

25 10 the following full-time equivalent positions:

25 11 ..... \$  
 25 11 14,546,616  
 25 12 ..... FTEs 6.00

25 13 1. Of the funds appropriated in this section, \$50,000  
 25 14 shall be used for electronic cross-matching with state  
 25 14 vital

25 15 records databases through the department of public  
 25 15 health.

25 16 2. Of the funds appropriated in this section, \$250,000  
 25 17 shall be used for monitoring of home and community-based  
 25 18 services waivers.

25 19 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

25 20 1. There is appropriated from the general fund of the  
 25 21 state to the department of human services for the fiscal  
 25 21 year

25 22 beginning July 1, 2008, and ending June 30, 2009, the  
 25 23 following amount, or so much thereof as is necessary, to  
 25 23 be

25 24 used for the purpose designated:

25 25 For the state supplementary assistance program:

25 26 ..... \$  
 25 26 18,310,335

25 27 2. The department shall increase the personal needs  
 25 28 allowance for residents of residential care facilities by  
 25 28 the

25 29 same percentage and at the same time as federal  
25 30 supplemental  
25 31 security income and federal social security benefits are  
25 32 increased due to a recognized increase in the cost of  
25 33 living.  
25 34 The department may adopt emergency rules to implement  
25 35 this  
26 1 subsection.  
26 2 3. If during the fiscal year beginning July 1, 2008,  
26 3 the  
26 4 department projects that state supplementary assistance  
26 5 expenditures for a calendar year will not meet the  
26 6 federal  
26 7 pass-through requirement specified in Title XVI of the  
26 8 federal  
26 9 Social Security Act, section 1618, as codified in 42  
26 10 U.S.C. }  
26 11 1382g, the department may take actions including but not  
26 12 limited to increasing the personal needs allowance for  
26 13 residential care facility residents and making  
26 14 programmatic  
26 15 adjustments or upward adjustments of the residential care  
26 16 facility or in-home health-related care reimbursement  
26 17 rates  
26 18 prescribed in this division of this Act to ensure that  
26 19 federal  
26 20 requirements are met. In addition, the department may  
26 21 make  
26 other programmatic and rate adjustments necessary to  
26 remain  
26 within the amount appropriated in this section while  
26 ensuring  
26 compliance with federal requirements. The department may  
26 adopt emergency rules to implement the provisions of this  
26 subsection.  
26 16 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.  
26 17 1. There is appropriated from the general fund of the  
26 18 state to the department of human services for the fiscal  
26 19 year  
26 20 beginning July 1, 2008, and ending June 30, 2009, the  
26 21 following amount, or so much thereof as is necessary, to  
be  
used for the purpose designated:



26 22 For maintenance of the healthy and well kids in Iowa  
(hawk=  
26 23 i) program pursuant to chapter 514I for receipt of  
federal  
26 24 financial participation under Title XXI of the federal  
Social  
26 25 Security Act, which creates the state children's health  
26 26 insurance program:  
26 27 ..... \$  
15,158,637  
26 28 2. If sufficient funding is available under this Act,  
and  
26 29 if federal reauthorization of the state children's health  
26 30 insurance program provides sufficient federal allocations  
to  
26 31 the state and authorization to cover the following  
populations  
26 32 as an option under the state children's health insurance  
26 33 program, the department may expand coverage under the  
state  
26 34 children's health insurance program as follows:  
26 35 a. By eliminating the categorical exclusion of state  
27 1 employees from receiving state children's health  
insurance  
27 2 program benefits.  
27 3 b. By providing coverage for legal immigrant children  
and  
27 4 pregnant women not eligible under current federal  
guidelines.  
27 5 c. By covering children up to age twenty=one, or up to  
27 6 age  
27 7 twenty=three if the child is attending school.  
27 8 3. If the United States Congress does not authorize  
27 9 additional federal funds necessary to address the  
shortfall  
27 10 for the state children's health insurance program for the  
27 11 federal fiscal year beginning October 1, 2007, and ending  
27 12 September 30, 2008, the department may use 100 percent of  
state funds from the appropriation made in this section  
for  
27 13 the period beginning July 1, 2008, and ending September  
30,  
27 14 2009, and may, after consultation with the governor and  
the

27 15 general assembly, utilize funding from the appropriations  
 made  
 27 16 in this Act for medical assistance to maintain the state  
 27 17 children's health insurance program. If deemed necessary,  
 the  
 27 18 department shall request a supplemental appropriation  
 from the  
 27 19 Eighty=second General Assembly, 2009 Session, to address  
 any  
 27 20 remaining shortfall for the fiscal year beginning July 1,  
 27 21 2008.

27 22 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated  
 27 23 from the general fund of the state to the department of  
 human  
 27 24 services for the fiscal year beginning July 1, 2008, and  
 27 25 ending June 30, 2009, the following amount, or so much  
 thereof

27 26 as is necessary, to be used for the purpose designated:

27 27 For child care programs:

27 28 ..... \$  
 39,298,895

27 29 1. Of the funds appropriated in this section,  
 \$36,043,083  
 27 30 shall be used for state child care assistance in  
 accordance  
 27 31 with section 237A.13.

27 32 2. Nothing in this section shall be construed or is  
 27 33 intended as or shall imply a grant of entitlement for  
 services  
 27 34 to persons who are eligible for assistance due to an  
 income  
 27 35 level consistent with the waiting list requirements of  
 section

28 1 237A.13. Any state obligation to provide services  
 pursuant to  
 28 2 this section is limited to the extent of the funds  
 28 3 appropriated in this section.

28 4 3. Of the funds appropriated in this section, \$525,524  
 is  
 28 5 allocated for the statewide program for child care  
 resource  
 28 6 and referral services under section 237A.26. A list of  
 the  
 registered and licensed child care facilities operating

28 7 in the  
28 8 area served by a child care resource and referral service  
28 9 shall be made available to the families receiving state  
28 10 child  
28 11 care assistance in that area.

28 11 4. Of the funds appropriated in this section,  
28 12 \$1,180,288  
28 13 is allocated for child care quality improvement  
28 14 initiatives  
28 15 including but not limited to the voluntary quality rating  
28 16 system in accordance with section 237A.30.

28 15 5. The department may use any of the funds  
28 16 appropriated in  
28 17 this section as a match to obtain federal funds for use  
28 18 in  
28 19 expanding child care assistance and related programs. For  
28 20 the  
28 21 purpose of expenditures of state and federal child care  
28 22 funding, funds shall be considered obligated at the time  
28 23 expenditures are projected or are allocated to the  
28 24 department's service areas. Projections shall be based on  
28 25 current and projected caseload growth, current and  
28 26 projected  
28 27 provider rates, staffing requirements for eligibility  
28 28 determination and management of program requirements  
28 29 including  
28 30 data systems management, staffing requirements for  
28 31 administration of the program, contractual and grant  
28 32 obligations and any transfers to other state agencies,  
28 33 and  
28 34 obligations for decategorization or innovation projects.

28 29 6. A portion of the state match for the federal child  
28 30 care  
28 31 and development block grant shall be provided as  
28 32 necessary to  
28 33 meet federal matching funds requirements through the  
28 34 state  
28 35 general fund appropriation made for child development  
28 36 grants  
28 37 and other programs for at-risk children in section  
28 38 279.51.

28 34 7. Of the funds appropriated in this section,  
28 35 \$1,200,000

28 35 is transferred to the Iowa empowerment fund from which it  
 is  
 29 1 appropriated to be used for professional development for  
 the  
 29 2 system of early care, health, and education.

29 3 8. Of the funds appropriated in this section, \$350,000  
 29 4 shall be allocated to a county with a population of more  
 than  
 29 5 300,000 to be used for a grant to support child care  
 center  
 29 6 services provided to children with mental, physical, or  
 29 7 emotional challenges in order for the children to remain  
 in a  
 29 8 home or family setting.

29 9 9. Notwithstanding section 8.33, moneys appropriated  
 in  
 29 10 this section or received from the federal appropriations  
 made  
 29 11 for the purposes of this section that remain unencumbered  
 or  
 29 12 unobligated at the close of the fiscal year shall not  
 revert  
 29 13 to any fund but shall remain available for expenditure  
 for the  
 29 14 purposes designated until the close of the succeeding  
 fiscal  
 29 15 year.

29 16 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated  
 29 17 from the general fund of the state to the department of  
 human  
 29 18 services for the fiscal year beginning July 1, 2008, and  
 29 19 ending June 30, 2009, the following amounts, or so much  
 29 20 thereof as is necessary, to be used for the purposes  
 29 21 designated:

- 29 22 1. For operation of the Iowa juvenile home at Toledo  
 and  
 29 23 for salaries, support, and maintenance, and for not more  
 than  
 29 24 the following full-time equivalent positions:  
 29 25 ..... \$  
 7,579,484  
 29 26 ..... FTEs  
 126.00

2. For operation of the state training school at

29 27 Eldora  
 29 28 and for salaries, support, and maintenance, and for not  
 29 29 more  
 29 29 than the following full-time equivalent positions:  
 29 30 ..... \$  
 29 30 11,948,327  
 29 31 ..... FTEs  
 29 31 202.70

29 32 3. A portion of the moneys appropriated in this  
 29 32 section  
 29 33 shall be used by the state training school and by the  
 29 33 Iowa  
 29 34 juvenile home for grants for adolescent pregnancy  
 29 34 prevention  
 29 35 activities at the institutions in the fiscal year  
 29 35 beginning  
 30 1 July 1, 2008.

30 2 Sec. 16. CHILD AND FAMILY SERVICES.

30 3 1. There is appropriated from the general fund of the  
 30 4 state to the department of human services for the fiscal  
 30 5 year  
 30 5 beginning July 1, 2008, and ending June 30, 2009, the  
 30 6 following amount, or so much thereof as is necessary, to  
 30 7 be  
 30 7 used for the purpose designated:

30 8 For child and family services:  
 30 9 ..... \$  
 30 9 88,546,565

30 10 2. In order to address a reduction of \$5,200,000 from  
 30 10 the  
 30 11 amount allocated under the appropriation made for the  
 30 11 purposes  
 30 12 of this section in prior years for purposes of juvenile  
 30 12 delinquent graduated sanction services, up to \$5,200,000  
 30 13 of  
 30 14 the amount of federal temporary assistance for needy  
 30 14 families  
 30 15 block grant funding appropriated in this division of this  
 30 15 Act  
 30 16 for child and family services shall be made available for  
 30 16 purposes of juvenile delinquent graduated sanction  
 30 17 services.

30 18 3. The department may transfer funds appropriated in  
 30 18 this

30 19 section as necessary to pay the nonfederal costs of  
services  
30 20 reimbursed under the medical assistance program or the  
family  
30 21 investment program which are provided to children who  
would  
30 22 otherwise receive services paid under the appropriation  
in  
30 23 this section. The department may transfer funds  
appropriated  
30 24 in this section to the appropriations in this division of  
this  
30 25 Act for general administration and for field operations  
for  
30 26 resources necessary to implement and operate the services  
30 27 funded in this section.

30 28 4. a. Of the funds appropriated in this section, up to  
30 29 \$36,441,744 is allocated as the statewide expenditure  
target  
30 30 under section 232.143 for group foster care maintenance  
and  
30 31 services.

30 32 b. If at any time after September 30, 2008,  
annualization  
30 33 of a service area's current expenditures indicates a  
service  
30 34 area is at risk of exceeding its group foster care  
expenditure  
30 35 target under section 232.143 by more than 5 percent, the  
31 1 department and juvenile court services shall examine all  
group  
31 2 foster care placements in that service area in order to  
31 3 identify those which might be appropriate for  
termination. In  
31 4 addition, any aftercare services believed to be needed  
for the  
31 5 children whose placements may be terminated shall be  
31 6 identified. The department and juvenile court services  
shall  
31 7 initiate action to set dispositional review hearings for  
the  
31 8 placements identified. In such a dispositional review  
31 9 hearing, the juvenile court shall determine whether  
needed

31 10 aftercare services are available and whether termination  
of  
31 11 the placement is in the best interest of the child and  
the  
31 12 community.

31 13 5. In accordance with the provisions of section  
232.188,  
31 14 the department shall continue the child welfare and  
juvenile  
31 15 justice funding initiative. Of the funds appropriated in  
this  
31 16 section, \$2,605,000 is allocated specifically for  
expenditure  
31 17 through the decategorization service funding pools and  
governance boards established pursuant to section  
31 18 232.188. In  
31 19 addition, up to \$1,000,000 of the amount of federal  
temporary  
31 20 assistance for needy families block grant funding  
appropriated  
31 21 in this division of this Act for child and family  
services  
31 22 shall be made available for purposes of the  
decategorization  
31 23 initiative as provided in this subsection.

31 24 6. A portion of the funds appropriated in this section  
may  
31 25 be used for emergency family assistance to provide other  
31 26 resources required for a family participating in a family  
preservation or reunification project or successor  
31 27 project to  
31 28 stay together or to be reunified.

31 29 7. Notwithstanding section 234.35 or any other  
provision  
31 30 of law to the contrary, state funding for shelter care  
shall  
31 31 be limited to \$7,072,215. The department shall work with  
the  
31 32 coalition for children and family services in Iowa and  
other  
31 33 representatives of shelter care providers to reduce the  
number  
31 34 of guaranteed shelter beds and shift a portion of  
available

31 35 funding to develop new or expand existing emergency  
services  
32 1 for children who might otherwise be served in shelter  
care.  
32 2 The emergency services shall use shelter care agencies  
and may  
32 3 include mobile crisis response units for child and family  
32 4 crises, in-home supervision services, emergency family  
foster  
32 5 care homes, expanding capacity to provide emergency  
services  
32 6 in other family foster care homes, or provide flexible  
funding  
32 7 for emergency services based on evidence-based practices.  
32 8 8. Federal funds received by the state during the  
fiscal  
32 9 year beginning July 1, 2008, as the result of the  
expenditure  
32 10 of state funds appropriated during a previous state  
fiscal  
32 11 year for a service or activity funded under this section  
are  
32 12 appropriated to the department to be used as additional  
32 13 funding for services and purposes provided for under this  
32 14 section. Notwithstanding section 8.33, moneys received in  
32 15 accordance with this subsection that remain unencumbered  
or  
32 16 unobligated at the close of the fiscal year shall not  
revert  
32 17 to any fund but shall remain available for the purposes  
32 18 designated until the close of the succeeding fiscal year.  
32 19 9. Of the funds appropriated in this section,  
\$3,696,285  
32 20 shall be used for protective child care assistance.  
32 21 10. a. Of the funds appropriated in this section, up  
to  
32 22 \$2,268,963 is allocated for the payment of the expenses  
of  
32 23 court-ordered services provided to juveniles who are  
under the  
32 24 supervision of juvenile court services, which expenses  
are a  
32 25 charge upon the state pursuant to section 232.141,  
subsection



32 26 4. Of the amount allocated in this lettered paragraph, up  
to  
32 27 \$1,556,287 shall be made available to provide  
school-based  
32 28 supervision of children adjudicated under chapter 232, of  
32 29 which not more than \$15,000 may be used for the purpose  
of  
32 30 training. A portion of the cost of each school-based  
liaison  
32 31 officer shall be paid by the school district or other  
funding  
32 32 source as approved by the chief juvenile court officer.  
32 33 b. Of the funds appropriated in this section, up to  
32 34 \$823,965 is allocated for the payment of the expenses of  
32 35 court-ordered services provided to children who are under  
the  
33 1 supervision of the department, which expenses are a  
charge  
33 2 upon the state pursuant to section 232.141, subsection 4.  
33 3 c. Notwithstanding section 232.141 or any other  
provision  
33 4 of law to the contrary, the amounts allocated in this  
33 5 subsection shall be distributed to the judicial districts  
as  
33 6 determined by the state court administrator and to the  
33 7 department's service areas as determined by the  
administrator  
33 8 of the department's division of child and family  
services.  
33 9 The state court administrator and the division  
administrator  
33 10 shall make the determination of the distribution amounts  
on or  
33 11 before June 15, 2008.  
33 12 d. Notwithstanding chapter 232 or any other provision  
of  
33 13 law to the contrary, a district or juvenile court shall  
not  
33 14 order any service which is a charge upon the state  
pursuant to  
33 15 section 232.141 if there are insufficient court-ordered  
33 16 services funds available in the district court or  
departmental  
service area distribution amounts to pay for the service.

33 17 The  
33 18 chief juvenile court officer and the departmental service  
33 19 area  
33 20 manager shall encourage use of the funds allocated in  
33 21 this  
33 22 subsection such that there are sufficient funds to pay  
33 23 for all  
33 24 court-related services during the entire year. The chief  
33 25 juvenile court officers and departmental service area  
33 26 managers  
33 27 shall attempt to anticipate potential surpluses and  
33 28 shortfalls  
33 29 in the distribution amounts and shall cooperatively  
33 30 request  
33 31 the state court administrator or division administrator  
33 32 to  
33 33 transfer funds between the judicial districts' or  
33 34 departmental  
33 35 service areas' distribution amounts as prudent.

34 1 e. Notwithstanding any provision of law to the  
34 2 contrary, a  
34 3 district or juvenile court shall not order a county to  
34 4 pay for  
34 5 any service provided to a juvenile pursuant to an order  
34 6 entered under chapter 232 which is a charge upon the  
34 7 state  
34 8 under section 232.141, subsection 4.

34 9 f. Of the funds allocated in this subsection, not more  
34 10 than \$100,000 may be used by the judicial branch for  
34 11 administration of the requirements under this subsection.

34 12 11. Of the funds appropriated in this section,  
34 13 \$1,030,000  
34 14 shall be transferred to the department of public health  
34 15 to be  
34 16 used for the child protection center grant program in  
34 17 accordance with section 135.118.

34 18 12. If the department receives federal approval to  
34 19 implement a waiver under Title IV-E of the federal Social  
34 20 Security Act to enable providers to serve children who  
34 21 remain  
34 22 in the children's families and communities, for purposes  
34 23 of  
34 24 eligibility under the medical assistance program children  
34 25 who

34 10 participate in the waiver shall be considered to be  
34 11 placed in  
34 12 foster care.

34 13 13. Of the funds appropriated in this section,  
34 14 \$3,072,164  
34 15 is allocated for the preparation for adult living program  
34 16 pursuant to section 234.46.

34 17 14. Of the funds appropriated in this section,  
34 18 \$1,030,000  
34 19 shall be used for juvenile drug courts. The amount  
34 20 allocated

34 21 in this subsection shall be distributed as follows:

34 22 a. To the judicial branch for salaries to assist with  
34 23 the  
34 24 operation of juvenile drug court programs operated in the  
34 25 following jurisdictions:

34 26 (1) Marshall county:  
34 27 ..... \$  
34 28 61,800

34 29 (2) Woodbury county:  
34 30 ..... \$  
34 31 123,862

34 32 (3) Polk county:  
34 33 ..... \$  
34 34 193,057

34 35 (4) The third judicial district:  
34 36 ..... \$  
34 37 66,950

34 38 (5) The eighth judicial district:  
34 39 ..... \$  
34 40 66,950

34 41 b. For court-ordered services to support substance  
34 42 abuse  
34 43 services provided to the juveniles participating in the  
34 44 juvenile drug court programs listed in paragraph "a" and  
34 45 the  
34 46 juveniles' families:

34 47 ..... \$  
34 48 517,381

35 1 The state court administrator shall allocate the  
35 2 funding  
35 3 designated in this paragraph among the programs.

35 4 15. Of the funds appropriated in this section,

\$203,000 is

35 4 allocated for the multidimensional treatment level foster  
care

35 5 program established pursuant to 2006 Iowa Acts, chapter  
1123.

35 6 16. Of the funds appropriated in this section,  
\$236,900

35 7 shall be used for a grant to a nonprofit human services  
35 8 organization providing services to individuals and  
families in

35 9 multiple locations in southwest Iowa and Nebraska for  
support

35 10 of a project providing immediate, sensitive support and  
35 11 forensic interviews, medical exams, needs assessments,  
and

35 12 referrals for victims of child abuse and their  
nonoffending

35 13 family members.

35 14 17. Of the funds appropriated in this section,  
\$120,000 is

35 15 allocated for the elevate approach of providing a support  
35 16 network to children placed in foster care.

35 17 18. Of the funds appropriated in this section,  
\$300,000 is

35 18 allocated for sibling visitation provisions for children  
35 19 subject to a court order for out-of-home placement in  
35 20 accordance with section 232.108.

35 21 19. Of the funds appropriated in this section,  
\$200,000 is

35 22 allocated for use pursuant to section 235A.1 for the  
35 23 initiative to address child sexual abuse implemented  
pursuant

35 24 to 2007 Iowa Acts, ch. 218, section 18, subsection 21.

35 25 20. Of the funds appropriated in this section, \$80,000  
is

35 26 allocated for renewal of a grant to a county with a  
population

35 27 between 189,000 and 196,000 in the latest preceding  
certified

35 28 federal census for implementation of the county's runaway  
35 29 treatment plan under section 232.195.

35 30 21. Of the funds appropriated in this section,  
\$418,000 is

35 31 allocated for the community partnership for child  
35 32 protection  
35 32 sites.

35 33 22. Of the funds appropriated in this section,  
35 34 \$375,000 is  
35 35 allocated for the department's minority youth and family  
35 35 projects under the redesign of the child welfare system.

36 1 23. Of the funds appropriated in this section,  
36 2 \$300,000 is  
36 3 allocated for funding of the state match for the federal  
36 4 substance abuse and mental health services administration  
36 4 (SAMHSA) system of care grant.

36 5 24. The department shall develop options for providing  
36 6 a  
36 6 growth mechanism for reimbursement of the child and  
36 7 family  
36 7 services traditionally funded under this appropriation.  
36 8 The  
36 8 growth mechanism options may provide for a tie to  
36 9 allowable  
36 9 growth for school aid, an inflationary adjustment  
36 10 reflective  
36 10 of the cost increases for the services, or other  
36 11 reasonable  
36 11 proxy for the cost increases affecting such service  
36 12 providers.

36 12 Sec. 17. ADOPTION SUBSIDY.

36 13 1. There is appropriated from the general fund of the  
36 14 state to the department of human services for the fiscal  
36 15 year  
36 15 beginning July 1, 2008, and ending June 30, 2009, the  
36 16 following amount, or so much thereof as is necessary, to  
36 17 be  
36 17 used for the purpose designated:

36 18 For adoption subsidy payments and services:  
36 19 ..... \$  
36 19 32,568,872

36 20 2. The department may transfer funds appropriated in  
36 21 this  
36 21 section to the appropriations in this Act for child and  
36 22 family  
36 22 services to be used for adoptive family recruitment and  
36 23 other  
36 23 services to achieve adoption.

36 24 3. Federal funds received by the state during the  
36 25 fiscal  
36 26 year beginning July 1, 2008, as the result of the  
36 27 expenditure  
36 28 of state funds during a previous state fiscal year for a  
36 29 service or activity funded under this section are  
36 30 appropriated  
36 31 to the department to be used as additional funding for  
36 32 the  
36 33 services and activities funded under this section.  
36 34 Notwithstanding section 8.33, moneys received in  
36 35 accordance  
36 36 with this subsection that remain unencumbered or  
36 37 unobligated  
36 38 at the close of the fiscal year shall not revert to any  
36 39 fund  
36 40 but shall remain available for expenditure for the  
36 41 purposes  
36 42 designated until the close of the succeeding fiscal year.

36 43 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys  
37 1 deposited  
37 2 in the juvenile detention home fund created in section  
37 3 232.142  
37 4 during the fiscal year beginning July 1, 2008, and ending  
37 5 June  
37 6 30, 2009, are appropriated to the department of human  
37 7 services  
37 8 for the fiscal year beginning July 1, 2008, and ending  
37 9 June  
37 10 30, 2009, for distribution of an amount equal to a  
37 11 percentage  
37 12 of the costs of the establishment, improvement,  
37 13 operation, and  
37 14 maintenance of county or multicounty juvenile detention  
37 15 homes  
37 16 in the fiscal year beginning July 1, 2007. Moneys  
37 17 appropriated for distribution in accordance with this  
37 18 section  
37 19 shall be allocated among eligible detention homes,  
37 20 prorated on  
37 21 the basis of an eligible detention home's proportion of  
37 22 the  
37 23 costs of all eligible detention homes in the fiscal year  
37 24 beginning July 1, 2007. The percentage figure shall be

37 14 determined by the department based on the amount  
 37 15 available for  
 37 16 distribution for the fund. Notwithstanding section  
 37 17 232.142,  
 37 18 subsection 3, the financial aid payable by the state  
 37 19 under  
 37 20 that provision for the fiscal year beginning July 1,  
 37 21 2008,  
 37 22 shall be limited to the amount appropriated for the  
 37 23 purposes  
 37 24 of this section.

37 20 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

37 21 1. There is appropriated from the general fund of the  
 37 22 state to the department of human services for the fiscal  
 37 23 year  
 37 24 beginning July 1, 2008, and ending June 30, 2009, the  
 37 25 following amount, or so much thereof as is necessary, to  
 37 26 be  
 37 27 used for the purpose designated:

37 26 For the family support subsidy program:  
 37 27 ..... \$  
 37 28 1,936,434

37 28 2. The department shall use at least \$433,212 of the  
 37 29 moneys appropriated in this section for the family  
 37 30 support  
 37 31 center component of the comprehensive family support  
 37 32 program  
 37 33 under section 225C.47. Not more than \$20,000 of the  
 37 34 amount  
 37 35 allocated in this subsection shall be used for  
 37 36 administrative  
 37 37 costs.

37 34 Sec. 20. CONNER DECREE. There is appropriated from the  
 37 35 general fund of the state to the department of human  
 37 36 services

38 1 for the fiscal year beginning July 1, 2008, and ending  
 38 2 June  
 38 3 30, 2009, the following amount, or so much thereof as is  
 38 4 necessary, to be used for the purpose designated:

38 4 For building community capacity through the  
 38 5 coordination  
 38 6 and provision of training opportunities in accordance  
 38 7 with the  
 38 8 consent decree of Conner v. Branstad, No. 4=86=CV=30871

38 6 (S.D.  
 38 7 Iowa, July 14, 1994):  
 38 8 ..... \$  
 42,623

38 9 Sec. 21. MENTAL HEALTH INSTITUTES. There is  
 appropriated  
 38 10 from the general fund of the state to the department of  
 human  
 38 11 services for the fiscal year beginning July 1, 2008, and  
 38 12 ending June 30, 2009, the following amounts, or so much  
 38 13 thereof as is necessary, to be used for the purposes  
 38 14 designated:

38 15 1. For the state mental health institute at Cherokee  
 for  
 38 16 salaries, support, maintenance, and miscellaneous  
 purposes,  
 38 17 and for not more than the following full-time equivalent  
 38 18 positions:

38 19 ..... \$  
 5,727,743  
 38 20 ..... FTEs  
 210.00

38 21 2. For the state mental health institute at Clarinda  
 for  
 38 22 salaries, support, maintenance, and miscellaneous  
 purposes,  
 38 23 and for not more than the following full-time equivalent  
 38 24 positions:

38 25 ..... \$  
 7,023,073  
 38 26 ..... FTEs  
 109.95

38 27 3. For the state mental health institute at  
 Independence  
 38 28 for salaries, support, maintenance, and miscellaneous  
 38 29 purposes, and for not more than the following full-time  
 38 30 equivalent positions:

38 31 ..... \$  
 10,495,879  
 38 32 ..... FTEs  
 287.66

38 33 4. For the state mental health institute at Mount  
 Pleasant



38 34 for salaries, support, maintenance, and miscellaneous  
 38 35 purposes, and for not more than the following full-time  
 39 1 equivalent positions:

39 2 ..... \$  
 1,874,721

39 3 ..... FTEs  
 116.44

39 4 Sec. 22. STATE RESOURCE CENTERS.

39 5 1. There is appropriated from the general fund of the  
 39 6 state to the department of human services for the fiscal  
 39 7 year  
 39 8 beginning July 1, 2008, and ending June 30, 2009, the  
 39 9 following amounts, or so much thereof as is necessary, to  
 be

used for the purposes designated:

39 10 a. For the state resource center at Glenwood for  
 39 11 salaries,  
 support, maintenance, and miscellaneous purposes:

39 12 ..... \$  
 17,102,330

39 13 b. For the state resource center at Woodward for  
 39 14 salaries,  
 support, maintenance, and miscellaneous purposes:

39 15 ..... \$  
 11,266,164

39 16 2. The department may continue to bill for state  
 resource  
 39 17 center services utilizing a scope of services approach  
 used  
 39 18 for private providers of ICFMR services, in a manner  
 which  
 39 19 does not shift costs between the medical assistance  
 program,  
 39 20 counties, or other sources of funding for the state  
 resource  
 39 21 centers.

39 22 3. The state resource centers may expand the  
 time-limited  
 39 23 assessment and respite services during the fiscal year.

39 24 4. If the department's administration and the  
 department  
 39 25 of management concur with a finding by a state resource  
 center's superintendent that projected revenues can  
 39 26 reasonably

39 27 be expected to pay the salary and support costs for a new  
39 28 employee position, or that such costs for adding a  
39 29 particular  
39 30 number of new positions for the fiscal year would be less  
39 31 than  
39 32 the overtime costs if new positions would not be added,  
39 33 the  
39 34 superintendent may add the new position or positions. If  
39 35 the  
40 1 vacant positions available to a resource center do not  
40 2 include  
40 3 the position classification desired to be filled, the  
40 4 state  
40 5 resource center's superintendent may reclassify any  
40 6 vacant  
40 7 position as necessary to fill the desired position. The  
40 8 superintendents of the state resource centers may, by  
40 9 mutual  
40 10 agreement, pool vacant positions and position  
40 11 classifications  
40 12 during the course of the fiscal year in order to assist  
40 13 one  
40 14 another in filling necessary positions.

40 15 5. If existing capacity limitations are reached in  
40 16 operating units, a waiting list is in effect for a  
40 17 service or  
40 18 a special need for which a payment source or other  
40 19 funding is  
40 20 available for the service or to address the special need,  
40 21 and  
40 22 facilities for the service or to address the special need  
40 23 can  
40 24 be provided within the available payment source or other  
40 25 funding, the superintendent of a state resource center  
40 26 may  
40 27 authorize opening not more than two units or other  
40 28 facilities  
40 29 and begin implementing the service or addressing the  
40 30 special  
40 31 need during fiscal year 2008=2009.

40 32 Sec. 23. MI/MR/DD STATE CASES.

40 33 1. There is appropriated from the general fund of the  
40 34 state to the department of human services for the fiscal  
40 35 year

40 18 beginning July 1, 2008, and ending June 30, 2009, the  
40 19 following amount, or so much thereof as is necessary, to  
40 20 be  
40 21 used for the purpose designated:

40 21 For distribution to counties for state case services  
40 22 for  
40 23 persons with mental illness, mental retardation, and  
40 24 developmental disabilities in accordance with section  
40 25 331.440:

40 26 ..... \$  
40 27 13,067,178

40 28 2. For the fiscal year beginning July 1, 2008, and  
40 29 ending  
40 30 June 30, 2009, \$200,000 is allocated for state case  
40 31 services  
40 32 from the amounts appropriated from the fund created in  
40 33 section  
40 34 8.41 to the department of human services from the funds  
40 35 received from the federal government under 42 U.S.C., ch.  
41 1 6A,  
41 2 subch. XVII, relating to the community mental health  
41 3 center  
41 4 block grant, for the federal fiscal years beginning  
41 5 October 1,  
41 6 2006, and ending September 30, 2007, beginning October 1,  
41 7 2007, and ending September 30, 2008, and beginning  
41 8 October 1,  
41 9 2008, and ending September 30, 2009. The allocation made  
41 10 in  
41 11 this subsection shall be made prior to any other  
41 12 distribution  
41 13 allocation of the appropriated federal funds.

41 14 3. Notwithstanding section 8.33, moneys appropriated  
41 15 in  
41 16 this section that remain unencumbered or unobligated at  
41 17 the  
41 18 close of the fiscal year shall not revert but shall  
41 19 remain  
41 20 available for expenditure for the purposes designated  
41 21 until  
41 22 the close of the succeeding fiscal year.

41 23 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES  
41 24 ==  
41 25 COMMUNITY SERVICES FUND. There is appropriated from the

41 9 general fund of the state to the mental health and  
 41 10 developmental disabilities community services fund  
 created in  
 41 11 section 225C.7 for the fiscal year beginning July 1,  
 2008, and  
 41 12 ending June 30, 2009, the following amount, or so much  
 thereof  
 41 13 as is necessary, to be used for the purpose designated:  
 41 14 For mental health and developmental disabilities  
 41 15 community  
 services in accordance with this division of this Act:  
 41 16 ..... \$  
 18,017,890  
 41 17 1. Of the funds appropriated in this section,  
 \$17,727,890  
 41 18 shall be allocated to counties for funding of  
 community-based  
 41 19 mental health and developmental disabilities services.  
 The  
 41 20 moneys shall be allocated to a county as follows:  
 41 21 a. Fifty percent based upon the county's proportion of  
 the  
 41 22 state's population of persons with an annual income which  
 is  
 41 23 equal to or less than the poverty guideline established  
 by the  
 41 24 federal office of management and budget.  
 41 25 b. Fifty percent based upon the county's proportion of  
 the  
 41 26 state's general population.  
 41 27 2. a. A county shall utilize the funding the county  
 41 28 receives pursuant to subsection 1 for services provided  
 to  
 41 29 persons with a disability, as defined in section 225C.2.  
 However, no more than 50 percent of the funding shall be  
 41 30 used  
 for services provided to any one of the service  
 41 31 populations.  
 41 32 b. A county shall use at least 50 percent of the  
 funding  
 41 33 the county receives under subsection 1 for contemporary  
 services provided to persons with a disability, as  
 41 34 described  
 41 35 in rules adopted by the department.

42 1 3. Of the funds appropriated in this section, \$30,000  
42 2 shall be used to support the Iowa compass program  
42 3 providing  
42 4 computerized information and referral services for Iowans  
42 5 with  
42 6 disabilities and their families.

42 7 4. a. Funding appropriated for purposes of the federal  
42 8 social services block grant is allocated for distribution  
42 9 to  
42 10 counties for local purchase of services for persons with  
42 11 mental illness or mental retardation or other  
42 12 developmental  
42 13 disability.

42 14 b. The funds allocated in this subsection shall be  
42 15 expended by counties in accordance with the county's  
42 16 approved  
42 17 county management plan. A county without an approved  
42 18 county  
42 19 management plan shall not receive allocated funds until  
42 20 the  
42 21 county's management plan is approved.

42 22 c. The funds provided by this subsection shall be  
42 23 allocated to each county as follows:

42 24 (1) Fifty percent based upon the county's proportion  
42 25 of  
42 26 the state's population of persons with an annual income  
42 27 which  
42 28 is equal to or less than the poverty guideline  
42 29 established by  
42 30 the federal office of management and budget.

42 31 (2) Fifty percent based upon the amount provided to  
42 32 the  
42 33 county for local purchase of services in the preceding  
42 34 fiscal  
42 35 year.

42 36 5. A county is eligible for funds under this section  
42 37 if  
42 38 the county qualifies for a state payment as described in  
42 39 section 331.439.

42 40 6. Of the funds appropriated in this section, \$260,000  
42 41 is  
42 42 allocated to the department for continuing the  
42 43 development of

42 29 an assessment process for use beginning in a subsequent  
 42 30 fiscal  
 42 31 year as authorized specifically by a statute to be  
 42 32 enacted in  
 42 33 a subsequent fiscal year, determining on a consistent  
 42 34 basis  
 42 35 the needs and capacities of persons seeking or receiving  
 43 1 mental health, mental retardation, developmental  
 43 2 disabilities,  
 43 3 or brain injury services that are paid for in whole or in  
 43 4 part  
 43 5 by the state or a county. The assessment process shall be  
 43 6 developed with the involvement of counties and the mental  
 43 7 health, mental retardation, developmental disabilities,  
 43 8 and  
 43 9 brain injury commission.

43 4 7. The most recent population estimates issued by the  
 43 5 United States bureau of the census shall be applied for  
 43 6 the  
 43 7 population factors utilized in this section.

43 7 Sec. 25. SEXUALLY VIOLENT PREDATORS.

43 8 1. There is appropriated from the general fund of the  
 43 9 state to the department of human services for the fiscal  
 43 10 year  
 43 11 beginning July 1, 2008, and ending June 30, 2009, the  
 43 12 following amount, or so much thereof as is necessary, to  
 43 13 be  
 43 14 used for the purpose designated:

43 13 For costs associated with the commitment and treatment  
 43 14 of  
 43 15 sexually violent predators in the unit located at the  
 43 16 state  
 43 17 mental health institute at Cherokee, including costs of  
 43 18 legal  
 43 19 services and other associated costs, including salaries,  
 43 20 support, maintenance, and miscellaneous purposes, and for  
 43 21 not  
 43 22 more than the following full-time equivalent positions:

.....	\$
6,492,008	
.....	FTEs
94.50	

43 21 2. Unless specifically prohibited by law, if the  
 amount

43 22 charged provides for recoupment of at least the entire  
 amount  
 43 23 of direct and indirect costs, the department of human  
 services  
 43 24 may contract with other states to provide care and  
 treatment  
 43 25 of persons placed by the other states at the unit for  
 sexually  
 43 26 violent predators at Cherokee. The moneys received under  
 such  
 43 27 a contract shall be considered to be repayment receipts  
 and  
 43 28 used for the purposes of the appropriation made in this  
 43 29 section.

43 30 Sec. 26. FIELD OPERATIONS. There is appropriated from  
 the  
 43 31 general fund of the state to the department of human  
 services  
 43 32 for the fiscal year beginning July 1, 2008, and ending  
 June  
 43 33 30, 2009, the following amount, or so much thereof as is  
 43 34 necessary, to be used for the purposes designated:

43 35 For field operations, including salaries, support,  
 44 1 maintenance, and miscellaneous purposes, and for not more  
 than  
 44 2 the following full-time equivalent positions:  
 44 3 ..... \$  
 66,852,732  
 44 4 ..... FTEs  
 2,130.68

44 5 Priority in filling full-time equivalent positions  
 shall be  
 44 6 given to those positions related to child protection  
 services.

44 7 Sec. 27. GENERAL ADMINISTRATION. There is appropriated  
 44 8 from the general fund of the state to the department of  
 human  
 44 9 services for the fiscal year beginning July 1, 2008, and  
 44 10 ending June 30, 2009, the following amount, or so much  
 thereof

44 11 as is necessary, to be used for the purpose designated:  
 44 12 For general administration, including salaries,  
 support,  
 maintenance, and miscellaneous purposes, and for not more

44 13 than  
 44 14 the following full-time equivalent positions:  
 44 15 ..... \$  
 16,782,067  
 44 16 ..... FTEs  
 402.50

44 17 1. Of the funds appropriated in this section, \$57,000  
 44 18 is  
 44 19 allocated for the prevention of disabilities policy  
 44 20 council  
 44 21 established in section 225B.3.

44 22 2. If legislation is enacted providing for the  
 44 23 department  
 44 24 to implement an emergency mental health crisis services  
 44 25 system  
 44 26 or a mental health services system for children and youth  
 44 27 through competitive bidding processes, the department  
 44 28 shall  
 44 29 begin the request for proposals and rules adoption  
 44 30 processes  
 44 31 so that implementation of the system or systems may  
 44 32 expeditiously begin on or after July 1, 2009. Of the  
 44 33 amount  
 44 34 appropriated in this section, the department may use up  
 44 35 to  
 \$50,000 each for the planning and development costs to  
 begin  
 the two systems in the fiscal year beginning July 1,  
 2009.

44 30 Sec. 28. VOLUNTEERS. There is appropriated from the  
 44 31 general fund of the state to the department of human  
 44 32 services  
 44 33 for the fiscal year beginning July 1, 2008, and ending  
 44 34 June  
 44 35 30, 2009, the following amount, or so much thereof as is  
 44 36 necessary, to be used for the purpose designated:

44 37 For development and coordination of volunteer  
 44 38 services:  
 45 1 ..... \$  
 109,568

45 2 Sec. 29. FAMILY PLANNING SERVICES. There is  
 45 3 appropriated  
 45 4 from the general fund of the state to the department of  
 45 5 human



45 4 services for the fiscal year beginning July 1, 2008, and  
45 5 ending June 30, 2009, the following amount or so much  
thereof

45 6 as is necessary, to be used for the purpose designated:

45 7 For family planning services to individuals who are  
not

45 8 currently receiving the specific benefit under the  
medical

45 9 assistance program:

45 10 ..... \$  
750,000

45 11 Moneys appropriated under this section shall not be  
used to

45 12 provide abortions. The department shall work with  
appropriate

45 13 stakeholders to implement and administer the program.

45 14 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY  
45 15 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER  
THE  
45 16 DEPARTMENT OF HUMAN SERVICES.

45 17 1. a. (1) For the fiscal year beginning July 1, 2008,  
45 18 the total state funding amount for the nursing facility  
budget  
45 19 shall not exceed \$183,367,323.

45 20 (2) The department, in cooperation with nursing  
facility  
45 21 representatives, shall review projections for state  
funding  
45 22 expenditures for reimbursement of nursing facilities on a  
45 23 quarterly basis and the department shall determine if an  
adjustment to the medical assistance reimbursement rate  
45 24 is

45 25 necessary in order to provide reimbursement within the  
state

45 26 funding amount. Any temporary enhanced federal financial  
participation that may become available to the Iowa  
45 27 medical

45 28 assistance program during the fiscal year shall not be  
used in

45 29 projecting the nursing facility budget. Notwithstanding  
2001

45 30 Iowa Acts, chapter 192, section 4, subsection 2,  
paragraph

"c", and subsection 3, paragraph "a", subparagraph (2),

45 31 if the  
45 32 state funding expenditures for the nursing facility  
45 33 budget for  
45 34 the fiscal year beginning July 1, 2008, are projected to  
45 35 exceed the amount specified in subparagraph (1), the  
46 1 department shall adjust the reimbursement for nursing  
46 2 facilities reimbursed under the case=mix reimbursement  
46 3 system  
46 4 to maintain expenditures of the nursing facility budget  
46 5 within  
46 6 the specified amount. The department shall revise such  
46 7 reimbursement as necessary to adjust the outcomes factor  
46 8 in  
46 9 accordance with the amendment in this division of this  
46 10 Act to  
46 11 2001 Iowa Acts, chapter 192, section 4, subsection 4.  
46 12 b. For the fiscal year beginning July 1, 2008, the  
46 13 department shall reimburse pharmacy dispensing fees using  
46 14 a  
46 15 single rate of \$4.52 per prescription or the pharmacy's  
46 16 usual  
46 17 and customary fee, whichever is lower.  
46 18 c. (1) For the fiscal year beginning July 1, 2008,  
46 19 reimbursement rates for inpatient and outpatient hospital  
46 20 services shall remain at the rates in effect on June 30,  
46 21 2008.  
46 22 The department shall continue the outpatient hospital  
46 23 reimbursement system based upon ambulatory patient groups  
46 24 implemented pursuant to 1994 Iowa Acts, chapter 1186,  
46 25 section  
46 26 25, subsection 1, paragraph "f", unless the department  
46 27 adopts  
46 28 the Medicare ambulatory payment classification  
46 29 methodology  
46 30 authorized in subparagraph (2).  
46 31 (2) The department may implement the Medicare  
46 32 ambulatory  
46 33 payment classification methodology for reimbursement of  
46 34 outpatient hospital services. Any change in hospital  
46 35 reimbursement shall be budget neutral.  
46 36 (3) In order to ensure the efficient use of limited  
46 37 state  
46 38 funds in procuring health care services for low=income

Iowans,

46 26 funds appropriated in this Act for hospital services  
shall not

46 27 be used for activities which would be excluded from a  
46 28 determination of reasonable costs under the federal  
Medicare

46 29 program pursuant to 42 U.S.C. } 1395X(v)(1)(N).

46 30 d. For the fiscal year beginning July 1, 2008,  
46 31 reimbursement rates for rural health clinics, hospices,  
46 32 independent laboratories, and acute mental hospitals  
shall be

46 33 increased in accordance with increases under the federal  
46 34 Medicare program or as supported by their Medicare  
audited  
46 35 costs.

47 1 e. (1) For the fiscal year beginning July 1, 2008,  
47 2 reimbursement rates for home health agencies shall remain  
at

47 3 the rates in effect on June 30, 2008, not to exceed a  
home  
47 4 health agency's actual allowable cost.

47 5 (2) The department shall establish a fixed fee  
47 6 reimbursement schedule for home health agencies under the  
47 7 medical assistance program beginning July 1, 2008.

47 8 f. For the fiscal year beginning July 1, 2008,  
federally  
47 9 qualified health centers shall receive cost-based  
47 10 reimbursement for 100 percent of the reasonable costs for  
the  
47 11 provision of services to recipients of medical  
assistance.

47 12 g. For the fiscal year beginning July 1, 2008, the  
47 13 reimbursement rates for dental services shall remain at  
the  
47 14 rates in effect on June 30, 2008.

47 15 h. For the fiscal year beginning July 1, 2008, the  
maximum  
47 16 reimbursement rate for psychiatric medical institutions  
for  
47 17 children shall be \$160.71 per day.

47 18 i. For the fiscal year beginning July 1, 2008, unless  
47 19 otherwise specified in this Act, all noninstitutional  
medical

47 20 assistance provider reimbursement rates shall remain at  
the

47 21 rates in effect on June 30, 2008, except for area  
education

47 22 agencies, local education agencies, infant and toddler  
47 23 services providers, and those providers whose rates are  
47 24 required to be determined pursuant to section 249A.20.

47 25 j. Notwithstanding section 249A.20, for the fiscal  
year

47 26 beginning July 1, 2008, the average reimbursement rate  
for

47 27 health care providers eligible for use of the federal  
Medicare

47 28 resource-based relative value scale reimbursement  
methodology

47 29 under that section shall remain at the rate in effect on  
June

47 30 30, 2008; however, this rate shall not exceed the maximum  
47 31 level authorized by the federal government.

47 32 k. For the fiscal year beginning July 1, 2008, the  
47 33 reimbursement rate for residential care facilities shall  
not

47 34 be less than the minimum payment level as established by  
the

47 35 federal government to meet the federally mandated  
maintenance

48 1 of effort requirement. The flat reimbursement rate for  
48 2 facilities electing not to file semiannual cost reports  
shall

48 3 not be less than the minimum payment level as established  
by

48 4 the federal government to meet the federally mandated  
48 5 maintenance of effort requirement.

48 6 l. For the fiscal year beginning July 1, 2008,  
inpatient

48 7 mental health services provided at hospitals shall be  
48 8 reimbursed at the cost of the services, subject to  
Medicaid

48 9 program upper payment limit rules; community mental  
health

48 10 centers and providers of mental health services to county  
48 11 residents pursuant to a waiver approved under section  
225C.7,

48 12 subsection 3, shall be reimbursed at 100 percent of the

48 13 reasonable costs for the provision of services to  
recipients

48 14 of medical assistance; and psychiatrists shall be  
reimbursed

48 15 at the medical assistance program fee for service rate.

48 16 2. For the fiscal year beginning July 1, 2008, the  
48 17 reimbursement rate for providers reimbursed under the in=  
48 18 home=related care program shall not be less than the  
minimum

48 19 payment level as established by the federal government to  
meet

48 20 the federally mandated maintenance of effort requirement.

48 21 3. Unless otherwise directed in this section, when the  
48 22 department's reimbursement methodology for any provider  
48 23 reimbursed in accordance with this section includes an  
48 24 inflation factor, this factor shall not exceed the amount  
by

48 25 which the consumer price index for all urban consumers  
48 26 increased during the calendar year ending December 31,  
2002.

48 27 4. For the fiscal year beginning July 1, 2008, the  
foster

48 28 family basic daily maintenance rate paid in accordance  
with

48 29 section 234.38, the maximum adoption subsidy rate, and  
the

48 30 maximum supervised apartment living foster care rate for  
48 31 children ages 0 through 5 years shall be \$16.36, the rate  
for

48 32 children ages 6 through 11 years shall be \$17.01, the  
rate for

48 33 children ages 12 through 15 years shall be \$18.62, and  
the

48 34 rate for children ages 16 and older shall be \$18.87.

48 35 5. For the fiscal year beginning July 1, 2008, the  
maximum

49 1 reimbursement rates for social services providers  
reimbursed

49 2 under a purchase of social services contract shall remain  
at

49 3 the rates in effect on June 30, 2008, or the provider's  
actual

49 4 and allowable cost plus inflation for each service,  
whichever

49 5 is less. However, the rates may be adjusted under any of  
the

49 6 following circumstances:

49 7 a. If a new service was added after June 30, 2008, the  
49 8 initial reimbursement rate for the service shall be based  
upon

49 9 actual and allowable costs.

49 10 b. If a social service provider loses a source of  
income

49 11 used to determine the reimbursement rate for the  
provider, the

49 12 provider's reimbursement rate may be adjusted to reflect  
the

49 13 loss of income, provided that the lost income was used to  
49 14 support actual and allowable costs of a service purchased  
49 15 under a purchase of service contract.

49 16 6. For the fiscal year beginning July 1, 2008, the  
49 17 reimbursement rates for family-centered service  
providers,

49 18 family foster care service providers, group foster care  
49 19 service providers, and the resource family recruitment  
and

49 20 retention contractor shall remain at rates in effect on  
June

49 21 30, 2008.

49 22 7. The group foster care reimbursement rates paid for  
49 23 placement of children out of state shall be calculated  
49 24 according to the same rate-setting principles as those  
used

49 25 for in-state providers, unless the director of human  
services

49 26 or the director's designee determines that appropriate  
care

49 27 cannot be provided within the state. The payment of the  
daily

49 28 rate shall be based on the number of days in the calendar  
49 29 month in which service is provided.

49 30 8. For the fiscal year beginning July 1, 2008, the  
49 31 reimbursement rates for remedial service providers shall  
49 32 remain at the rates in effect for June 30, 2008.

49 33 9. a. For the fiscal year beginning July 1, 2008, the  
49 34 combined service and maintenance components of the  
reimbursement rate paid for shelter care services

49 35 purchased  
50 1 under a contract shall be based on the financial and  
50 2 statistical report submitted to the department. The  
maximum  
50 3 reimbursement rate shall be \$91.45 per day. The  
department  
50 4 shall reimburse a shelter care provider at the provider's  
50 5 actual and allowable unit cost, plus inflation, not to  
exceed  
50 6 the maximum reimbursement rate.  
50 7 b. Notwithstanding section 232.141, subsection 8, for  
the  
50 8 fiscal year beginning July 1, 2008, the amount of the  
50 9 statewide average of the actual and allowable rates for  
reimbursement of juvenile shelter care homes that is  
50 10 utilized  
for the limitation on recovery of unpaid costs shall  
50 11 remain at  
the amount in effect for this purpose in the preceding  
50 12 fiscal  
50 13 year.  
50 14 10. For the fiscal year beginning July 1, 2008, the  
50 15 department shall calculate reimbursement rates for  
50 16 intermediate care facilities for persons with mental  
50 17 retardation at the 80th percentile.  
50 18 11. For the fiscal year beginning July 1, 2008, for  
child  
50 19 care providers reimbursed under the state child care  
50 20 assistance program, the department shall set provider  
50 21 reimbursement rates based on the rate reimbursement  
survey  
50 22 completed in December 2004. The department shall set  
rates in  
50 23 a manner so as to provide incentives for a nonregistered  
50 24 provider to become registered.  
50 25 12. For the fiscal year beginning July 1, 2008,  
50 26 reimbursements for providers reimbursed by the department  
of  
50 27 human services may be modified if appropriated funding is  
50 28 allocated for that purpose from the senior living trust  
fund  
50 29 created in section 249H.4, or as specified in  
appropriations

50 30 from the healthy Iowans tobacco trust created in section  
50 31 12.65.

50 32 13. The department may adopt emergency rules to  
50 33 implement  
50 34 this section.

50 34 Sec. 31. 2001 Iowa Acts, chapter 192, section 4,  
50 35 subsection 4, is amended to read as follows:

51 1 4. ~~ACCOUNTABILITY MEASURERS~~ MEASUREMENTS == ANNUAL  
51 2 ACCOUNTABILITY PAYMENTS == DIRECT CARE WORKER  
51 3 COMPENSATION.

51 3 a. (1) It is the intent of the general assembly that  
51 4 the  
51 5 department of human services initiate a system to measure  
51 6 a  
51 7 variety of elements to determine a nursing facility's  
51 8 capacity  
51 9 to provide quality of life and appropriate access to  
51 10 medical  
51 11 assistance program beneficiaries in a cost-effective  
51 12 manner.  
51 13 Beginning July 1, 2001, the department shall implement a  
51 14 process to collect data for these measurements and shall  
51 15 develop procedures to increase nursing facility  
51 16 reimbursements  
51 17 based upon a nursing facility's achievement of multiple  
51 18 favorable outcomes as determined by these measurements.  
51 19 Any  
51 20 increased reimbursement shall not exceed 3 percent of the  
51 21 calculation of the modified price-based case-mix  
51 22 reimbursement  
51 23 median. The increased reimbursement shall be included in  
51 24 the  
51 25 calculation of nursing facility modified price-based  
51 26 payment  
51 27 rates beginning July 1, 2002, with the exception of  
51 28 Medicare-certified hospital-based nursing facilities,  
51 29 state-operated nursing facilities, and special population  
51 30 nursing facilities.

51 21 (2) Beginning July 1, 2008, notwithstanding any law or  
51 22 rule to the contrary, the increased nursing facility  
51 23 reimbursement available pursuant to subparagraph (1)  
51 24 shall be  
51 25 based upon the accountability measures and calculations



51 25 existing on July 1, 2008, pursuant to 441 IAC 81.6(16)  
51 26 (g), as  
51 27 adjusted in accordance with the following provisions, and  
51 28 the  
51 29 increased reimbursement shall be disbursed to each  
51 30 qualifying  
51 31 nursing facility as an accountability payment at the end  
51 32 of  
51 33 each fiscal year:  
51 34 (a) If a nursing facility receives a citation for  
51 35 substandard quality of care as defined in 42 C.F.R. }  
52 1 488.301,  
52 2 the increased reimbursement calculated for payment under  
52 3 this  
52 4 paragraph shall be reduced by 25 percent for each such  
52 5 citation received during the year. Additionally, if the  
52 6 nursing facility fails to correct any substandard quality  
52 7 of  
52 8 care deficiency within the time required by the  
52 9 department,  
52 10 the entire increased reimbursement calculated for payment  
52 11 under this subparagraph (2) shall be forfeited and the  
52 12 nursing  
52 13 facility shall not receive any accountability payment for  
52 14 the  
52 15 year.  
(b) If a nursing facility receives a deficiency that  
52 6 is  
52 7 classified pursuant to the Centers for Medicare and  
52 8 Medicaid  
52 9 Services of the United States department of health and  
52 10 human  
52 11 services federal certification guidelines at an H level  
52 12 scope  
52 13 and severity or higher, the increased reimbursement  
52 14 calculated  
52 15 for payment under this subparagraph (2) shall be  
52 16 forfeited and  
52 17 the nursing facility shall not receive an accountability  
52 18 payment for the year.  
(3) It is the intent of the general assembly that the  
52 19 department of human services in consultation with  
52 20 long-term  
52 21 care services stakeholders and advocates including but

52 16 not  
52 17 limited to representatives of the AARP Iowa chapter,  
52 18 direct  
52 18 care workers, and long-term care provider entities,  
52 19 review and  
52 19 make recommendations to the general assembly by December  
52 20 15,  
52 20 2008, about the continuation, modification, or  
52 21 implementation  
52 21 of performance-based incentives to enhance quality  
52 22 outcomes in  
52 22 nursing facilities.

52 23 b. It is the intent of the general assembly that  
52 24 increases  
52 24 in payments to nursing facilities under the case-mix  
52 25 adjusted  
52 25 component shall be used for the provision of direct care  
52 26 with  
52 26 an emphasis on compensation to direct care workers. The  
52 27 department shall compile and provide a detailed analysis  
52 28 to  
52 28 demonstrate growth of direct care costs, increased  
52 29 acuity, and  
52 29 care needs of residents. The department shall also  
52 30 provide  
52 30 analysis of cost reports submitted by providers and the  
52 31 resulting desk review and field audit adjustment to  
52 32 reclassify  
52 32 and amend provider cost and statistical data. The results  
52 33 of  
52 33 these analyses shall be submitted to the general assembly  
52 34 for  
52 34 evaluation to determine payment levels following the  
52 35 transition funding period.

53 1 Sec. 32. EMERGENCY RULES. If specifically authorized  
53 2 by a  
53 3 provision of this division of this Act, the department of  
53 4 human services or the mental health, mental retardation,  
53 5 developmental disabilities, and brain injury commission  
53 6 may  
53 7 adopt administrative rules under section 17A.4,  
53 8 subsection 2,  
53 9 and section 17A.5, subsection 2, paragraph "b", to  
53 10 implement

53 7 the provisions and the rules shall become effective  
53 8 immediately upon filing or on a later effective date  
53 9 specified  
53 10 in the rules, unless the effective date is delayed by the  
53 11 administrative rules review committee. Any rules adopted  
53 12 in accordance with this section shall not take effect before  
53 13 the rules are reviewed by the administrative rules review  
53 14 committee. The delay authority provided to the  
53 15 administrative rules review committee under section 17A.4, subsection 5,  
53 16 and section 17A.8, subsection 9, shall be applicable to a  
53 17 delay imposed under this section, notwithstanding a provision  
53 18 in those sections making them inapplicable to section 17A.5,  
53 19 subsection 2, paragraph "b". Any rules adopted in  
53 20 accordance with the provisions of this section shall also be  
53 21 published as notice of intended action as provided in section 17A.4.

53 21 Sec. 33. REPORTS. Any reports or information required  
53 22 to be compiled and submitted under this Act shall be  
53 23 submitted to the chairpersons and ranking members of the joint  
53 24 appropriations subcommittee on health and human services,  
53 25 the legislative services agency, and the legislative caucus  
53 26 staffs on or before the dates specified for submission of the  
53 27 reports or information.

53 28 Sec. 34. EFFECTIVE DATE. The following provision of  
53 29 this division of this Act, being deemed of immediate  
53 30 importance, takes effect upon enactment:

53 31 The provision under the appropriation for child and  
53 32 family services, relating to requirements of section 232.143 for  
53 33 representatives of the department of human services and

53 34 juvenile court services to establish a plan for  
 53 35 continuing  
 53 35 group foster care expenditures for the 2008=2009 fiscal  
 year.

54 1 DIVISION II  
 54 2 SENIOR LIVING TRUST FUND,  
 54 3 PHARMACEUTICAL SETTLEMENT ACCOUNT,  
 54 4 IOWACARE ACCOUNT, HEALTH CARE  
 54 5 TRANSFORMATION ACCOUNT, AND  
 54 6 PROPERTY TAX RELIEF FUND

54 7 Sec. 35. DEPARTMENT OF ELDER AFFAIRS. There is  
 54 8 appropriated from the senior living trust fund created in  
 54 9 section 249H.4 to the department of elder affairs for the  
 54 10 fiscal year beginning July 1, 2008, and ending June 30,  
 2009,  
 54 11 the following amount, or so much thereof as is necessary,  
 to  
 54 12 be used for the purpose designated:

54 13 For the development and implementation of a  
 54 14 comprehensive  
 54 15 senior living program, including case management only if  
 the  
 54 16 monthly cost per client for case management for the frail  
 elderly services provided does not exceed an average of  
 \$70,  
 54 17 and including program administration and costs associated  
 with  
 54 18 implementation, salaries, support, maintenance, and  
 54 19 miscellaneous purposes, and for not more than the  
 following  
 54 20 full-time equivalent positions:

54 21 ..... \$  
 8,442,707  
 54 22 ..... FTEs 3.00

54 23 1. Of the funds appropriated in this section,  
 \$2,196,967  
 54 24 shall be used for case management for the frail elderly.  
 Of  
 54 25 the funds allocated in this subsection, \$1,010,000 shall  
 be  
 54 26 transferred to the department of human services in equal  
 54 27 amounts on a quarterly basis for reimbursement of case  
 54 28 management services provided under the medical assistance

54 29 elderly waiver. The monthly cost per client for case  
 54 30 management for the frail elderly services provided shall  
 54 31 not  
 54 32 exceed an average of \$70.

54 32 2. Notwithstanding section 249H.7, the department of  
 54 33 elder  
 54 34 affairs shall distribute up to \$400,000 of the funds  
 54 35 appropriated in this section in a manner that will  
 55 1 supplement  
 55 2 and maximize federal funds under the federal Older  
 55 3 Americans  
 55 4 Act and shall not use the amount distributed for any  
 55 5 administrative purposes of either the department of elder  
 55 6 affairs or the area agencies on aging.

55 7 3. Of the funds appropriated in this section, \$60,000  
 55 8 shall be used to provide dementia-specific education to  
 55 9 direct  
 55 10 care workers and other providers of long-term care to  
 55 11 enhance  
 55 12 existing or scheduled efforts through the Iowa caregivers  
 55 13 association, the Alzheimer's association, and other  
 55 14 organizations identified as appropriate by the  
 55 15 department.

55 16 Sec. 36. DEPARTMENT OF INSPECTIONS AND APPEALS. There  
 55 17 is  
 55 18 appropriated from the senior living trust fund created in  
 55 19 section 249H.4 to the department of inspections and  
 55 20 appeals  
 55 21 for the fiscal year beginning July 1, 2008, and ending  
 55 22 June  
 55 23 30, 2009, the following amount, or so much thereof as is  
 55 24 necessary, to be used for the purpose designated:

55 25 For the inspection and certification of assisted  
 55 26 living  
 55 27 facilities and adult day care services, including program  
 55 28 administration and costs associated with implementation:  
 55 29 ..... \$  
 55 30 1,183,303

55 31 Sec. 37. DEPARTMENT OF HUMAN SERVICES. There is  
 55 32 appropriated from the senior living trust fund created in  
 55 33 section 249H.4 to the department of human services for  
 55 34 the  
 55 35 fiscal year beginning July 1, 2008, and ending June 30,

2009,

55 24 the following amount, or so much thereof as is necessary,  
to

55 25 be used for the purpose designated:

55 26 To supplement the medical assistance appropriations  
made in

55 27 this Act, including program administration and costs

55 28 associated with implementation, salaries, support,

55 29 maintenance, and miscellaneous purposes, and for not more  
than

55 30 the following full-time equivalent positions:

55 31 ..... \$  
67,500,000

55 32 ..... FTEs 5.00

55 33 In order to carry out the purposes of this section,  
the

55 34 department may transfer funds appropriated in this  
section to

55 35 supplement other appropriations made to the department of  
56 1 human services.

56 2 Sec. 38. IOWA FINANCE AUTHORITY. There is appropriated  
56 3 from the senior living trust fund created in section  
249H.4 to

56 4 the Iowa finance authority for the fiscal year beginning  
July

56 5 1, 2008, and ending June 30, 2009, the following amount,  
or so

56 6 much thereof as is necessary, to be used for the purposes  
56 7 designated:

56 8 To provide reimbursement for rent expenses to eligible  
56 9 persons:

56 10 ..... \$  
700,000

56 11 Participation in the rent subsidy program shall be  
limited

56 12 to only those persons who meet the requirements for the  
56 13 nursing facility level of care for home and  
community-based

56 14 services waiver services as in effect on July 1, 2008,  
and to

56 15 those individuals who are eligible for the federal money  
56 16 follows the person grant program under the medical  
assistance

56 17 program.

56 18 Sec. 39. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
56 19 appropriated from the pharmaceutical settlement account  
56 20 created in section 249A.33 to the department of human  
56 21 services  
56 22 for the fiscal year beginning July 1, 2008, and ending  
56 23 June  
56 24 30, 2009, the following amount, or so much thereof as is  
56 25 necessary, to be used for the purpose designated:

56 26 To supplement the appropriations made for medical  
56 27 contracts  
56 28 under the medical assistance program:  
56 29 ..... \$  
56 30 942,767

56 31 Sec. 40. APPROPRIATIONS FROM IOWACARE ACCOUNT.

56 32 1. There is appropriated from the IowaCare account  
56 33 created  
56 34 in section 249J.24 to the state board of regents for  
56 35 distribution to the university of Iowa hospitals and  
57 1 clinics  
57 2 for the fiscal year beginning July 1, 2008, and ending  
57 3 June  
57 4 30, 2009, the following amount, or so much thereof as is  
57 5 necessary, to be used for the purposes designated:

57 6 For salaries, support, maintenance, equipment, and  
57 7 miscellaneous purposes, for the provision of medical and  
57 8 surgical treatment of indigent patients, for provision of  
57 9 services to members of the expansion population pursuant  
57 10 to  
57 11 chapter 249J, and for medical education:  
57 12 ..... \$  
57 13 27,284,584

57 14 a. Funds appropriated in this subsection shall not be  
57 15 used  
57 16 to perform abortions except medically necessary  
57 17 abortions, and  
57 18 shall not be used to operate the early termination of  
57 19 pregnancy clinic except for the performance of medically  
57 20 necessary abortions. For the purpose of this subsection,  
57 21 an  
57 22 abortion is the purposeful interruption of pregnancy with  
57 23 the  
57 24 intention other than to produce a live-born infant or to

57 12 remove a dead fetus, and a medically necessary abortion  
is one

57 13 performed under one of the following conditions:

57 14 (1) The attending physician certifies that continuing  
the

57 15 pregnancy would endanger the life of the pregnant woman.

57 16 (2) The attending physician certifies that the fetus  
is

57 17 physically deformed, mentally deficient, or afflicted  
with a

57 18 congenital illness.

57 19 (3) The pregnancy is the result of a rape which is  
57 20 reported within 45 days of the incident to a law  
enforcement

57 21 agency or public or private health agency which may  
include a

57 22 family physician.

57 23 (4) The pregnancy is the result of incest which is  
57 24 reported within 150 days of the incident to a law  
enforcement

57 25 agency or public or private health agency which may  
include a

57 26 family physician.

57 27 (5) The abortion is a spontaneous abortion, commonly  
known

57 28 as a miscarriage, wherein not all of the products of  
57 29 conception are expelled.

57 30 b. Notwithstanding any provision of law to the  
contrary,

57 31 the amount appropriated in this subsection shall be  
allocated

57 32 in twelve equal monthly payments as provided in section  
57 33 249J.24.

57 34 2. There is appropriated from the IowaCare account  
created

57 35 in section 249J.24 to the state board of regents for  
58 1 distribution to the university of Iowa hospitals and  
clinics

58 2 for the fiscal year beginning July 1, 2008, and ending  
June

58 3 30, 2009, the following amount, or so much thereof as is  
58 4 necessary, to be used for the purposes designated:

58 5 For salaries, support, maintenance, equipment, and



58 6 miscellaneous purposes, for the provision of medical and  
 58 7 surgical treatment of indigent patients, for provision of  
 58 8 services to members of the expansion population pursuant  
 to  
 58 9 chapter 249J, and for medical education:  
 58 10 ..... \$  
 35,969,365

58 11 The amount appropriated in this subsection shall be  
 58 12 distributed only if expansion population claims  
 adjudicated  
 58 13 and paid by the Iowa Medicaid enterprise exceed the  
 58 14 appropriation to the state board of regents for  
 distribution  
 58 15 to the university of Iowa hospitals and clinics provided  
 in  
 58 16 subsection 1. The amount appropriated in this subsection  
 58 17 shall be distributed monthly for expansion population  
 claims  
 58 18 adjudicated and approved for payment by the Iowa Medicaid  
 58 19 enterprise using medical assistance program reimbursement  
 58 20 rates.

58 21 3. There is appropriated from the IowaCare account  
 created  
 58 22 in section 249J.24 to the department of human services  
 for the  
 58 23 fiscal year beginning July 1, 2008, and ending June 30,  
 2009,  
 58 24 the following amount, or so much thereof as is necessary,  
 to  
 58 25 be used for the purposes designated:

58 26 For distribution to a publicly owned acute care  
 teaching  
 58 27 hospital located in a county with a population over three  
 58 28 hundred fifty thousand for the provision of medical and  
 58 29 surgical treatment of indigent patients, for provision of  
 services to members of the expansion population pursuant  
 58 30 to  
 58 31 chapter 249J, and for medical education:  
 58 32 ..... \$  
 40,000,000

58 33 Notwithstanding any provision of law to the contrary,  
 the  
 58 34 amount appropriated in this subsection shall be allocated

in  
twelve equal monthly payments as provided in section  
249J.24.

58 35

Any amount appropriated in this subsection in excess of  
\$37,000,000 shall be allocated only if federal funds are  
available to match the amount allocated.

59 1  
59 2  
59 3

4. There is appropriated from the IowaCare account  
created

59 4

in section 249J.24 to the department of human services  
for the

59 5

fiscal year beginning July 1, 2008, and ending June 30,  
2009,

59 6

the following amounts, or so much thereof as is  
necessary, to

59 7

be used for the purposes designated:

59 8

a. For the state mental health institute at Cherokee,  
for

59 9

salaries, support, maintenance, and miscellaneous  
purposes,

59 10

including services to members of the expansion population  
pursuant to chapter 249J:

59 11  
59 12

..... \$  
3,164,766

59 13

b. For the state mental health institute at Clarinda,  
for

59 14

salaries, support, maintenance, and miscellaneous  
purposes,

59 15

including services to members of the expansion population  
pursuant to chapter 249J:

59 16  
59 17

..... \$  
687,779

59 18

c. For the state mental health institute at  
Independence,

59 19

for salaries, support, maintenance, and miscellaneous  
purposes, including services to members of the expansion  
population pursuant to chapter 249J:

59 20  
59 21  
59 22

..... \$  
3,146,494

59 23

d. For the state mental health institute at Mount  
Pleasant, for salaries, support, maintenance, and  
miscellaneous purposes, including services to members of  
the

59 24  
59 25  
59 26

expansion population pursuant to chapter 249J:

59 27

59 28 ..... \$  
2,000,961

59 29 Sec. 41. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE  
59 30 TRANSFORMATION. There is appropriated from the account  
for  
59 31 health care transformation created in section 249J.23 to  
the  
59 32 department of human services for the fiscal year  
beginning  
59 33 July 1, 2008, and ending June 30, 2009, the following  
amounts,  
59 34 or so much thereof as is necessary, to be used for the  
59 35 purposes designated:

60 1 1. For the costs of medical examinations and  
development  
60 2 of personal health improvement plans for the expansion  
60 3 population pursuant to section 249J.6:

60 4 ..... \$  
556,800

60 5 2. For the provision of a medical information hotline  
for  
60 6 the expansion population as provided in section 249J.6:

60 7 ..... \$  
150,000

60 8 3. For other health promotion partnership activities  
60 9 pursuant to section 249J.14:

60 10 ..... \$  
900,000

60 11 4. For the costs related to audits, performance  
60 12 evaluations, and studies required pursuant to chapter  
249J:

60 13 ..... \$  
400,000

60 14 5. For administrative costs associated with chapter  
249J:

60 15 ..... \$  
1,132,412

60 16 6. For planning and development, in cooperation with  
the  
60 17 department of public health, of a phased-in program to  
provide  
60 18 a dental home for children:

60 19 ..... \$  
500,000

60 20 7. For a mental health transformation pilot program:  
 60 21 ..... \$  
 60 22 250,000

60 22 8. For mental health and developmental disability  
 60 23 workforce development:  
 60 24 ..... \$  
 60 25 1,050,000

60 25 9. For reimbursable administrative costs incurred by  
 60 26 the  
 60 27 publicly owned acute care teaching hospital located in a  
 60 28 county with a population of over 350,000 that is a  
 60 29 participating provider pursuant to chapter 249J:  
 60 30 ..... \$  
 60 31 230,000

60 30 Disbursements under this subsection shall be made  
 60 31 monthly  
 60 32 based upon receipts submitted to the department for  
 60 33 reimbursable costs as specified in section 249J.23.

60 33 Notwithstanding section 8.39, subsection 1, without  
 60 34 the  
 60 35 prior written consent and approval of the governor and  
 61 1 the  
 61 2 director of the department of management, the director of  
 61 3 human services may transfer funds among the  
 61 4 appropriations  
 61 5 made in this section as necessary to carry out the  
 61 6 purposes of  
 61 7 the account for health care transformation. The  
 61 8 department  
 61 9 shall report any transfers made pursuant to this section  
 61 10 to  
 61 11 the legislative services agency.

61 6 Sec. 42. TRANSFER FROM ACCOUNT FOR HEALTH CARE  
 61 7 TRANSFORMATION. There is transferred from the account for  
 61 8 health care transformation created pursuant to section  
 61 9 249J.23  
 61 10 to the IowaCare account created in section 249J.24 a  
 61 11 total of  
 61 12 \$3,000,000 for the fiscal year beginning July 1, 2008,  
 and  
 ending June 30, 2009.

61 12 Sec. 43. PROPERTY TAX RELIEF FUND. There is  
 appropriated

61 13 from the property tax relief fund created in section 426B.1 to

61 14 the department of human services for the fiscal year beginning

61 15 July 1, 2008, and ending June 30, 2009, the following amount,

61 16 or so much thereof as is necessary, to be used for the purposes designated:

61 18 For the medical assistance program in addition to the appropriation made in section 426B.1, subsection 3, and other

61 20 appropriations made for purposes of the program:

61 21 ..... \$  
61 22 624,000

61 22 The appropriation made in this section consists of the revenues credited to the property tax relief fund pursuant to

61 24 sections 437A.8 and 437A.15 as of November 1, 2007, and the

61 25 appropriation is made in lieu of distributions of those revenues in accordance with section 426B.2, subsection 3.

61 27 Sec. 44. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR

61 28 LIVING TRUST FUND FOR FY 2008=2009. Notwithstanding section

61 29 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2008,

61 31 and ending June 30, 2009, from the general fund of the state,

61 32 the senior living trust fund, the healthy Iowans tobacco trust

61 33 fund, the health care trust fund, and the property tax relief

61 34 fund are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at

62 1 the close of the fiscal year, the excess moneys shall not revert but shall be transferred to the senior living trust

62 3 fund created in section 249H.4.

62 4 DIVISION III

62 5 MH/MR/DD/BI SERVICES

62 6 ALLOWED GROWTH FUNDING ==  
62 7 FY 2008=2009

62 8 Sec. 45. 2007 Iowa Acts, chapter 215, section 1, is  
62 9 amended to read as follows:

62 10 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION,  
62 11 DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED  
GROWTH

62 12 APPROPRIATION AND ALLOCATIONS == FISCAL YEAR 2008=2009.

62 13 1. There is appropriated from the general fund of the  
62 14 state to the department of human services for the fiscal  
year

62 15 beginning July 1, 2008, and ending June 30, 2009, the  
62 16 following amount, or so much thereof as is necessary, to  
be

62 17 used for the purpose designated:

62 18 For distribution to counties of the county mental  
health,

62 19 mental retardation, and developmental disabilities  
allowed

62 20 growth factor adjustment for fiscal year 2008=2009, and  
for

62 21 the brain injury services program in the department of  
public

62 22 health:

62 23 ..... \$  
62 24 ~~64,600,002~~

62 24 54,081,310

62 25 ~~2. The amount appropriated in this section shall be~~  
62 26 ~~allocated as provided in a later enactment of the general~~  
62 27 ~~assembly.~~

62 28 2. There is appropriated from the property tax relief  
fund

62 29 to the department of human services for the fiscal year  
62 30 beginning July 1, 2008, and ending June 30, 2009, the

62 31 following amount, or so much thereof as is necessary, to  
be

62 32 used for the purposes designated:

62 33 For distribution to counties of the county mental  
health,

62 34 mental retardation, and developmental disabilities  
allowed

62 35 growth factor adjustment, as provided in this section in  
lieu

63 1 of the provisions of section 331.438, subsection 2, and  
 63 2 section 331.439, subsection 3, and chapter 426B:  
 63 3 ..... \$  
 63 4 7,592,099

63 4 Sec. 46. 2007 Iowa Acts, chapter 215, section 1, as  
 63 5 amended by this division of this Act, is amended by  
 63 6 adding the  
 63 7 following new subsections:

63 7 **NEW SUBSECTION.** 3. Of the amount appropriated in  
 63 8 subsection 1, \$12,000,000 shall be distributed as  
 63 9 provided in  
 63 10 this subsection.

63 10 a. To be eligible to receive a distribution under this  
 63 11 subsection, a county must meet the following  
 63 12 requirements:

63 12 (1) The county is levying for the maximum amount  
 63 13 allowed  
 63 14 for the county's mental health, mental retardation, and  
 63 15 developmental disabilities services fund under section  
 63 16 331.424A for taxes due and payable in the fiscal year  
 63 17 beginning July 1, 2008, or the county is levying for at  
 63 18 least  
 63 19 90 percent of the maximum amount allowed for the county's  
 63 20 services fund and that levy rate is more than \$2 per  
 63 21 \$1,000 of  
 63 22 the assessed value of all taxable property in the county.

63 20 (2) In the fiscal year beginning July 1, 2006, the  
 63 21 county's mental health, mental retardation, and  
 63 22 developmental  
 63 23 disabilities services fund ending balance under generally  
 63 24 accepted accounting principles was equal to or less than  
 63 25 15  
 63 26 percent of the county's actual gross expenditures for  
 63 27 that  
 63 28 fiscal year.

63 26 b. A county's allocation of the amount appropriated in  
 63 27 this subsection shall be determined based upon the  
 63 28 county's  
 63 29 proportion of the general population of the counties  
 63 30 eligible  
 63 31 to receive an allocation under this subsection. The most  
 63 32 recent population estimates issued by the United States  
 63 33 bureau

63 31 of the census shall be applied in determining population  
63 32 for  
63 32 the purposes of this paragraph.

63 33 c. The allocations made pursuant to this subsection  
63 34 are  
63 35 subject to the distribution provisions and withholding  
64 1 requirements established in this section for the county  
64 2 mental  
64 3 health, mental retardation, and developmental  
64 4 disabilities  
64 5 allowed growth factor adjustment for the fiscal year  
64 6 beginning  
64 7 July 1, 2008.

64 8 **NEW SUBSECTION.** 4. The funding appropriated in this  
64 9 section is the allowed growth factor adjustment for  
64 10 fiscal  
64 11 year 2008=2009, and shall be credited to the allowed  
64 12 growth  
64 13 funding pool created in the property tax relief fund and  
64 14 for  
64 15 distribution in accordance with section 426B.5,  
64 16 subsection 1:

64 17 ..... \$  
64 18 49,673,409

64 19 **NEW SUBSECTION.** 5. The following formula amounts shall  
64 20 be  
64 21 utilized only to calculate preliminary distribution  
64 22 amounts  
64 23 for fiscal year 2008=2009 under this section by applying  
64 24 the  
64 25 indicated formula provisions to the formula amounts and  
64 26 producing a preliminary distribution total for each  
64 27 county:

64 28 a. For calculation of a distribution amount for  
64 29 eligible  
64 30 counties from the allowed growth funding pool created in  
64 31 the  
64 32 property tax relief fund in accordance with the  
64 33 requirements  
64 34 in section 426B.5, subsection 1:

64 35 ..... \$  
64 36 57,337,985

64 37 b. For calculation of a distribution amount for  
64 38 counties



64 21 from the mental health and developmental disabilities  
 (MH/DD)  
 64 22 community services fund in accordance with the formula  
 64 23 provided in the appropriation made for the MH/DD  
 community  
 64 24 services fund for the fiscal year beginning July 1, 2008:  
 64 25 ..... \$  
 17,727,890

64 26 **NEW SUBSECTION.** 6. After applying the applicable  
 64 27 statutory distribution formulas to the amounts indicated  
 in  
 64 28 subsection 5 for purposes of producing preliminary  
 64 29 distribution totals, the department of human services  
 shall  
 64 30 apply a withholding factor to adjust an eligible  
 individual  
 64 31 county's preliminary distribution total. In order to be  
 64 32 eligible for a distribution under this section, a county  
 must  
 64 33 be levying seventy percent or more of the maximum amount  
 64 34 allowed for the county's mental health, mental  
 retardation,  
 64 35 and developmental disabilities services fund under  
 section  
 65 1 331.424A for taxes due and payable in the fiscal year for  
 65 2 which the distribution is payable. An ending balance  
 65 3 percentage for each county shall be determined by  
 expressing  
 65 4 the county's ending balance on a modified accrual basis  
 under  
 65 5 generally accepted accounting principles for the fiscal  
 year  
 65 6 beginning July 1, 2006, in the county's mental health,  
 mental  
 65 7 retardation, and developmental disabilities services fund  
 65 8 created under section 331.424A, as a percentage of the  
 65 9 county's gross expenditures from that fund for that  
 fiscal  
 65 10 year. If a county borrowed moneys for purposes of  
 providing  
 65 11 services from the county's services fund on or before  
 July 1,  
 65 12 2006, and the county's services fund ending balance for  
 that

65 13 fiscal year includes the loan proceeds or an amount  
designated

65 14 in the county budget to service the loan for the borrowed  
65 15 moneys, those amounts shall not be considered to be part  
of  
65 16 the county's ending balance for purposes of calculating  
an  
65 17 ending balance percentage under this subsection. The  
65 18 withholding factor for a county shall be the following  
65 19 applicable percent:

65 20 a. For an ending balance percentage of less than 5  
65 21 percent, a withholding factor of 0 percent. In addition,  
a  
65 22 county that is subject to this lettered paragraph shall  
65 23 receive an inflation adjustment equal to 3 percent of the  
65 24 gross expenditures reported for the county's services  
fund for  
65 25 the fiscal year.

65 26 b. For an ending balance percentage of 5 percent or  
more  
65 27 but less than 10 percent, a withholding factor of 0  
percent.  
65 28 In addition, a county that is subject to this lettered  
65 29 paragraph shall receive an inflation adjustment equal to  
2  
65 30 percent of the gross expenditures reported for the  
county's  
65 31 services fund for the fiscal year.

65 32 c. For an ending balance percentage of 10 percent or  
more  
65 33 but less than 25 percent, a withholding factor of 25  
percent.  
65 34 However, for counties with an ending balance percentage  
of 10  
65 35 percent or more but less than 15 percent, the amount  
withheld  
66 1 shall be limited to the amount by which the county's  
ending  
66 2 balance was in excess of the ending balance percentage of  
10  
66 3 percent.

66 4 d. For an ending balance percentage of 25 percent or  
more,  
66 5 a withholding percentage of 100 percent.

66     6         NEW SUBSECTION. 7. The total withholding amounts  
66     7         applied  
66     8         pursuant to subsection 4 shall be equal to a withholding  
66     9         target amount of \$7,664,576. If the department of human  
66    10         services determines that the amount to be withheld in  
66    11         accordance with subsection 4 is not equal to the target  
66    12         withholding amount, the department shall adjust the  
66    13         withholding factors listed in subsection 4 as necessary  
66    14         to  
66    15         achieve the target withholding amount. However, in making  
66    16         such adjustments to the withholding factors, the  
66    17         department  
66    18         shall strive to minimize changes to the withholding  
66    19         factors  
66    20         for those ending balance percentage ranges that are lower  
66    21         than  
66    22         others and shall not adjust the zero withholding factor  
66    23         or the  
66    24         inflation adjustment percentage specified in subsection  
66    25         4,  
66    26         paragraph "a".

66    27         Sec. 47. Section 331.439, subsection 1, paragraph a,  
66    28         Code

66    29         Supplement 2007, is amended to read as follows:

66    30         a. The county accurately reported by December 1 the  
66    31         county's expenditures for mental health, mental  
66    32         retardation,  
66    33         and developmental disabilities services and the  
66    34         information  
66    35         required under section 225C.6A, subsection 2, paragraph  
66    36         "c",  
66    37         for the previous fiscal year on forms prescribed by rules  
66    38         adopted by the state commission. If the department  
66    39         determines  
66    40         good cause exists, the department may extend a deadline  
66    41         otherwise imposed under this chapter, chapter 225C, or  
66    42         chapter  
66    43         426B for a county's reporting concerning mental health,  
66    44         mental  
66    45         retardation, or developmental disabilities services or  
66    46         related  
66    47         revenues and expenditures.

66    48         Sec. 48. COUNTY=STATE SHARED FUNDING FOR MENTAL HEALTH  
66    49         AND

66 34 DISABILITY SERVICES COVERED BY THE MEDICAID PROGRAM.

66 35 1. The legislative council is requested to authorize  
67 1 for  
67 2 the 2008 legislative interim a task force to consider  
67 3 county=state shared funding for mental health and  
67 4 disability  
67 5 services covered by the Medicaid program. The membership  
67 6 of  
67 7 the task force should include five legislators from each  
67 8 chamber, one member of the mental health, mental  
67 9 retardation,  
67 10 developmental disabilities, and brain injury  
67 11 (MH/MR/DD/BI)  
67 12 commission; three members of county boards of  
67 13 supervisors,  
67 14 with one each from a large, medium, and small population  
67 15 county; three staff members from the county central point  
67 16 of  
67 17 coordination (CPC) office, with one each from a large,  
67 18 medium,  
67 19 and small population county; two individuals representing  
67 20 advocacy organizations; one current consumer of services;  
67 21 and  
67 22 one MH/MR/DD/BI service provider representative from each  
67 23 of  
67 24 the state's five congressional districts.

67 15 2. The task force should be charged to review and  
67 16 estimate  
67 17 the shared impact for the state and for Iowa counties if  
67 18 financial responsibility for the nonfederal share of the  
67 19 costs  
67 20 of mental health and disability services covered under  
67 21 the  
67 22 Medicaid program is shifted from counties to the state.  
67 23 The  
67 24 task force should be charged to develop an eight=year  
67 25 transition plan that reflects the shared responsibility  
67 of  
67 costs and service delivery resulting from the shift in  
67 responsibilities. It is the intent of the general  
67 assembly  
67 that the task force will be formed by June 15, 2008, and  
67 meet  
67 a minimum of four times in 2008.

67 26 3. In addition to legislative staff, representatives  
67 27 of  
67 28 the department of management, the Iowa state association  
67 29 of  
67 30 counties, the department of human services, association  
67 31 of  
67 32 community providers, and Iowa substance abuse program  
67 33 directors association shall comprise a team of resource  
67 34 experts to the task force.

67 32 4. The task force's final report for consideration by  
67 33 the  
67 34 2009 regular session of the general assembly and governor  
67 35 shall include findings and recommendations and a service  
68 1 delivery and funding transition plan.

68 1 Sec. 49. COMMUNITY MENTAL HEALTH CENTER LAW UPDATE.

68 2 1. The administrator of the division of mental health  
68 3 and  
68 4 disability services of the department of human services  
68 5 shall  
68 6 appoint a stakeholder advisory committee to develop a  
68 7 proposal  
68 8 for updating and revising Code chapter 230A, relating to  
68 9 community mental health centers, and for revising the  
68 10 accreditation standards in rule that would result from  
68 11 the  
68 12 statutory revisions.

68 9 2. The membership of the advisory committee shall  
68 10 include  
68 11 representatives of the boards of directors and  
68 12 professional  
68 13 staff of community mental health centers and division  
68 14 staff.  
68 15 At least one member of the advisory committee shall be a  
68 16 member of a county board of supervisors and one member  
68 17 shall  
68 18 be a county central point of coordination administrator.  
68 19 The  
68 20 division administrator may engage the services of expert  
68 21 technical advisors to support the advisory committee in  
68 22 its  
68 23 work.

68 18 3. The advisory committee recommendations shall  
68 19 include

68 19 but are not limited to addressing Code chapter 230A  
68 20 requirements in the following areas: establishment and  
68 21 support of community mental health centers, services  
68 22 offered,  
68 23 consumer and family involvement, capability to address  
68 24 co-occurring disorders, forms of organization, board of  
68 25 directors, organization meetings, duties and powers of  
68 26 directors, center organization as a nonprofit entity,  
68 27 annual  
68 28 budget, financial support of centers through federal and  
68 29 state  
68 30 block grants, comprehensive community mental health  
68 31 programs,  
68 32 target populations to be served, emergency mental health  
68 33 crisis services, quality improvement programs, use of  
68 34 evidence-based practices, use of functional assessments  
68 35 and  
68 36 outcomes measures, establishment of standards, and review  
68 37 and  
68 38 evaluation processes.

68 33 4. The advisory committee shall submit its report with  
68 34 findings and recommendations to the governor and general  
68 35 assembly on or before December 1, 2008. Until the  
69 1 advisory  
69 2 committee report has been considered and acted upon by  
69 3 the  
69 4 general assembly, the division administrator may defer  
69 5 consideration of requests for accreditation of a new  
69 6 community  
69 7 mental health center or for approval of a provider to  
69 8 fill the  
69 9 role of a community mental health center.

#### 69 6 DIVISION IV

#### 69 7 HEALTH CARE TRUST FUND APPROPRIATIONS ==

#### 69 8 HEALTH CARE ACTIVITIES

69 9 Sec. 50. DEPARTMENT OF PUBLIC HEALTH. The allocations  
69 10 made in this section may include amounts carried forward  
69 11 from  
69 12 appropriations and allocations made for the same purposes  
69 13 in  
69 14 the previous fiscal year. In addition to any other  
69 15 appropriation made in this Act for the purposes  
69 16 designated,

69 14 there is appropriated from the health care trust fund  
 created

69 15 in section 453A.35A to the department of public health  
 for the

69 16 fiscal year beginning July 1, 2008, and ending June 30,  
 2009,

69 17 the following amounts, or so much thereof as is  
 necessary, for

69 18 the purposes designated, and for not more than the  
 following

69 19 full-time equivalent positions:

69 20 1. ADDICTIVE DISORDERS

69 21 ..... \$  
 2,955,164

69 22 ..... FTEs 5.00

69 23 a. Of the funds appropriated in this subsection,  
 \$450,000

69 24 shall be used for culturally competent substance abuse  
 69 25 treatment pilot projects.

69 26 (1) The department shall utilize the amount allocated  
 in

69 27 this lettered paragraph for at least three pilot projects  
 to

69 28 provide culturally competent substance abuse treatment in  
 69 29 various areas of the state. Each pilot project shall  
 target a

69 30 particular ethnic minority population. The populations  
 69 31 targeted shall include but are not limited to

69 32 African-American, Asian, and Latino.

69 33 (2) The pilot project requirements shall provide for  
 69 34 documentation or other means to ensure access to the  
 cultural

69 35 competence approach used by a pilot project so that such  
 70 1 approach can be replicated and improved upon in successor  
 70 2 programs.

70 3 b. Of the funds appropriated in this subsection,  
 70 4 \$2,747,754 shall be used for tobacco use prevention,  
 70 5 cessation, and treatment. The department shall utilize  
 the

70 6 funds to provide for a variety of activities related to  
 70 7 tobacco use prevention, cessation, and treatment  
 including to

70 8 support Quitline Iowa, QuitNet cessation counseling and

70 9 education, grants to school districts and community  
70 10 organizations to support Just Eliminate Lies youth  
70 11 chapters  
70 12 and youth tobacco prevention activities, the Just  
70 13 Eliminate  
70 14 Lies tobacco prevention media campaign, nicotine  
70 15 replacement  
70 16 therapy, and other prevention and cessation materials and  
70 17 media promotion. Of the funds allocated in this lettered  
70 18 paragraph, \$255,000 may be utilized by the department for  
70 19 administrative purposes.

70 17 c. Of the funds appropriated in this subsection,  
70 18 \$682,000  
70 19 shall be used for substance abuse treatment activities.

70 19 2. HEALTHY CHILDREN AND FAMILIES

70 20 ..... \$  
70 21 667,700  
70 22 ..... FTEs 1.00

70 22 a. Of the funds appropriated in this subsection,  
70 23 \$200,000  
70 24 shall be used to address the healthy mental development  
70 25 of  
70 26 children from birth through five years of age through  
70 27 local  
70 28 evidence-based strategies that engage both the public and  
70 29 private sectors in promoting healthy development,  
70 30 prevention,  
70 31 and treatment for children.

70 28 b. Of the funds appropriated in this subsection,  
70 29 \$180,000  
70 30 shall be used for childhood obesity prevention.

70 30 c. Of the funds appropriated in this subsection,  
70 31 \$39,000  
70 32 shall be used for the dental screening of children  
70 33 program  
70 34 pursuant to 2007 Iowa Acts, chapter 146, section 1.

70 33 d. Of the funds appropriated in this subsection,  
70 34 \$10,000  
70 35 shall be used for public health education and awareness  
70 36 of the  
70 37 children's vision initiatives, including the InfantSee  
70 38 program  
71 1 and the student vision program, administered through a



71 2 statewide association of optometric professionals for  
71 3 infants  
71 4 and preschool children.

71 5 e. Of the funds appropriated in this subsection,  
71 6 \$238,500  
71 7 shall be used to provide audiological services and  
71 8 hearing  
71 9 aids for children. The department may enter into a  
71 10 contract  
71 11 to administer this paragraph.

71 12 f. It is the intent of the general assembly that the  
71 13 department of public health shall implement the  
71 14 recommendations of the postnatal tissue and fluid bank  
71 15 task  
71 16 force created in 2007 Iowa Acts, chapter 147, based upon  
71 17 the  
71 18 report submitted to the general assembly in November  
71 19 2007, as  
71 20 funding becomes available. The department shall notify  
71 21 the  
71 22 Iowa Code editor and the persons specified in this Act to  
71 23 receive reports when such funding becomes available.

71 24 3. CHRONIC CONDITIONS

71 25 ..... \$  
71 26 1,164,181  
71 27 ..... FTEs 1.00

71 28 a. Of the funds appropriated in this subsection,  
71 29 \$473,981  
71 30 shall be used for child health specialty clinics.

71 31 b. Of the funds appropriated in this subsection,  
71 32 \$500,000  
71 33 shall be used for the comprehensive cancer control  
71 34 program to  
71 35 reduce the burden of cancer in Iowa through prevention,  
71 36 early  
71 37 detection, effective treatment, and ensuring quality of  
71 38 life.

71 39 The department shall utilize one of the full-time  
71 40 equivalent  
71 41 positions authorized in this subsection for  
71 42 administration of  
71 43 the activities related to the comprehensive cancer  
71 44 control  
71 45 program.

71 29 c. Of the funds appropriated in this subsection,  
\$5,000

71 30 shall be used for the hemophilia advisory council  
pursuant to

71 31 chapter 135N.

71 32 d. Of the funds appropriated in this subsection,  
\$200,000

71 33 shall be used for cervical and colon cancer screening.

71 34 4. COMMUNITY CAPACITY

71 35 ..... \$  
2,790,000

72 1 ..... FTEs 6.00

72 2 a. Of the funds appropriated in this subsection,  
\$75,000

72 3 shall be used for local public health infrastructure to  
72 4 examine minimum standards for local public health.

72 5 b. Of the funds appropriated in this subsection,  
\$200,000

72 6 shall be used for the mental health professional shortage  
area

72 7 program implemented pursuant to section 135.80.

72 8 c. Of the funds appropriated in this subsection,  
\$50,000

72 9 shall be used for a grant to a statewide association of  
72 10 psychologists that is affiliated with the American  
72 11 psychological association to be used for continuation of  
a

72 12 program to rotate intern psychologists in placements in  
urban

72 13 and rural mental health professional shortage areas, as  
72 14 defined in section 135.80.

72 15 d. Of the funds appropriated in this subsection, the  
72 16 following amounts shall be allocated to the Iowa  
collaborative

72 17 safety net provider network established pursuant to  
section

72 18 135.153 to be used for the purposes designated:

72 19 (1) For distribution to the Iowa=Nebraska primary care  
72 20 association for statewide coordination of the Iowa  
72 21 collaborative safety net provider network:

72 22 ..... \$  
100,000

72 23 (2) For distribution to the Iowa family planning

network

72 24 agencies for necessary infrastructure, statewide  
72 25 coordination,  
72 26 provider recruitment, service delivery, and provision of  
72 27 assistance to patients in determining an appropriate  
72 28 medical  
72 29 home:

72 28 ..... \$  
100,000

72 29 (3) For distribution to the local boards of health  
72 30 that

72 30 provide direct services for pilot programs in three  
72 31 counties  
72 32 to assist patients in determining an appropriate medical  
72 33 home:

72 32 ..... \$  
100,000

72 33 (4) For distribution to maternal and child health  
72 34 centers

72 34 for pilot programs in three counties to assist patients  
72 35 in  
72 36 determining an appropriate medical home:

73 1 ..... \$  
100,000

73 2 (5) For distribution to free clinics for necessary  
73 3 infrastructure, statewide coordination, provider  
73 4 recruitment,  
73 5 service delivery, and provision of assistance to patients  
73 6 in  
73 7 determining an appropriate medical home:

73 6 ..... \$  
250,000

73 7 (6) For distribution to rural health clinics for  
73 8 necessary

73 8 infrastructure, statewide coordination, provider  
73 9 recruitment,  
73 10 service delivery, and provision of assistance to patients  
73 11 in  
73 12 determining an appropriate medical home:

73 11 ..... \$  
150,000

73 12 (7) For continuation of the safety net provider  
73 13 patient

access to specialty health care initiative as described

73 13 in  
 73 14 2007 Iowa Acts, ch. 218, section 109:  
 73 15 ..... \$  
 400,000

73 16 (8) For continuation of the pharmaceutical  
 infrastructure  
 73 17 for safety net providers as described in 2007 Iowa Acts,  
 ch.  
 73 18 218, section 108:  
 73 19 ..... \$  
 400,000

73 20 e. Of the funds appropriated in this subsection,  
 \$650,000  
 73 21 shall be used for the incubation grant program to  
 community  
 73 22 health centers that receive a total score of 85 based on  
 the  
 73 23 evaluation criteria of the health resources and services  
 73 24 administration of the United States department of health  
 and  
 73 25 human services.

73 26 f. Of the funds appropriated in this subsection,  
 \$140,000  
 73 27 shall be used for implementation of the recommendations  
 of the  
 73 28 direct care worker task force established pursuant to  
 2005  
 73 29 Iowa Acts, chapter 88, based upon the report submitted to  
 the  
 73 30 governor and the general assembly in December 2006.

73 31 g. Of the funds appropriated in this subsection,  
 \$75,000  
 73 32 shall be used for allocation to an independent statewide  
 73 33 direct care worker association for education, outreach,  
 73 34 leadership development, mentoring, and other initiatives  
 73 35 intended to enhance the recruitment and retention of  
 direct

74 1 care workers in health and long-term care.  
 74 2 h. The department shall utilize one of the full-time  
 74 3 equivalent positions authorized in this subsection for  
 74 4 administration of the activities related to the Iowa  
 74 5 collaborative safety net provider network.

74 6 i. The department shall utilize one of the full-time

74 7 equivalent positions authorized in this subsection for  
 74 8 administration of the voluntary health care provider  
 74 9 program  
 74 10 pursuant to section 135.24.

74 10 Sec. 51. DEPARTMENT OF HUMAN SERVICES. In addition to  
 74 11 any  
 74 12 other appropriation made in this Act for the purposes  
 74 13 designated, there is appropriated from the health care  
 74 14 trust  
 74 15 fund created in section 453A.35A to the department of  
 74 16 human  
 74 17 services for the fiscal year beginning July 1, 2008, and  
 74 18 ending June 30, 2009, the following amounts, or so much  
 74 19 thereof as is necessary, for the purposes designated:

74 17 1. MEDICAL ASSISTANCE  
 74 18 .....  
 74 19 \$113,690,856

74 19 Of the funds appropriated in this subsection, \$250,000  
 74 20 shall be used for the grant to the Iowa healthcare  
 74 21 collaborative as described in section 135.40.

74 22 2. MH/MR/DD ALLOWED GROWTH FACTOR  
 74 23 ..... \$  
 74 24 7,592,099

74 24 The funds appropriated in this subsection shall be  
 74 25 credited  
 74 26 to the property tax relief fund created in section  
 74 27 426B.1.

74 26 Sec. 52. IOWACARE PROVIDER NETWORK EXPANSION. The  
 74 27 director of human services shall aggressively pursue  
 74 28 options  
 74 29 to expand the expansion population provider network for  
 74 30 the  
 74 31 IowaCare program pursuant to chapter 249J. The department  
 74 32 may  
 74 33 expand the expansion population provider network if  
 74 34 sufficient  
 74 35 unencumbered certified local matching funds are available  
 74 36 to  
 74 37 cover the state share of the costs of services provided  
 74 38 to the  
 74 39 expansion population or if an alternative funding source  
 74 40 is  
 74 41 identified to cover the state share.

74 35 Sec. 53. BEHAVIORAL HEALTH == DEVELOPING WORKFORCE  
75 1 COMPETENCIES.

75 2 1. The department of public health shall continue  
75 3 during  
75 4 the fiscal year beginning July 1, 2008, the collaborative  
75 5 work  
75 6 with the departments of corrections, education, elder  
75 7 affairs,  
75 8 and human services, and other state agencies, commenced  
75 9 pursuant to 2007 Iowa Acts, ch. 218, section 111, to  
75 10 enhance  
75 11 the workforce competencies of professional and direct  
75 12 care  
75 13 staff who provide behavioral health services, including  
75 14 but  
75 15 not limited to all of the following:

75 16 a. Treatment of persons with co-occurring mental  
75 17 health  
75 18 and substance use disorders.

75 19 b. Treatment of children with mental health or  
75 20 substance  
75 21 use disorders.

75 22 c. Treatment of persons with serious mental illness.

75 23 d. Treatment of veterans of United States or Iowa  
75 24 military  
75 25 service with mental health or substance use disorders.

75 26 e. Treatment of older adults with mental health or  
75 27 substance use disorders.

75 28 2. The department's collaborative effort shall utilize  
75 29 the  
75 30 findings of the substance abuse and mental health  
75 31 services  
75 32 administration of the United States department of health  
75 33 and  
75 34 human services and materials developed by the Annapolis  
75 35 coalition on the behavioral health workforce in planning  
75 36 and  
75 37 implementing efforts to enhance the competency-based  
75 38 training  
75 39 of the state's behavioral health workforce.

75 40 DIVISION V

75 41 APPROPRIATION=RELATED CHANGES == EFFECTIVE DATE

75 42 Sec. 54. Section 35D.18, subsection 5, Code 2007, is

75 29 amended to read as follows:

75 30 5. Notwithstanding section 8.33, ~~up to five hundred~~  
75 31 ~~thousand dollars of~~ **any balance in** the Iowa veterans home  
75 32 **revenue annual appropriation or revenues** that ~~remain~~  
**remains**  
75 33 unencumbered or unobligated at the close of the fiscal  
75 34 year  
75 35 shall not revert but shall remain available for  
75 36 expenditure  
75 37 for **specified** purposes of the Iowa veterans home until  
75 38 the  
76 1 close of the succeeding fiscal year.

76 2 JUVENILE DETENTION HOME FUND

76 3 Sec. 55. HEALTHY IOWANS TOBACCO TRUST. There is  
76 4 appropriated from the healthy Iowans tobacco trust  
76 5 created in  
76 6 section 12.65, to the department of human services for  
76 7 the  
76 8 fiscal year beginning July 1, 2007, and ending June 30,  
76 9 2008,  
76 10 for deposit in the juvenile detention home fund created  
76 11 in  
76 12 section 232.142:  
76 13 ..... \$  
76 14 1,000,000

76 15 CHILD WELFARE DECATEGORIZATION  
76 16 FY 2006=2007 NONREVERSION

76 17 Sec. 56. 2006 Iowa Acts, chapter 1184, section 17,  
76 18 subsection 4, is amended by adding the following new  
76 19 unnumbered paragraph:

76 20 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding section  
76 21 232.188,  
76 22 subsection 5, up to \$3,605,000 of the moneys in the  
76 23 allocations made in this subsection or made from any  
76 24 other  
76 25 source for the decategorization of child welfare and  
76 26 juvenile  
76 27 justice funding initiative under section 232.188, that  
76 28 are  
76 29 designated as carryover funding and that remain  
76 30 unencumbered  
76 31 or unobligated at the close of the fiscal year beginning  
76 32 July

76 22 1, 2007, shall not revert but shall remain available for  
76 23 expenditure until the close of the succeeding fiscal year  
76 24 to  
76 24 be used for the purposes of continuing the initiative in  
76 25 the  
76 25 succeeding fiscal year.

76 26 VIETNAM CONFLICT VETERANS BONUS FUND

76 27 Sec. 57. 2007 Iowa Acts, chapter 176, section 3, is  
76 28 amended by adding the following new unnumbered paragraph:

76 29 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding section  
76 30 8.33,

76 30 moneys appropriated in this section that remain  
76 31 unencumbered

76 31 or unobligated at the close of the fiscal year shall not  
76 32 revert but shall remain available for expenditure for the  
76 33 purposes designated until the close of the succeeding  
76 34 fiscal  
76 34 year.

76 35 INJURED VETERANS GRANT PROGRAM

77 1 Sec. 58. 2006 Iowa Acts, chapter 1184, section 5, as  
77 2 enacted by 2007 Iowa Acts, chapter 203, section 1,  
77 3 subsection

77 3 4, unnumbered paragraph 2, is amended to read as follows:

77 4 Notwithstanding section 8.33, moneys appropriated in  
77 5 this

77 5 subsection that remain unencumbered or unobligated at the  
77 6 close of the fiscal year shall not revert but shall  
77 6 remain

77 7 available for expenditure for the purposes designated  
77 8 until

77 8 the close of the ~~succeeding~~ fiscal year **beginning July 1,**  
77 9 **2008.**

77 10 CHRONIC CONDITIONS == PKU

77 11 Sec. 59. 2007 Iowa Acts, chapter 218, section 2,  
77 12 subsection 3, unnumbered paragraph 2, is amended to read  
77 13 as

77 13 follows:

77 14 Of the funds appropriated in this subsection, \$100,000  
77 15 shall be used as additional funding to provide grants to  
77 16 individual patients who have phenylketonuria (PKU) to  
77 17 assist

77 17 with the costs of necessary special foods.

**Notwithstanding**



77 18 section 8.33, moneys appropriated in this subsection and  
77 19 allocated in this paragraph that remain unencumbered or  
77 20 unobligated at the close of the fiscal year shall not  
77 21 revert  
77 21 but shall remain available for expenditure for the  
77 22 purposes  
77 22 designated until the close of the succeeding fiscal year.

77 23 PUBLIC PROTECTION == ANTIVIRAL STOCKPILE

77 24 Sec. 60. 2007 Iowa Acts, chapter 218, section 2,  
77 25 subsection 8, paragraph d, is amended to read as follows:

77 26 d. Of the funds appropriated in this subsection,  
77 26 \$150,000

77 27 shall be used for management of the antiviral stockpile.

77 28 Notwithstanding section 8.33, moneys appropriated in this  
77 29 subsection and allocated in this paragraph that remain  
77 30 unencumbered or unobligated at the close of the fiscal  
77 30 year

77 31 shall not revert but shall remain available for  
77 31 expenditure

77 32 for the purposes designated until the close of the  
77 32 succeeding

77 33 fiscal year.

77 34 DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

77 35 Sec. 61. 2007 Iowa Acts, chapter 218, section 4,  
78 1 subsection 1, is amended by adding the following new  
78 2 unnumbered paragraph:

78 3 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
78 3 8.33, up

78 4 to \$100,000 of the moneys appropriated in this subsection  
78 4 that

78 5 remain unencumbered or unobligated at the close of the  
78 5 fiscal

78 6 year shall not revert but shall remain available for

78 7 expenditure for the purposes designated in this paragraph

78 8 until the close of the succeeding fiscal year. The  
78 8 purposes

78 9 shall include the sign for the veterans cemetery and  
78 9 other

78 10 necessary expenses.

78 11 COUNTY GRANT PROGRAM

78 12 Sec. 62. 2007 Iowa Acts, chapter 218, section 4,

78 13 subsection 4, unnumbered paragraph 3, is amended to read  
78 13 as

78 14 follows:

78 15 Notwithstanding section 8.33, moneys appropriated in  
78 16 this subsection that remain unencumbered or unobligated at the  
78 17 close of the fiscal year shall not revert ~~to the fund~~  
78 18 ~~from~~ ~~which appropriated but shall be credited to the veterans~~  
78 19 ~~trust~~ ~~fund but shall remain available for expenditure for the~~  
78 20 ~~purposes designated until the close of the succeeding~~  
78 21 ~~year.~~

78 22 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

78 23 BLOCK GRANT == CHILD CARE

78 24 Sec. 63. 2007 Iowa Acts, chapter 218, section 7,  
78 25 subsections 1 and 7, are amended to read as follows:

78 26 1. To be credited to the family investment program  
78 27 account  
78 28 and used for assistance under the family investment  
78 29 program  
78 30 under chapter 239B:

78 31 ..... \$  
78 32 ~~36,890,944~~  
78 33 **30,390,944**

78 34 7. For state child care assistance:  
78 35 ..... \$  
78 36 ~~18,986,177~~  
78 37 **25,486,177**

78 38 a. Of the funds appropriated in this subsection, up to  
78 39 \$18,986,177 shall be transferred to the child care and  
79 40 development block grant appropriation made for the  
79 41 federal  
79 42 fiscal year beginning October 1, 2007, and ending  
79 43 September  
79 44 30, 2008, in 2007 Iowa Acts, ch. 204, section 13. Of this  
79 45 amount, \$200,000 shall be used for provision of  
79 46 educational  
79 47 opportunities to registered child care home providers in  
79 48 order  
79 49 to improve services and programs offered by this category  
79 50 of  
79 51 providers and to increase the number of providers. The  
79 52 department may contract with institutions of higher

education

79 9 or child care resource and referral centers to provide  
the  
79 10 educational opportunities. Allowable administrative costs  
79 11 under the contracts shall not exceed 5 percent. The  
79 12 application for a grant shall not exceed two pages in  
length.

79 13 b. ~~The Any~~ funds appropriated in this subsection ~~shall~~  
~~be~~  
79 14 ~~transferred to the child care and development block grant~~  
79 15 ~~appropriation that remain unallocated shall be used for~~  
state  
79 16 child care assistance payments for individuals enrolled  
79 17 in the  
family investment program who are employed.

79 18 CHILDREN'S HEALTH INSURANCE PROGRAM

79 19 Sec. 64. 2007 Iowa Acts, chapter 218, section 15, is  
79 20 amended by adding the following new subsection:

79 21 **NEW SUBSECTION.** 4. Notwithstanding sections 8.33 and  
79 22 514I.11, up to \$441,000 of the moneys appropriated in  
this  
79 23 section that remain unencumbered or unobligated at the  
close  
79 24 of the fiscal year shall not revert to any other fund but  
79 25 shall instead be transferred to the appropriation made in  
79 26 section 16 of this Act for child care assistance to be  
used  
79 27 for the state child care assistance program until the  
close of  
79 28 the succeeding fiscal year.

79 29 CHILD AND FAMILY SERVICES

79 30 TRANSFER FOR CHILD CARE

79 31 Sec. 65. 2007 Iowa Acts, chapter 218, section 18,  
79 32 subsection 3, is amended to read as follows:

79 33 3. The department may transfer funds appropriated in  
this  
79 34 section as necessary to pay the nonfederal costs of  
services  
79 35 reimbursed under the medical assistance program, the  
state  
80 1 child care assistance program, or the family investment  
80 2 program which are provided to children who would  
otherwise

80 3 receive services paid under the appropriation in this  
section.  
80 4 The department may transfer funds appropriated in this  
section  
80 5 to the appropriations in this division of this Act for  
general  
80 6 administration and for field operations for resources  
80 7 necessary to implement and operate the services funded in  
this  
80 8 section.

80 9 CHILD WELFARE DECATEGORIZATION

80 10 FY 2007=2008 NONREVERSION

80 11 Sec. 66. 2007 Iowa Acts, chapter 218, section 18,  
80 12 subsection 5, is amended to read as follows:

80 13 5. In accordance with the provisions of section  
232.188,  
80 14 the department shall continue the child welfare and  
juvenile  
80 15 justice funding initiative. Of the funds appropriated in  
this  
80 16 section, \$2,605,000 is allocated specifically for  
expenditure  
80 17 through the decategorization service funding pools and  
80 18 governance boards established pursuant to section  
232.188. In  
80 19 addition, up to \$1,000,000 of the amount of federal  
temporary  
80 20 assistance for needy families block grant funding  
appropriated  
80 21 in this division of this Act for child and family  
services  
80 22 shall be made available for purposes of the  
decategorization  
80 23 initiative as provided in this subsection. **However,**  
80 24 **notwithstanding section 232.188, subsection 5, up to**  
80 25 **\$6,100,000 of the moneys in the allocations made in this**  
80 26 **subsection or made from any other source for the**  
80 27 **decategorization of child welfare funding under section**  
80 28 **232.188, that would otherwise be designated as carryover**  
80 29 **funding and that remain unencumbered or unobligated at**  
**the**  
80 30 **close of the fiscal year shall instead be transferred to**  
**the**

80 31 appropriation made in section 16 of this Act for child  
80 32 care  
80 33 assistance to be used for the state child care assistance  
80 34 program until the close of the succeeding fiscal year.

80 35 CHILD AND FAMILY SERVICES

80 36 NONREVERSION FOR CHILD CARE

81 1 Sec. 67. 2007 Iowa Acts, chapter 218, section 18, is  
81 2 amended by adding the following new subsection:

81 3 NEW SUBSECTION. 22. Notwithstanding section 8.33, up  
81 4 to  
81 5 \$3,700,000 of the moneys appropriated in this section  
81 6 that  
81 7 remain unencumbered or unobligated at the close of the  
81 8 fiscal  
81 9 year shall not revert but shall instead be transferred to  
81 10 the  
81 11 appropriation made in section 16 of this Act for child  
81 12 care  
81 13 assistance to be used for the state child care assistance  
81 14 program until the close of the succeeding fiscal year.

81 15 JUVENILE DETENTION FUNDING

81 16 Sec. 68. 2007 Iowa Acts, chapter 218, section 20, is  
81 17 amended to read as follows:

81 18 SEC. 20. JUVENILE DETENTION HOME FUND. Moneys  
81 19 deposited  
81 20 in the juvenile detention home fund created in section  
81 21 232.142  
81 22 during the fiscal year beginning July 1, 2007, and ending  
81 23 June  
81 24 30, 2008, are appropriated to the department of human  
81 25 services  
81 26 for the fiscal year beginning July 1, 2007, and ending  
81 27 June  
81 28 30, 2008, for distribution as follows:

81 29 1. ~~An~~ The following amount which is equal to more than  
81 30 10  
81 31 percent of the costs of the establishment, improvement,  
81 32 operation, and maintenance of county or multicounty  
81 33 juvenile  
81 34 detention homes in the fiscal year beginning July 1,  
81 35 2006.  
81 36 Moneys appropriated for distribution in accordance with  
81 37 this

81 24 subsection shall be allocated among eligible detention  
81 25 homes,  
81 26 prorated on the basis of an eligible detention home's  
81 27 proportion of the costs of all eligible detention homes  
81 28 in the  
81 29 fiscal year beginning July 1, 2006. ~~Notwithstanding~~  
81 30 ~~section~~  
81 31 ~~232.142, subsection 3, the financial aid payable by the~~  
81 32 ~~state~~  
81 33 ~~under that provision for the fiscal year beginning July~~  
81 34 ~~1,~~  
81 35 ~~2007, shall be limited to the amount appropriated for the~~  
81 36 ~~purposes of this subsection.:~~

81 32 ..... \$  
81 33 3,764,041

81 33 2. For renewal of a grant to a county with a  
81 34 population  
81 35 between 189,000 and 196,000 in the latest preceding  
81 36 certified  
81 37 federal census for implementation of the county's runaway  
82 1 treatment plan under section 232.195:

82 2 ..... \$  
82 3 80,000

82 3 3. For continuation and expansion of the community  
82 4 partnership for child protection sites:

82 5 ..... \$  
82 6 418,000

82 6 4. For continuation of the department's minority youth  
82 7 and  
82 8 family projects under the redesign of the child welfare  
82 9 system:

82 9 ..... \$  
82 10 375,000

82 10 5. For funding of the state match for the federal  
82 11 substance abuse and mental health services administration  
82 12 (SAMHSA) system of care grant:

82 13 ..... \$  
82 14 ~~400,000~~  
82 15 300,000

82 15 ~~6. For transfer to the appropriation made in this Act~~  
82 16 ~~for~~  
82 17 ~~child and family services to supplement the statewide~~  
82 18 ~~expenditure target amount under section 232.143~~

~~designated in~~

82 18 ~~the appropriation made in this Act for child and family~~  
82 19 ~~services+~~

82 20 ..... \$  
1,324,000

82 21 ~~7. For training of nonlicensed relatives caring for~~  
82 22 ~~children in the child welfare system+~~

82 23 ..... \$  
276,000

82 24 ~~8. 6. The remainder for additional allocations to~~  
~~county~~  
82 25 ~~or multicounty juvenile detention homes, in accordance~~  
82 26 ~~with~~  
82 27 ~~the distribution requirements of subsection 1 shall be~~  
82 28 ~~credited to the appropriation made in section 18 of this~~  
82 29 ~~Act~~  
82 30 ~~for child and family services to supplement the statewide~~  
82 31 ~~expenditure target amount under section 232.143~~  
82 32 ~~designated in~~  
82 33 ~~that appropriation.~~

DEPARTMENT OF HUMAN SERVICES FIELD OPERATIONS

82 32 Sec. 69. 2007 Iowa Acts, chapter 218, section 28, is  
82 33 amended by adding the following new subsection:

82 34 **NEW SUBSECTION.** 4. Notwithstanding section 8.33, up to  
82 35 \$1,166,236 of the moneys appropriated in this section  
that

83 1 remain unencumbered or unobligated at the close of the  
fiscal

83 2 year shall not revert but shall remain available for  
83 3 expenditure for the purposes designated until the close  
of the

83 4 succeeding fiscal year.

DEPARTMENT OF HUMAN SERVICES GENERAL ADMINISTRATION

83 6 Sec. 70. 2007 Iowa Acts, chapter 218, section 29, is  
83 7 amended by adding the following new subsections:

83 8 **NEW SUBSECTION.** 4. Of the funds appropriated in this  
83 9 section, \$1,000,000 is transferred to the juvenile  
detention  
83 10 home fund created in section 232.142.

83 11 **NEW SUBSECTION.** 5. Notwithstanding section 8.33, up to  
83 12 \$110,000 of the moneys appropriated in this section that  
83 13 remain unencumbered or unobligated at the close of the  
fiscal

83 14 year shall not revert but shall remain available for  
83 15 expenditure for the purposes designated until the close  
83 16 of the  
83 17 succeeding fiscal year.

83 17 ADJUSTMENT OF PHARMACY DISPENSING FEE

83 18 Sec. 71. 2007 Iowa Acts, chapter 218, section 31,  
83 19 subsection 1, paragraph b, is amended to read as follows:

83 20 b. ~~(1)~~ For the fiscal year beginning July 1, 2007, the  
83 21 department shall reimburse pharmacy dispensing fees using  
83 22 a

83 22 single rate of \$4.52 per prescription, or the pharmacy's  
83 23 usual

83 23 and customary fee, whichever is lower.

83 24 ~~(2) Beginning July 1, 2007, the department of human  
83 25 services shall adopt rules, pursuant to chapter 17A, to  
83 26 provide for the adjustment of the pharmacy dispensing fee to~~

83 27 ~~compensate for any reduction in the drug product cost  
83 28 reimbursement resulting from implementation of the  
83 29 average~~

83 29 ~~manufacturer price reimbursement standards for  
83 30 multisource~~

83 30 ~~generic drug products imposed pursuant to the federal  
83 31 Deficit~~

83 31 ~~Reduction Act of 2005, Pub. L. No. 109-171. In  
83 32 implementing~~

83 32 ~~the reimbursement, the department may adjust the  
83 33 reimbursement~~

83 33 ~~amount as necessary to provide reimbursement within the  
83 34 state~~

83 34 ~~funding appropriated for the fiscal year beginning July  
83 35 1,~~

83 35 ~~2007, and ending June 30, 2008, for this purpose. The~~

84 1 ~~department shall submit a medical assistance state plan  
84 2 amendment to the centers for Medicare and Medicaid  
84 3 services of~~

84 3 ~~the United States department of health and human services  
84 4 as~~

84 4 ~~necessary to implement this subparagraph (2).~~

84 5 TRANSFER OF BRAIN INJURY FUNDING TO MEDICAL ASSISTANCE

84 6 Sec. 72. 2006 Iowa Acts, chapter 1185, section 1,  
84 7 subsection 2, as amended by 2007 Iowa Acts, chapter 218,

84 8 section 83, subsection 2, paragraph c, is amended by



adding

84 9 the following new unnumbered paragraph:

84 10 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding any  
provision of

84 11 law to the contrary, moneys that were transferred to the  
84 12 department of public health pursuant to this paragraph  
"c"

84 13 that remain unencumbered or unobligated at the close of  
the

84 14 fiscal year shall not revert but shall instead be  
transferred

84 15 to the department of human services to the appropriation  
made

84 16 for the medical assistance program in 2007 Iowa Acts,  
chapter

84 17 218, section 11. Notwithstanding section 8.33, the  
84 18 transferred moneys shall not revert at the close of the  
fiscal

84 19 year but shall instead remain available to be used for  
the

84 20 purposes of providing home and community-based waiver  
slots

84 21 under the medical assistance program until the close of  
the

84 22 succeeding fiscal year.

84 23 IOWACARE ADMINISTRATIVE COSTS

84 24 Sec. 73. 2007 Iowa Acts, chapter 218, section 74, is  
84 25 amended by adding the following new subsection:

84 26 **NEW SUBSECTION.** 8. For reimbursable administrative  
costs

84 27 incurred by the publicly owned acute care teaching  
hospital

84 28 located in a county with a population of over 350,000  
included

84 29 in the expansion population provider network pursuant to  
84 30 chapter 249J:

84 31 ..... \$  
230,000

84 32 Disbursements under this subsection shall be made  
based on

84 33 receipts submitted to the department for reimbursable  
costs as

84 34 specified in section 249J.23.

84 35 HEALTH CARE TRUST FUND

85 1 DEPARTMENT OF PUBLIC HEALTH ADDICTIVE DISORDERS  
85 2 Sec. 74. 2007 Iowa Acts, chapter 218, section 97,  
85 3 subsection 1, is amended by adding the following new  
85 4 paragraph:

85 5 **NEW PARAGRAPH.** d. Notwithstanding section 8.33, moneys  
85 6 appropriated and allocated in this subsection that remain  
85 7 unencumbered or unobligated at the close of the fiscal  
year  
85 8 shall not revert but shall remain available for  
expenditure  
85 9 for the purposes designated until the close of the  
succeeding  
85 10 fiscal year.

85 11 HEALTH CARE TRUST FUND == DEPARTMENT OF  
85 12 PUBLIC HEALTH HEALTHY CHILDREN AND FAMILIES  
85 13 Sec. 75. 2007 Iowa Acts, chapter 218, section 97,  
85 14 subsection 2, is amended by adding the following new  
85 15 paragraph:

85 16 **NEW PARAGRAPH.** g. Notwithstanding section 8.33, moneys  
85 17 appropriated and allocated in this subsection that remain  
85 18 unencumbered or unobligated at the close of the fiscal  
year  
85 19 shall not revert but shall remain available for  
expenditure  
85 20 for the purposes designated until the close of the  
succeeding  
85 21 fiscal year.

85 22 HEALTH CARE TRUST FUND == DEPARTMENT OF  
85 23 PUBLIC HEALTH == CHRONIC CONDITIONS  
85 24 Sec. 76. 2007 Iowa Acts, chapter 218, section 97,  
85 25 subsection 3, is amended by adding the following new  
85 26 paragraph:

85 27 **NEW PARAGRAPH.** dd. Notwithstanding section 8.33,  
moneys  
85 28 appropriated and allocated in this subsection that remain  
85 29 unencumbered or unobligated at the close of the fiscal  
year  
85 30 shall not revert but shall remain available for  
expenditure  
85 31 for the purposes designated until the close of the  
succeeding  
85 32 fiscal year.

85 33 HEALTH CARE TRUST FUND == DEPARTMENT OF  
 85 34 HUMAN SERVICES == STATE CHILDREN'S  
 85 35 HEALTH INSURANCE PROGRAM

86 1 Sec. 77. 2007 Iowa Acts, chapter 218, section 98,  
 86 2 subsection 2, is amended by adding the following new  
 86 3 paragraph:

86 4 **NEW PARAGRAPH.** d. Notwithstanding section 8.33, moneys  
 86 5 appropriated in this subsection that are allocated for  
 86 6 outreach and remain unencumbered or unobligated at the  
 86 7 close of the fiscal year, shall not revert but shall remain  
 86 8 available for expenditure for the purposes designated  
 86 9 until the close of the succeeding fiscal year.

86 10 Sec. 78. EFFECTIVE DATE. This division of this Act,  
 86 11 being deemed of immediate importance, takes effect upon  
 86 12 enactment.

86 12 DIVISION VI  
 86 13 PRIOR YEAR APPROPRIATION CHANGES WITH  
 86 14 CONTINGENT APPLICABILITY DATE

86 15 Sec. 79. 2007 Iowa Acts, chapter 214, section 9,  
 86 16 subsection 2, paragraph b, is amended to read as follows:

86 17 b. Psychiatric hospital

86 18 For salaries, support, maintenance, equipment,  
 86 19 miscellaneous purposes, for the care, treatment, and  
 86 20 maintenance of committed and voluntary public patients,  
 86 21 and for not more than the following full-time equivalent  
 86 22 positions:

86 23	.....	\$
	<del>7,043,056</del>	
86 24	<u>0</u>	
86 25	.....	FTEs
	269.65	

86 26 Sec. 80. 2007 Iowa Acts, chapter 215, section 15,  
 86 27 unnumbered paragraph 1, is amended to read as follows:

86 28 There is appropriated from the general fund of the  
 86 29 state to the salary adjustment fund for distribution by the  
 86 30 department of management to the various state departments, boards,

86 31 commissions, councils, and agencies, including the state  
 86 32 board  
 86 33 of regents **except as otherwise provided**, and the judicial  
 86 34 branch, for the fiscal year beginning July 1, 2007, and  
 86 35 ending  
 86 36 June 30, 2008, the amount of ~~\$106,848,094~~ **\$106,569,196**,  
 86 37 or so  
 86 38 much thereof as may be necessary, to fully fund annual  
 86 39 pay  
 87 1 adjustments, expense reimbursements, and related benefits  
 87 2 implemented pursuant to the following:

87 3 Sec. 81. 2007 Iowa Acts, chapter 215, section 15, is  
 87 4 amended by adding the following new subsection:

87 5 **NEW SUBSECTION.** 16. The amount distributed to the  
 87 6 state  
 87 7 psychiatric hospital administered by the state board of  
 87 8 regents from the appropriation in this section shall be  
 87 9 reduced to zero.

87 10 Sec. 82. 2007 Iowa Acts, chapter 218, section 11,  
 87 11 unnumbered paragraph 2, is amended to read as follows:

87 12 For medical assistance reimbursement and associated  
 87 13 costs  
 87 14 as specifically provided in the reimbursement  
 87 15 methodologies in  
 87 16 effect on June 30, 2007, except as otherwise expressly  
 87 17 authorized by law, including reimbursement for abortion  
 87 18 services, which shall be available under the medical  
 87 19 assistance program only for those abortions which are  
 87 20 medically necessary:

87 21 .....  
 87 22 ~~\$616,771,820~~  
 87 23 **624,093,774**

87 24 Sec. 83. 2007 Iowa Acts, chapter 218, section 11, is  
 87 25 amended by adding the following new subsections:

87 26 **NEW SUBSECTION.** 17. a. Of the funds appropriated in  
 87 27 this  
 87 28 section, \$2,797,719 is allocated for state match for  
 87 29 disproportionate share hospital payment of \$7,321,954 to  
 87 30 hospitals that meet both of the following conditions:

- 87 31 (1) The hospital qualifies for disproportionate share  
 87 32 and
- 87 33 graduate medical education payments.

87 28 (2) The hospital is an Iowa state-owned hospital with  
87 29 more  
87 30 than 500 beds and eight or more distinct residency  
87 31 specialty  
87 32 or subspecialty programs recognized by the American  
87 33 college of  
87 34 graduate medical education.

87 35 b. Distribution of the disproportionate share payment  
88 1 shall be made on a monthly basis. The total amount of  
88 2 disproportionate share payments including graduate  
88 3 medical  
88 4 education, enhanced disproportionate share, and Iowa  
88 5 state-owned teaching hospital payments shall not exceed  
88 6 the  
88 7 amount of the state's allotment under Pub. L. No.  
88 8 102=234. In  
88 9 addition, the total amount of all disproportionate share  
88 10 payments shall not exceed the hospital-specific  
88 11 disproportionate share limits under Pub. L. No. 103=66.

88 12 **NEW SUBSECTION**. 18. Of the funds appropriated in this  
88 13 section, \$4,524,235 is transferred to the IowaCare  
88 14 account  
88 15 created in section 249J.24 for the fiscal year beginning  
88 16 July  
88 17 1, 2007, and ending June 30, 2008.

88 18 **NEW SUBSECTION**. 19. The department shall immediately  
88 19 notify the governor and the general assembly of any  
88 20 changes in  
88 21 federal policies or application of policies that impact  
88 22 the  
88 23 distribution of hospital disproportionate share payments.

88 24 Sec. 84. 2007 Iowa Acts, chapter 218, section 73,  
88 25 subsection 2, is amended to read as follows:

88 26 2. There is appropriated from the IowaCare account  
88 27 created  
88 28 in section 249J.24 to the state board of regents for  
88 29 distribution to the university of Iowa hospitals and  
88 30 clinics  
88 31 for the fiscal year beginning July 1, 2007, and ending  
88 32 June  
88 33 30, 2008, the following amount, or so much thereof as is  
88 34 necessary, to be used for the purposes designated:

88 35 For salaries, support, maintenance, equipment, and

88 23 miscellaneous purposes, for the provision of medical and  
 88 24 surgical treatment of indigent patients, for provision of  
 88 25 services to members of the expansion population pursuant  
 to  
 88 26 chapter 249J, and for medical education:  
 88 27 ..... \$  
~~10,000,000~~  
 88 28 **25,684,211**

88 29 The amount appropriated in this subsection shall be  
 88 30 distributed only if expansion population claims  
 adjudicated  
 88 31 and paid by the Iowa Medicaid enterprise exceed the  
 88 32 appropriation to the state board of regents for  
 distribution  
 88 33 to the university of Iowa hospitals and clinics provided  
 in  
 88 34 subsection 1. The amount appropriated in this subsection  
 88 35 shall be distributed monthly for expansion population  
 claims  
 89 1 adjudicated and approved for payment by the Iowa Medicaid  
 89 2 enterprise using medical assistance program reimbursement  
 89 3 rates.

89 4 **Notwithstanding section 8.33, moneys appropriated in**  
**this**  
 89 5 **subsection that remain unencumbered or unobligated at the**  
**close of the fiscal year shall not revert but shall**  
 89 6 **remain**  
**available for expenditure for the purposes designated**  
 89 7 **until**  
 89 8 **the close of the succeeding fiscal year.**

89 9 Sec. 85. EFFECTIVE DATE == CONTINGENT EFFECTIVE DATE  
 ==  
 89 10 RETROACTIVE APPLICABILITY. This division of this Act,  
 being  
 89 11 deemed of immediate importance, takes effect upon  
 enactment  
 89 12 and is retroactively applicable to December 21, 2007.  
 89 13 However, the division is applicable only if the  
 department of  
 89 14 human services receives approval of a medical assistance  
 state  
 89 15 plan amendment from the centers for Medicare and Medicaid  
 89 16 services of the United States department of health and

human

89 17 services to utilize the disproportionate share hospital  
89 18 payments as specified in this division. The department  
shall  
89 19 notify the governor, the persons designated by this Act  
to  
89 20 receive reports, and the Code editor concerning the  
center's  
89 21 approval or denial of the state plan amendment.

89 22 DIVISION VII

89 23 CODE CHANGES

89 24 Sec. 86. Section 28.9, subsection 5, Code 2007, is  
amended  
89 25 to read as follows:

89 26 5. A ~~community empowerment gifts and grants~~ **first**  
**years**

89 27 **first** account is created in the Iowa empowerment fund  
under

89 28 the authority of the department of management. The  
account

89 29 shall consist of gift or grant moneys obtained from any  
89 30 source, including but not limited to the federal  
government.

89 31 Moneys credited to the account are appropriated to the  
89 32 department of management to be used for the community  
89 33 empowerment-related purposes for which the moneys were  
89 34 received.

89 35 Sec. 87. Section 135.22B, subsections 3 and 4, Code  
90 1 Supplement 2007, are amended to read as follows:

90 2 3. PURPOSE. The purpose of the brain injury services  
90 3 program is to provide services, service funding, or other  
90 4 support for persons with a brain injury under ~~one of~~ the  
90 5 **cost=share** program **component or other** components  
established

90 6 pursuant to this section. **Implementation of the**  
**cost=share**

90 7 **component or any other component of the program is**  
**subject to**

90 8 **the funding made available for the program.**

90 9 ~~4. GENERAL REQUIREMENTS -- WAIVER-ELIGIBLE COMPONENT.~~

90 10 ~~a. The component of the brain injury services program~~  
for

90 11 ~~persons eligible for the brain injury services waiver is~~

90 12 ~~subject to the requirements provided in this subsection.~~  
90 13 ~~b. If a person is eligible for the brain injury~~  
90 14 ~~services~~  
90 15 ~~waiver and is on the waiting list for the waiver but the~~  
90 16 ~~appropriation for the medical assistance program does not~~  
90 17 ~~have~~  
90 18 ~~sufficient funding designated to pay the nonfederal share~~  
90 19 ~~of~~  
90 20 ~~the costs to remove the person from the waiting list, the~~  
90 21 ~~brain injury services program may provide the funding for~~  
90 22 ~~the~~  
90 23 ~~nonfederal share of the costs in order for the person to~~  
90 24 ~~be~~  
90 25 ~~removed from the waiting list and receive services under~~  
90 26 ~~the~~  
90 27 ~~waiver.~~

90 22 ~~c. A person who receives support under the~~  
90 23 ~~waiver-eligible~~  
90 24 ~~component is not eligible to receive support under the~~  
90 25 ~~cost-share component of the program.~~

90 25 ~~d. Provision of funding under the waiver-eligible~~  
90 26 ~~component is not an entitlement. Subject to the~~  
90 27 ~~department of~~  
90 28 ~~human services requirements for the brain injury services~~  
90 29 ~~waiver waiting list, the program administrator shall make~~  
90 30 ~~the~~  
90 31 ~~final determination whether funding will be authorized~~  
90 32 ~~under~~  
90 33 ~~this component.~~

90 31 Sec. 88. Section 135.22B, subsection 5, unnumbered  
90 32 paragraph 1, Code Supplement 2007, is amended to read as  
90 33 follows:

90 34 The cost-share component of the brain injury services  
90 35 program shall be directed to persons who have been  
91 1 determined  
91 2 to be ineligible for the brain injury services waiver or  
91 3 persons who are eligible for the waiver but funding was  
91 4 not  
91 5 authorized or available to provide waiver eligibility for  
91 6 the  
91 7 persons ~~under the waiver-eligible component~~. The  
91 8 cost-share  
91 9 component is subject to general requirements which shall



91 6 include but are not limited to all of the following:  
91 7 Sec. 89. Section 135.22B, subsection 8, paragraph a,  
91 8 Code Supplement 2007, is amended to read as follows:  
91 9 a. The application materials for services under ~~both~~  
91 10 the ~~waiver-eligible and cost-share components~~ component of  
91 11 the brain injury services program shall use the application  
91 12 form and other materials of the brain injury services waiver.  
91 13 In order to apply for the brain injury services program, the  
91 14 applicant must authorize the department of human services  
91 15 to provide the applicant's waiver application materials to  
91 16 the brain injury services program. The application materials  
91 17 provided shall include but are not limited to the waiver  
91 18 application and any denial letter, financial assessment,  
91 19 and functional assessment regarding the person.  
91 20 Sec. 90. **NEW SECTION**. 135.155 EARLY CHILDHOOD IOWA  
91 21 COUNCIL.  
91 22 1. COUNCIL CREATED. An early childhood Iowa council is  
91 23 created as an alliance of stakeholders in early care,  
91 24 health, and education systems that affect children ages zero  
91 25 through five in Iowa.  
91 26 2. PURPOSE. The purpose of the early childhood Iowa  
91 27 council is to oversee the development of an Iowa early  
91 28 childhood system by integrating the early care, health,  
91 29 and education systems addressing the needs of children ages  
91 30 zero through five and their families. The council shall advise  
91 31 the governor, general assembly, and public and private policy  
91 32 bodies and service providers in addressing its purpose.  
91 33 3. VISION STATEMENT. All system development activities  
91 34 addressed by the early childhood Iowa council shall be  
aligned

91 35 around the following vision statement for the children of  
92 1 Iowa: "Every child, beginning at birth, will be healthy  
92 2 and  
92 3 successful."

92 4 4. MEMBERSHIP. The early childhood Iowa council  
92 5 membership shall include a representative of any  
92 6 organization  
92 7 that touches the lives of young children in the state  
92 8 ages  
92 9 zero through five, has endorsed the purpose and vision  
92 10 statement for the council, has endorsed the guiding  
92 11 principles  
92 12 adopted by the council for the early childhood system,  
92 13 and has  
92 14 formally asked to be a member and remains actively  
92 15 engaged in  
92 16 council activities. The council shall designate  
92 17 additional  
92 18 members to ensure there is geographic, cultural, and  
92 19 ethnic  
92 20 diversity among the membership.

92 21 5. PROCEDURE. Except as otherwise provided by law, the  
92 22 early childhood Iowa council shall determine its own  
92 23 rules of  
92 24 procedure and operating provisions.

92 25 6. STEERING COMMITTEE. The early childhood Iowa  
92 26 council  
92 27 shall operate with a steering committee to organize,  
92 28 manage,  
92 29 and coordinate the activities of the council and its  
92 30 component  
92 31 groups. The steering committee may act on behalf of the  
92 32 council as necessary. The steering committee membership  
92 33 shall  
92 34 consist of the co-chairpersons of the council's component  
92 35 groups, the chairperson of the state agency liaison team,  
92 36 the  
92 37 community empowerment facilitator or the facilitator's  
92 38 designee, and other leaders designated by the council.

92 39 7. COMPONENT GROUPS. The early childhood Iowa council  
92 40 shall establish component groups to address the key  
92 41 components  
92 42 of the Iowa early childhood system. Each component group

92 28 shall have one private and one public agency  
co=chairperson.

92 29 The council may change the component groups as deemed  
92 30 necessary by the advisory council. Initially, there shall  
be  
92 31 a component group for each of the following:  
92 32 a. Governance planning and administration.  
92 33 b. Professional development.  
92 34 c. Public engagement.  
92 35 d. Quality services and programs.  
93 1 e. Resources and funding.  
93 2 f. Results accountability.  
93 3 8. STATE AGENCY LIAISON TEAM. A state agency liaison  
team  
93 4 shall support the efforts of the early childhood Iowa  
council.  
93 5 In addition to designees of the governor, the team shall  
93 6 consist of the directors or chief administrators, or  
their  
93 7 designees, from the following state agencies and  
programs:  
93 8 a. Child health specialty clinics.  
93 9 b. Office of community empowerment in the department  
of  
93 10 management.  
93 11 c. Department of education.  
93 12 d. Office of the governor.  
93 13 e. Department of human rights.  
93 14 f. Department of human services.  
93 15 g. Iowa state university extension service.  
93 16 h. Department of public health.  
93 17 9. DUTIES. In addition to the advisory function  
specified  
93 18 in subsection 2, the early childhood Iowa council's  
duties  
93 19 shall include but are not limited to all of the following  
93 20 regarding the Iowa early childhood system:  
93 21 a. Adopt and update a strategic plan for developing  
the  
93 22 system.  
93 23 b. Regularly assess progress in implementing the  
strategic  
93 24 plan.

93 25 c. Review, design, and participate in cross-functional  
93 26 proposals.

93 27 d. Develop a common understanding of all parts of the  
93 28 system.

93 29 e. Assess, understand, and respond to internal and  
93 30 external threats to the system.

93 31 f. Serve as a liaison to constituency groups.

93 32 g. Move the system toward seamless services to  
93 33 children  
93 34 and families through braided funding streams.

93 34 h. Maximize resources and expertise across the system.

93 35 i. Agree on common language and terminology for the  
94 1 system.

94 2 j. Develop a menu of best practices and rationales for  
94 3 quality services.

94 4 k. Encourage personal relationships across  
94 5 disciplines.

94 5 l. Serve as an advocate for the system.

94 6 m. Identify guiding principles for the early childhood  
94 7 system and the agencies providing services in the system.

94 8 n. Work with the Iowa empowerment board in developing  
94 9 public-private partnerships to support the early  
94 10 childhood  
94 11 system through the first years first account in the Iowa  
94 12 empowerment fund and other efforts for expanding  
94 13 investment of  
94 14 private funding in the early childhood system. As this  
94 15 and  
94 16 similar efforts to expand and coordinate investments from  
94 17 all  
94 18 public and private sources evolve and mature, make  
94 19 recommendations for designation of or contracting with a  
94 20 private nonprofit organization to serve as a fiscal agent  
94 21 for  
94 22 the early childhood system or another approach for  
94 23 increasing  
94 24 public and private investment in the system.

94 19 o. Report annually by December 31 to the governor and  
94 20 general assembly. The report content shall include but is  
94 21 not  
94 22 limited to all of the following:

94 22 (1) The status and results of the council's efforts to

94 23 engage the public regarding the early care, health, and  
94 24 education needs of children ages zero through five and  
the  
94 25 efforts to develop and promote private sector involvement  
with  
94 26 the early childhood system.

94 27 (2) The status of the efforts to improve the key  
94 28 components of the early childhood system and the progress  
in  
94 29 achieving the results identified for the key components.

94 30 (3) The status of the community empowerment initiative  
and  
94 31 the overall early childhood system in achieving the  
following  
94 32 initial set of desired results identified in section  
28.2:

94 33 (a) Healthy children.

94 34 (b) Children ready to succeed in school.

94 35 (c) Safe and supportive communities.

95 1 (d) Secure and nurturing families.

95 2 (e) Secure and nurturing early care and education  
95 3 environments.

95 4 Sec. 91. **NEW SECTION**. 135.156 LEAD AGENCY AND OTHER  
95 5 STATE AGENCIES.

95 6 1. The lead agency for support of the early childhood  
Iowa  
95 7 council for state agency efforts to develop an early  
childhood  
95 8 system for Iowa shall be the department of public health.

95 9 2. The department shall work with the early childhood  
Iowa  
95 10 council in integrating early care, health, and education  
systems to develop an early childhood system for Iowa.  
95 11 The

95 12 department shall do all of the following in developing  
the  
95 13 system:

95 14 a. Work with state agencies to enter into memorandums  
of  
95 15 understanding outlining the agencies' responsibilities in  
the  
95 16 system.

95 17 b. Work with private businesses, foundations, and

95 18 nonprofit organizations in implementing a public-private  
95 19 partnership to develop and provide funding for the  
system.

95 20 c. Maintain an internet site for distributing the  
95 21 information provided through the council and its  
component  
95 22 groups.

95 23 Sec. 92. Section 135H.3, Code 2007, is amended to read  
as

95 24 follows:

95 25 135H.3 NATURE OF CARE.

95 26 1. A psychiatric medical institution for children  
shall

95 27 utilize a team of professionals to direct an organized  
program

95 28 of diagnostic services, psychiatric services, nursing  
care,

95 29 and rehabilitative services to meet the needs of  
residents in

95 30 accordance with a medical care plan developed for each

95 31 resident. Social and rehabilitative services shall be

95 32 provided under the direction of a qualified mental health  
95 33 professional.

95 34 2. A child who requires treatment for mental illness  
as

95 35 defined in section 514C.23, and meets the medical  
assistance

96 1 program criteria for admission to a psychiatric medical  
96 2 institution for children shall be deemed to meet the  
acuity

96 3 criteria for inpatient benefits under a group policy,  
96 4 contract, or plan providing for third-party payment or  
96 5 prepayment of health, medical, and surgical coverage  
benefits

96 6 issued by a carrier, as defined in section 513B.2, or by  
an

96 7 organized delivery system authorized under 1993 Iowa  
Acts,

96 8 chapter 158, that is subject to section 514C.23.

96 9 Sec. 93. Section 155A.32, Code 2007, is amended by  
adding

96 10 the following new subsections:

96 11 NEW SUBSECTION. 2A. The pharmacist shall not exercise

the

96 12 drug product selection described in this section for an  
96 13 antiepileptic drug or formulation of an antiepileptic  
96 14 drug,  
96 15 brand or generic name, prescribed for the treatment of  
96 16 seizures, including epilepsy, without prior notification  
96 17 of  
96 18 and the signed informed consent of that selection from  
96 19 both  
96 20 the authorized prescriber and the patient or the  
96 21 patient's  
96 22 representative.

96 19 **NEW SUBSECTION.** 2B. The pharmacist shall not exercise  
96 20 the  
96 21 drug product selection described in this section for an  
96 22 immunosuppressant drug for the treatment of  
96 23 transplantation  
96 24 without prior notification of and the signed informed  
96 25 consent  
96 26 of that selection from both the authorized prescriber and  
96 27 the  
96 28 patient or the patient's representative. For the purposes  
96 29 of  
96 30 this subsection, an immunosuppressant drug is any drug  
96 31 used to  
96 32 prevent organ rejection in individuals who have had an  
96 33 organ  
96 34 transplantation. For the purposes of this subsection, the  
96 35 drug product selection prohibited includes the  
97 1 substitution of  
97 2 one version of the same immunosuppressant product  
97 3 including a  
97 4 generic version for the prescribed brand name version, a  
97 5 brand  
97 6 name version for the prescribed generic version, a  
97 7 generic  
97 8 version by one manufacturer for a generic version by a  
97 9 different manufacturer, a different formulation for the  
97 10 prescribed immunosuppressant, or a different  
97 11 immunosuppressant  
97 12 drug product from the immunosuppressant drug originally  
97 13 prescribed.

97 14 Sec. 94. Section 217.19, Code 2007, is amended by  
97 15 adding

97 3 the following new unnumbered paragraph:

97 4 **NEW UNNUMBERED PARAGRAPH.** The department of  
administrative  
97 5 services shall work with the department of human services  
to  
97 6 develop and implement an expense policy applicable to the  
97 7 members of a board, commission, committee, or other body  
under  
97 8 the auspices of the department of human services who meet  
the  
97 9 income requirements for payment of per diem in accordance  
with  
97 10 section 7E.6, subsection 2. The policy shall allow for  
the  
97 11 payment of the member's expenses to be addressed through  
use  
97 12 of direct billings, travel purchase card, prepaid  
expenses, or  
97 13 other alternative means of addressing the expenses in  
lieu of  
97 14 reimbursement of the member.

97 15 Sec. 95. Section 237A.13, Code Supplement 2007, is  
amended

97 16 by adding the following new subsection:

97 17 **NEW SUBSECTION.** 8A. The department of human services,  
the  
97 18 department of management, and the legislative services  
agency  
97 19 shall utilize a joint process to arrive at a consensus  
97 20 projection for state child care assistance program  
97 21 expenditures. The projection shall be issued at least  
97 22 quarterly.

97 23 Sec. 96. **NEW SECTION.** 249A.36 BEHAVIORAL HEALTH  
SERVICES

97 24 == CONTRACTING REQUIREMENTS == APPEALS OF CLAIMS DENIED  
==

97 25 FUNDING == SEPARATE ACCOUNT.

97 26 1. Beginning May 1, 2008, and thereafter, any contract  
97 27 between the department and a third-party administrator to  
97 28 administer behavioral health services under the medical  
97 29 assistance program shall meet all of the following  
97 30 requirements:

97 31 a. The administrative fee negotiated between the



97 32 third=party administrator and the department for the  
services  
97 33 provided by the third=party administrator shall be the  
entire  
97 34 consideration for all services provided by the  
third=party  
97 35 administrator.

98 1 b. Any contract entered into between the department  
and a  
98 2 third=party administrator shall prohibit retention by the  
third=party administrator of interest generated on  
98 3 payments  
98 4 made by the department to the third=party administrator.

98 5 c. Funds that are not used to pay for behavioral  
health  
98 6 services and held in escrow by the third=party  
administrator  
98 7 and any interest earned on such funds shall be remitted  
to the  
98 8 department within thirty days of the end of receipt or  
98 9 generation of such funds.

98 10 d. If all of the following conditions are met, payment  
for  
98 11 the behavioral health services provided to a recipient of  
98 12 medical assistance shall be presumed valid for the  
purpose of  
98 13 any appeal:

98 14 (1) A licensed psychiatrist provides an in=person  
98 15 consultation to a recipient of medical assistance.

98 16 (2) The psychiatrist delivers or directs behavioral  
health  
98 17 services to be delivered to the recipient of medical  
98 18 assistance, and the behavioral health service delivered  
is a  
98 19 qualified service under the medical assistance program.

98 20 (3) The licensed psychiatrist certifies that in the  
98 21 professional judgment of the licensed psychiatrist the  
service  
98 22 is necessary for the safety of the recipient of medical  
98 23 assistance.

98 24 2. a. The department shall establish a behavioral  
health  
98 25 care provider appeals panel.

98 26 b. The panel shall consist of all of the following  
98 27 members:

98 28 (1) Three psychiatrists who are not employed by either  
the  
98 29 department or the third-party administrator, appointed by  
the  
98 30 three largest providers of behavioral health services in  
the  
98 31 state.

98 32 (2) A designee of the department.

98 33 (3) A designee of the association of behavioral health  
98 34 services.

98 35 c. The provider appeals panel shall hear appeals on  
denial  
99 1 of claims for behavioral health services under the  
medical  
99 2 assistance program. The appeal process shall be in  
accordance  
99 3 with chapter 17A.

99 4 d. A provider or a third-party administrator may  
appeal  
99 5 the decision of the provider appeals panel to the  
director of  
99 6 the department, whose written decision shall be final and  
99 7 binding.

99 8 3. a. The department shall maintain a separate account  
99 9 for all funds appropriated, allocated, or otherwise  
available  
99 10 for payment of behavioral health services provided under  
the  
99 11 medical assistance program, to be administered by the  
department. The account shall include all of the  
99 12 following:

99 13 (1) The total state appropriation for payment of  
99 14 behavioral health services under the medical assistance  
99 15 program.

99 16 (2) Any interest generated from the funds in the  
account.

99 17 (3) Unutilized funds and interest on the funds  
remitted to  
99 18 the department by a third-party administrator.

99 19 b. Notwithstanding section 8.33, funds remaining in  
the

99 20 account that remain unencumbered or unobligated at the  
end of

99 21 any fiscal year shall not revert but shall remain  
available in

99 22 succeeding fiscal years for any of the following  
purposes:

99 23 (1) Funding for additional psychiatric residency  
programs

99 24 in this state.

99 25 (2) Investment in acute or nonacute mental health  
centers

99 26 for adults and children.

99 27 (3) Reimbursement of providers of behavioral health  
99 28 services.

99 29 4. The department shall adopt rules and amend the  
medical

99 30 assistance state plan, as necessary, to administer this  
99 31 section.

99 32 5. For the purposes of this section, "behavioral  
health

99 33 services" means services provided for the treatment of  
mental

99 34 disorders, emotional disorders, and chemical dependency  
99 35 disorders as specified by rule of the department.

100 1 Sec. 97. Section 249J.23, subsection 3, Code 2007, is  
100 2 amended to read as follows:

100 3 3. a. Moneys deposited in the account for health care  
100 4 transformation shall be used only as provided in  
100 5 appropriations from the account for the costs associated  
with

100 6 certain services provided to the expansion population  
pursuant

100 7 to section 249J.6, certain initiatives to be designed  
pursuant

100 8 to section 249J.8, the case-mix adjusted reimbursement  
system

100 9 for persons with mental retardation or developmental  
100 10 disabilities pursuant to section 249J.12, certain health

100 11 promotion partnership activities pursuant to section  
249J.14,

100 12 the cost and quality performance evaluation pursuant to  
100 13 section 249J.16, auditing requirements pursuant to

section

100 14 249J.22, the provision of additional indigent patient  
100 15 care and  
100 16 treatment, and administrative costs associated with this  
100 17 chapter including administrative costs as specified in  
paragraph "b".  
100 18 b. Notwithstanding any provision of this chapter to  
the  
100 19 contrary, the department shall reimburse the publicly  
owned  
100 20 acute care teaching hospital located in a county with a  
100 21 population over three hundred fifty thousand that is a  
100 22 participating provider in the expansion population  
provider  
100 23 network, for the hospital's administrative costs  
associated  
100 24 with participation in the IowaCare program. Reimbursable  
100 25 costs shall include the hospital's costs for claims data  
100 26 submission and the costs of salaries and benefits for the  
100 27 additional hospital employees necessary to perform  
program  
100 28 preauthorizations, verifications, and claims processing.  
100 29 Reimbursement shall be made on a monthly basis. Such  
100 30 reimbursement shall be in addition to funds received  
through  
100 31 the annual appropriation to the hospital from the  
IowaCare  
100 32 account for medical and surgical care and treatment of  
100 33 indigent patients and for medical education pursuant to  
100 34 section 249J.24.

100 35 Sec. 98. **NEW SECTION.** 256.35A IOWA AUTISM COUNCIL.

101 1 1. An Iowa autism council is created to act in an  
101 2 advisory  
101 3 capacity to the state in developing and implementing a  
101 4 comprehensive, coordinated system to provide appropriate  
101 5 diagnostic, intervention, and support services for  
101 6 children  
101 7 with autism and to meet the unique needs of adults with  
101 8 autism.

101 9 2. a. The council shall consist of thirteen voting  
101 8 members appointed by the governor and confirmed by the  
101 9 senate.

101 9 The majority of the voting members shall be individuals  
with

101 10 autism or members of their families. Additionally, each  
of

101 11 the following shall be represented among the voting  
members:

101 12 (1) Autism diagnostic and research specialists.

101 13 (2) Individuals with recognized expertise in utilizing  
101 14 best practices for diagnosis, intervention, education,  
and  
101 15 support services for individuals with autism.

101 16 (3) Individuals providing residential services for  
101 17 individuals with autism.

101 18 (4) Medical professionals with background or expertise  
in  
101 19 a pertinent medical field such as psychiatry or  
behavioral  
101 20 science.

101 21 (5) Private insurers.

101 22 (6) Teachers and representatives of area education  
101 23 agencies.

101 24 b. In addition, representatives of the department of  
101 25 education, the division of vocational rehabilitation of the  
101 26 department of education, the department of public health,  
the  
101 27 department of human services, the division of insurance  
of the  
101 28 department of commerce, and the state board of regents  
shall  
101 29 serve as ex officio members of the advisory council. Ex  
101 30 officio members shall work together in a collaborative  
manner  
101 31 to serve as a resource to the advisory council. The  
council  
101 32 may also form workgroups as necessary to address specific  
101 33 issues within the technical purview of individual  
members.

101 34 c. Voting members shall serve three-year terms  
beginning  
101 35 and ending as provided in section 69.19, and appointments  
102 1 shall comply with sections 69.16 and 69.16A. Vacancies on  
the  
102 2 council shall be filled in the same manner as the  
original

102 3 appointment. A person appointed to fill a vacancy shall  
serve

102 4 only for the unexpired portion of the term. Public  
members

102 5 shall receive reimbursement for actual expenses incurred  
while

102 6 serving in their official capacity and may also be  
eligible to

102 7 receive compensation as provided in section 7E.6.

102 8 d. The council shall elect a chairperson from its  
voting

102 9 members annually. A majority of the voting members of the  
102 10 council shall constitute a quorum.

102 11 e. The department shall convene and provide  
administrative

102 12 support to the council.

102 13 3. The council shall focus its efforts on addressing  
the

102 14 unmet needs of individuals with autism at various levels  
of

102 15 severity and their families. The council shall address  
all of

102 16 the following:

102 17 a. Early identification by medical professionals of  
102 18 autism, including education and training of health care  
and

102 19 mental health care professionals and the use of best  
practice

102 20 guidelines.

102 21 b. Appropriate early and intensive early intervention  
102 22 services with access to models of training.

102 23 c. Integration and coordination of the medical  
community,

102 24 community educators, childhood educators, health care  
102 25 providers, and community-based services into a seamless  
102 26 support system for individuals and their families.

102 27 d. General and special education support services.

102 28 e. In-home support services for families requiring  
102 29 behavioral and other supports.

102 30 f. Training for educators, parents, siblings, and  
other

102 31 family members.

102 32 g. Enhancing of community agency responsiveness to the

102 33 living, learning, and employment needs of adults with  
autism

102 34 and provision of services including but not limited to  
respite

102 35 services, crisis intervention, employment assistance,  
case

103 1 management, and long-term care options.

103 2 h. Financing options including but not limited to  
medical

103 3 assistance waivers and private health insurance coverage.

103 4 i. Data collection.

103 5 4. The council shall meet quarterly. The council shall  
103 6 submit a report to the governor and the general assembly,  
103 7 annually by December 15, identifying the needs and making  
103 8 recommendations for improving and enhancing the lives of  
103 9 individuals with autism and their families.

103 10 5. For the purposes of this section, "autism" means a  
103 11 spectrum disorder that includes at various levels of  
severity,

103 12 autism, Asperger's disorder, pervasive developmental  
disorder,

103 13 Rett's syndrome, and childhood disintegrative disorder.

103 14 Sec. 99. Section 514I.6, Code 2007, is amended by  
adding

103 15 the following new subsection:

103 16 **NEW SUBSECTION.** 7. Provide qualified child health  
plans

103 17 to eligible children. A qualified child health plan  
provided

103 18 by a participating insurer shall not require linkage to  
other

103 19 health insurance products of the participating insurer as  
a

103 20 condition of participation in the qualified child health  
plan.

103 21 Sec. 100. EFFECTIVE DATES AND RETROACTIVE  
APPLICABILITY.

103 22 1. The section of this division of this Act amending  
103 23 section 155A.32, being deemed of immediate importance,  
takes

103 24 effect upon enactment.

103 25 2. The section of this division of this Act enacting  
103 26 section 249A.36, being deemed of immediate importance,

takes

103 27 effect upon enactment and is retroactively applicable to  
May

103 28 1, 2008.

103 29 3. The section of this division of this Act amending  
103 30 section 249J.23, being deemed of immediate importance,  
takes

103 31 effect upon enactment and is retroactively applicable to  
July

103 32 1, 2005.

#### DIVISION VIII

##### INDIVIDUAL DEVELOPMENT ACCOUNTS

103 33  
103 34  
103 35 Sec. 101. Section 422.7, subsection 28, paragraph b,  
Code

104 1 Supplement 2007, is amended to read as follows:

104 2 b. The amount of any savings refund or state match  
104 3 payments authorized under section 541A.3, subsection 1.

104 4 Sec. 102. Section 541A.1, subsection 2, Code 2007, is  
104 5 amended to read as follows:

104 6 2. "Administrator" means the division of community  
action

104 7 agencies of the department of human ~~services~~ rights.

104 8 Sec. 103. Section 541A.1, Code 2007, is amended by  
adding

104 9 the following new subsection:

104 10 **NEW SUBSECTION.** 5A. "Household income" means the  
annual

104 11 household income of an account holder or prospective  
account

104 12 holder, as determined in accordance with rules adopted by  
the

104 13 administrator.

104 14 Sec. 104. Section 541A.2, subsection 4, paragraph a,  
Code

104 15 2007, is amended by adding the following new  
subparagraphs:

104 16 **NEW SUBPARAGRAPH.** (7) A purpose approved in accordance  
104 17 with rule for a refugee individual development account.

104 18 **NEW SUBPARAGRAPH.** (8) Purchase of an automobile.

104 19 **NEW SUBPARAGRAPH.** (9) Purchase of assistive  
technology,

104 20 home or vehicle modification, or other device or physical  
improvement to assist an account holder or family member



104 21 with  
104 22 a disability.

104 23 **NEW SUBPARAGRAPH.** (10) Other purpose approved in  
104 24 accordance with rule that is intended to move the account  
104 25 holder or a family member toward a higher degree of  
104 26 self-sufficiency.

104 27 Sec. 105. Section 541A.2, subsection 10, Code 2007, is  
104 28 amended to read as follows:

104 29 10. The total amount of sources of principal which may  
be  
104 30 in an individual development account shall be limited to  
~~fifty~~  
104 31 **thirty** thousand dollars.

104 32 Sec. 106. Section 541A.3, Code 2007, is amended to  
read as  
104 33 follows:

104 34 541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS == ~~REFUND STATE~~  
104 35 **MATCH** AND TAX PROVISIONS.

105 1 All of the following state **match and** tax provisions  
shall

105 2 apply to an individual development account:

105 3 1. **a.** Payment by the state of a **state** savings ~~refund~~  
105 4 **match** on amounts of up to two thousand dollars ~~per~~  
~~calendar~~  
105 5 ~~year~~ that an account holder deposits in the account  
holder's  
105 6 account. To be eligible to receive a state match an  
account  
105 7 holder must have a household income that is equal to or  
less  
105 8 than two hundred percent of the federal poverty level.

105 9 **b.** Moneys transferred to an individual development  
account  
105 10 from another individual development account and a ~~savings~~  
105 11 ~~refund~~ **state match** received by the account holder in  
105 12 accordance with this section shall not be considered an  
account holder deposit for purposes of determining a  
105 13 ~~savings~~  
105 14 ~~refund~~ **state match**.

105 15 **c.** Payment of a ~~savings-refund~~ **state match** either  
shall be  
105 16 made directly to the account holder or to an operating  
organization's central reserve account for later

105 17 distribution  
105 18 to the account holder in the most appropriate manner as  
105 19 determined by the administrator.

105 20 d. The Subject to the limitation in paragraph "a", the  
105 21 state ~~savings refund match~~ shall be ~~the indicated~~  
percentage  
105 22 of equal to one hundred percent of the amount deposited+  
by  
105 23 the account holder. However, the administrator may limit,  
105 24 reduce, delay, or otherwise revise state match payment  
105 25 provisions as necessary to restrict the payments to the  
105 26 funding available.

105 27 ~~a. For an account holder with a household income, as~~  
105 28 ~~defined in section 425.17, subsection 6, which is one~~  
~~hundred~~  
105 29 ~~fifty percent or less of the federal poverty level,~~  
105 30 ~~twenty-five percent.~~

105 31 ~~b. For an account holder with a household income which~~  
~~is~~  
105 32 ~~more than one hundred fifty percent but less than one~~  
~~hundred~~  
105 33 ~~seventy-five percent of the federal poverty level, twenty~~  
105 34 ~~percent.~~

105 35 ~~c. For an account holder with a household income which~~  
~~is~~  
106 1 ~~one hundred seventy-five percent or more but not more~~  
~~than two~~  
106 2 ~~hundred percent of the federal poverty level, fifteen~~  
~~percent.~~

106 3 ~~d. For an account holder with a household income which~~  
~~is~~  
106 4 ~~more than two hundred percent of the federal poverty~~  
~~level,~~  
106 5 ~~zero percent.~~

106 6 2. Income earned by an individual development account  
is  
106 7 not subject to state tax, in accordance with the  
provisions of  
106 8 section 422.7, subsection 28.

106 9 3. Amounts transferred between individual development  
106 10 accounts are not subject to state tax.

106 11 ~~4. The administrator shall work with the United States~~  
106 12 ~~secretary of the treasury and the state's congressional~~

106 13 ~~delegation as necessary to secure an exemption from~~  
 106 14 ~~federal~~  
 106 14 ~~taxation for individual development accounts and the~~  
 106 15 ~~earnings~~  
 106 15 ~~on those accounts. The administrator shall report~~  
 106 16 ~~annually to~~  
 106 16 ~~the governor and the general assembly concerning the~~  
 106 17 ~~status of~~  
 106 17 ~~federal approval.~~

106 18 ~~5.~~ 4. The administrator shall coordinate the filing of  
 106 19 claims for a state savings ~~refunds~~ match authorized under  
 106 20 subsection 1, between account holders, ~~and~~ and operating  
 106 21 organizations, ~~and the department of administrative~~  
 106 22 ~~services.~~

106 22 Claims approved by the administrator may be paid ~~by the~~  
 106 23 ~~department of administrative services~~ to each account  
 106 24 holder,  
 106 24 for an aggregate amount for distribution to the holders  
 106 25 of the  
 106 25 accounts in a particular financial institution, or to an  
 106 26 operating organization's central reserve account for  
 106 27 later  
 106 27 distribution to the account holders depending on the  
 106 28 efficiency for issuing the ~~refunds~~ state match payments.  
 106 29 Claims shall be initially filed with the administrator on  
 106 30 or  
 106 30 before a date established by the administrator. Claims  
 106 31 approved by the administrator shall be paid from the  
 106 32 ~~general~~  
 106 32 ~~fund of the state in the manner specified in section~~  
 106 33 ~~422.74~~  
 106 33 individual development account state match fund.

106 34 Sec. 107. Section 541A.5, Code 2007, is amended to  
 106 35 read as  
 106 35 follows:

107 1 541A.5 RULES.

107 2 1. The ~~administrator~~ commission on community action  
 107 3 agencies created in section 216A.92A, in consultation  
 107 4 with the  
 107 4 department of administrative services, shall adopt  
 107 5 administrative rules to administer this chapter.

107 6 2. a. The rules adopted by the ~~administrator~~  
 107 6 commission

107 7 shall include but are not limited to provision for  
transfer of  
107 8 an individual development account to a different  
financial  
107 9 institution than originally approved by the  
administrator, if  
107 10 the different financial institution has an agreement with  
the  
107 11 account's operating organization.

107 12 b. The rules for determining household income may  
provide  
107 13 categorical eligibility for prospective account holders  
who  
107 14 are enrolled in programs with income eligibility  
restrictions  
107 15 that are equal to or less than the maximum household  
income  
107 16 allowed for payment of a state match under section  
541A.3.

107 17 c. Subject to the availability of funding, the  
commission  
107 18 may adopt rules implementing an individual development  
account  
107 19 program for refugees. Rules shall identify purposes  
approved  
107 20 for withdrawals to meet the special needs of refugee  
families.

107 21 3. The administrator shall utilize a request for  
proposals  
107 22 process for selection of operating organizations and  
approval  
107 23 of financial institutions.

107 24 Sec. 108. Section 541A.6, Code 2007, is amended to  
read as  
107 25 follows:

107 26 541A.6 COMPLIANCE WITH FEDERAL REQUIREMENTS.

107 27 The ~~administrator~~ commission on community action  
agencies

107 28 shall adopt rules for compliance with federal individual  
development account requirements under the federal  
107 29 Personal  
107 30 Responsibility and Work Opportunity Reconciliation Act of  
107 31 1996, } 103, as codified in 42 U.S.C. } 604(h), under the  
107 32 federal Assets for Independence Act, Pub. L. No. 105=285,

107 33 Title IV, or with any other federal individual  
development  
107 34 account program requirements, ~~as necessary for the state  
to~~  
107 35 ~~qualify to use federal temporary assistance for needy  
families~~  
108 1 ~~block grant funding or other available~~ for drawing  
federal  
108 2 funding ~~for allocation to operating organizations~~. Any  
rules  
108 3 adopted under this section shall not apply the federal  
108 4 individual development account program requirements to an  
108 5 operating organization which does not utilize federal  
funding  
108 6 for the accounts with which it is connected or to an  
account  
108 7 holder who does not receive temporary assistance for  
needy  
108 8 families block grant or other federal funding.  
108 9 Sec. 109. **NEW SECTION.** 541A.7 INDIVIDUAL DEVELOPMENT  
108 10 ACCOUNT STATE MATCH FUND.  
108 11 1. An individual development account state match fund  
is  
108 12 created in the state treasury under the authority of the  
108 13 administrator. Notwithstanding section 8.33, moneys  
108 14 appropriated to the fund shall not revert to any other  
fund.  
108 15 Notwithstanding section 12C.7, subsection 2, interest or  
108 16 earnings on moneys deposited in the fund shall be  
credited to  
108 17 the fund.  
108 18 2. Moneys available in the fund for a fiscal year are  
108 19 appropriated to the administrator to be used to provide  
the  
108 20 state match for account holder deposits in accordance  
with  
108 21 section 541A.3. At least eighty-five percent of the  
amount  
108 22 appropriated shall be used for state match payments and  
the  
108 23 remainder may be used for administrative costs.  
108 24 Sec. 110. INDIVIDUAL DEVELOPMENT ACCOUNT RULES ==  
108 25 TRANSITION, EFFECTIVE DATE, AND APPLICABILITY.

108 26 1. The division of community action agencies of the  
108 27 department of human rights shall administer individual  
108 28 development accounts in accordance with the  
administrative  
108 29 rules pertaining to the accounts in 441 IAC ch. 10, in  
place  
108 30 of the department of human services until replacement  
108 31 administrative rules are adopted. The commission on  
community  
108 32 action agencies may adopt emergency rules under section  
17A.4,  
108 33 subsection 2, and section 17A.5, subsection 2, paragraph  
"b",  
108 34 to implement the provisions of this Act and the rules  
shall be  
108 35 effective immediately upon filing unless a later date is  
specified in the rules. Any rules adopted in accordance  
109 1 with  
109 2 this subsection shall also be published as a notice of  
109 3 intended action as provided in section 17A.4.

109 4 2. This division of this Act, being deemed of  
immediate  
109 5 importance, takes effect upon enactment.

109 6 3. The change from "savings refund" to "state match"  
as  
109 7 authorized in section 422.7, subsection 28, and section  
109 8 541A.3, as amended by this Act, is retroactively  
applicable to  
109 9 January 1, 2008, for the tax year commencing on January  
1,  
109 10 2008.

#### EXPLANATION

109 12 This bill relates to and makes appropriations for  
health  
109 13 and human services for FY 2008=2009 to the department of  
veterans affairs, the Iowa veterans home, the department  
109 14 of  
elder affairs, the department of public health, Iowa  
109 15 finance  
authority, state board of regents, department of  
109 16 inspections  
109 17 and appeals, and the department of human services.

109 18 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This  
division

109 19 appropriates funding from the general fund of the state  
for  
109 20 the department of elder affairs, the department of public  
109 21 health, and the department of veterans affairs.

109 22 The division appropriates funds from the gambling  
treatment  
109 23 fund in lieu of the standing appropriation in Code  
section  
109 24 135.150 for addictive disorders and provides for use of  
the  
109 25 funds remaining in the fund.

109 26 The division appropriates funding from the general  
fund of  
109 27 the state and the federal temporary assistance for needy  
109 28 families block grant to the department of human services.  
The  
109 29 allocation for the family development and  
self-sufficiency  
109 30 grant program is made directly to the department of human  
109 31 rights.

109 32 The reimbursement section addresses reimbursement for  
109 33 providers reimbursed by the department of human services.

109 34 This division also changes the method by which  
increased  
109 35 reimbursement to certain nursing facilities is provided  
based  
110 1 upon accountability measures.

110 2 SENIOR LIVING TRUST FUND, PHARMACEUTICAL SETTLEMENT  
110 3 ACCOUNT, IOWACARE ACCOUNT, HEALTH CARE TRANSFORMATION  
ACCOUNT,  
110 4 AND PROPERTY TAX RELIEF FUND. This division makes  
110 5 appropriations for FY 2008=2009 from the senior living  
trust  
110 6 fund to the department of elder affairs, the department  
of  
110 7 human services, the department of inspections and  
appeals, and  
110 8 the Iowa finance authority.

110 9 The division makes an appropriation from the  
pharmaceutical  
110 10 settlement account to the department of human services to  
110 11 supplement the medical contracts appropriation.

110 12 The division makes appropriations from the IowaCare

account

110 13 to the state board of regents for distribution to the  
110 14 university of Iowa hospitals and clinics, and to the  
110 15 department of human services for distribution to a  
publicly  
110 16 owned acute care teaching hospital in a county with a  
110 17 population over 350,000, and to the state mental health  
110 18 institutes for purposes related to the IowaCare program  
and  
110 19 indigent care. The division makes an appropriation to the  
110 20 department of human services from the health care  
110 21 transformation account for various health care reform  
110 22 initiatives. The division includes a transfer from the  
110 23 account for health care transformation to the IowaCare  
110 24 account.

110 25 An appropriation is made from the property tax relief  
fund  
110 26 for the medical assistance program in lieu of  
distribution of  
110 27 certain revenues received from utility replacement  
generation  
110 28 tax revenues received as of November 1, 2007.

110 29 If the total amount appropriated from all sources for  
the  
110 30 medical assistance program for FY 2008=2009 exceeds the  
amount  
110 31 needed, the excess reverts to the senior living trust  
fund.

110 32 MH/MR/DD/BI SERVICES ALLOWED GROWTH FUNDING == FY  
110 33 2008=2009. This division provides for distribution of the  
110 34 services funding previously appropriated for FY  
2008=2009.

110 35 The previously made appropriation is revised and the  
brain

111 1 injury distribution through the department of public  
health is

111 2 eliminated. Code section 331.439, relating to county  
mental

111 3 health, mental retardation, and developmental  
disabilities

111 4 services plans, is amended to allow the department of  
human

111 5 services to extend for good cause the county deadlines



for

111 6 reporting associated with the services.

111 7 The legislative council is requested to create a task  
force

111 8 to consider county=state shared funding for the mental  
health

111 9 and disability services covered by the Medicaid program.

111 10 Additionally, the department of human services, division  
of

111 11 mental health and disability services, is directed to  
appoint

111 12 a stakeholder committee to work on updating Iowa law and  
rules

111 13 pertaining to community mental health centers.

111 14 MH/MR/DD/BI SERVICES ALLOWED GROWTH FUNDING == FY

111 15 2009=2010. This division provides the FY 2008=2009  
allowed

111 16 growth appropriation for distribution to counties and for  
the

111 17 brain injury services program in the department of public  
111 18 health.

111 19 HEALTH CARE TRUST FUND. This division includes  
provisions

111 20 relating to health care and makes appropriations from the  
111 21 health care trust fund.

111 22 Appropriations are made from the health care trust  
fund to

111 23 the department of public health for addictive disorders,

111 24 healthy children and families, chronic conditions, and

111 25 community capacity.

111 26 Funds are appropriated from the health care trust fund  
to

111 27 the department of human services for medical assistance  
and

111 28 mental health, mental retardation, and developmental

111 29 disability (MH/MR/DD) services allowed growth. Under the

111 30 appropriation for the medical assistance program, funding  
is

111 31 specifically allocated for a grant to the Iowa healthcare

111 32 collaborative. The appropriation for MH/MR/DD allowed  
growth

111 33 is to be credited to the property tax relief fund from  
which

111 34 it is appropriated in another part of the bill.

111 35 APPROPRIATION=RELATED CHANGES. This division provides

112 1 appropriation=related changes and takes effect upon

enactment.

112 2 Code section 35D.18, requiring the Iowa veterans home

to

112 3 operate with a net general fund appropriation, is amended

to

112 4 remove a \$500,000 restriction on the amount of excess

funding

112 5 that may be carried forward at the close of a fiscal

year.

112 6 A supplemental appropriation is made for FY 2007=2008

from

112 7 the healthy Iowans tobacco trust to be credited to the

112 8 juvenile detention home fund.

112 9 An allocation made in 2006 Iowa Acts, chapter 1184,

for

112 10 purposes of the decategorization of child welfare and

juvenile

112 11 justice funding initiative under Code section 232.188 is

112 12 amended to provide that up to \$3,605,000 from the

allocation

112 13 and any other funding designated as carryover funding

under

112 14 the initiative that is unencumbered or unobligated at the

112 15 close of fiscal year 2007=2008 will not revert as

provided in

112 16 Code section 232.188 but instead will remain to be used

for

112 17 the initiative in FY 2008=2009.

112 18 The appropriation made in 2007 Iowa Acts, chapter 176,

for

112 19 the Vietnam Conflict veterans bonus fund is amended to

provide

112 20 that the appropriation does not revert at the close of FY

112 21 2007=2008 but remains available through the succeeding

fiscal

112 22 year.

112 23 The appropriation made in 2007 Iowa Acts, chapter 203,

for

112 24 the injured veterans grant program is amended to provide

that

the appropriation does not revert at the close of FY

112 25 2007=2008  
112 26 but remains available through the succeeding fiscal year.  
112 27 Allocations made in appropriations to the department  
of  
112 28 public health in 2007 Iowa Acts, chapter 218, section 2,  
for  
112 29 patients who have phenylketonuria (PKU) and for  
management of  
112 30 the antiviral stockpile that remain at the close of the  
fiscal  
112 31 year are carried forward to be used for the same purposes  
in  
112 32 the succeeding fiscal year.  
112 33 The general fund appropriation made to the department  
of  
112 34 veterans affairs in 2007 Iowa Acts, chapter 218, section  
4,  
112 35 subsection 1, for departmental administration is amended  
to  
113 1 provide that the appropriation does not revert at the  
close of  
113 2 FY 2007=2008 but remains available through the succeeding  
113 3 fiscal year to be used for the veterans cemetery sign and  
113 4 other necessary expenses.  
113 5 The general fund appropriation made for purposes of  
the  
113 6 county grant program for veterans in 2007 Iowa Acts,  
chapter  
113 7 218, section 4, subsection 4, will remain available to be  
used  
113 8 for the program in the succeeding fiscal year rather than  
be  
113 9 credited to the veterans trust fund.  
113 10 A portion of the appropriation of federal temporary  
113 11 assistance for needy families (TANF) block grant made in  
2007  
113 12 Iowa Acts, chapter 218, section 7, to the department of  
human  
113 13 services for the family investment program is shifted to  
the  
113 14 appropriation from the block grant for state child care  
113 15 assistance and a portion is then transferred to the  
federal  
113 16 child care and development block grant.

113 17 Of the funds appropriated from the general fund to the  
113 18 department of human services for fiscal year 2007=2008 in  
113 19 Iowa Acts, chapter 218, section 15, for the state  
113 20 children's  
113 21 health insurance program, up to \$441,000 that remains  
113 22 available at the close of the fiscal year is to be  
113 23 transferred  
113 24 to the appropriation from child care assistance until the  
113 25 close of the succeeding fiscal year.

113 26 Existing authority for DHS to transfer funds  
113 27 appropriated  
113 28 in 2007 Iowa Acts, chapter 218, section 18, for child and  
113 29 family services that would have otherwise been paid under  
113 30 another appropriation is expanded to include services  
113 31 that  
113 32 would have otherwise been reimbursed under the  
113 33 appropriation  
113 34 for child care assistance.

113 35 Of the general fund moneys allocated for the  
114 1 decategorization of child welfare funding for fiscal year  
114 2 2007=2008 in 2007 Iowa Acts, chapter 218, section 18,  
114 3 subsection 5, that if unexpended at the close of the  
114 4 fiscal  
114 5 year would otherwise be available for the succeeding  
114 6 fiscal  
114 7 year, up to \$6.1 million is transferred to the  
114 8 appropriation  
114 9 made for the child care assistance to be used for the  
115 1 state  
115 2 child care assistance program for the succeeding fiscal  
115 3 year.

115 4 Of the fiscal year 2007=2008 general fund  
115 5 appropriation to  
115 6 DHS in 2007 Iowa Acts, chapter 218, section 18, for child  
115 7 and  
115 8 family services remaining unexpended at the close of the  
115 9 fiscal year, up to \$3.7 million is transferred to the  
116 1 appropriation for child care assistance to be used for  
116 2 the  
116 3 state child care assistance program until the close of  
116 4 the  
116 5 succeeding fiscal year.

114 10 The requirements for distribution of the moneys  
114 11 appropriated to DHS from the juvenile detention home fund  
114 12 in  
114 13 2007 Iowa Acts, chapter 218, section 20, are revised to  
114 14 increase the amount distributed to such homes and to  
114 15 decrease  
114 16 and eliminate other allocations. Any remainder is  
114 17 required to  
114 18 be transferred to the appropriation for child and family  
114 19 services.

114 20 Of the general fund appropriation made to the  
114 21 department of  
114 22 human services for field operations for fiscal year  
114 23 2007=2008  
114 24 in 2007 Iowa Acts, chapter 218, section 28, approximately  
114 25 \$1.1  
114 26 million of the amount remaining unexpended at the close  
114 27 of the  
114 28 fiscal year may be carried forward to be used in the  
114 29 succeeding fiscal year.

114 30 Of the general fund appropriation made to the  
114 31 department of  
114 32 human services for general administration for fiscal year  
114 33 2007=2008 in 2007 Iowa Acts, chapter 218, section 29, \$1  
114 34 million is transferred to the juvenile detention home  
114 35 fund and  
114 36 up to \$110,000 of any amount remaining unexpended at the  
114 37 close  
114 38 of the fiscal year may be carried forward to be used in  
114 39 the  
114 40 succeeding fiscal year.

114 41 This division eliminates a provision in 2007 Iowa  
114 42 Acts,  
114 43 chapter 218, section 31, allowing for adjustment of the  
114 44 pharmacy dispensing fee to compensate for any reduction  
114 45 in  
114 46 drug product cost reimbursement resulting from federal  
114 47 legislation.

114 48 Moneys appropriated from the property tax relief fund  
114 49 in  
115 50 2007 Iowa Acts, chapter 218, section 83, and transferred  
115 51 to  
115 52 DPH for the brain injury program that remain unexpended  
115 53 at the

115 3 close of fiscal year 2007=2008 are to be transferred to  
the  
115 4 appropriation for the Medicaid program to provide home  
and  
115 5 community-based waiver slots until the close of the  
succeeding  
115 6 fiscal year.

115 7 The appropriations made from the IowaCare account in  
2007  
115 8 Iowa Acts, chapter 218, section 74, are amended to  
provide a  
115 9 new appropriation for administrative costs incurred by  
the  
115 10 publicly owned acute care teaching hospital located in a  
115 11 county with a population over 350,000.

115 12 Appropriations made from the health care trust fund to  
the  
115 13 department of public health for fiscal year 2007=2008 in  
2007  
115 14 Iowa Acts, chapter 218, section 97, for addictive  
disorders,  
115 15 healthy children and families, and chronic conditions,  
and to  
115 16 DHS for the state children's health insurance program in  
115 17 section 98, remaining unexpended at the close of the  
fiscal  
115 18 year may be carried forward to be used in the succeeding  
115 19 fiscal year.

115 20 The division takes effect upon enactment.

115 21 PRIOR YEAR APPROPRIATION CHANGES WITH CONTINGENT  
115 22 APPLICABILITY DATE. This division changes prior year  
115 23 appropriations and is retroactively applicable to  
December 21,  
115 24 2007, but is contingent upon federal approval of a  
Medicaid  
115 25 state plan amendment.

115 26 The appropriation made from the general fund of the  
state  
115 27 in 2007 Iowa Acts, chapter 214, for the state psychiatric  
115 28 hospital is reduced to zero and is replaced by increasing  
the  
115 29 appropriation made from the general fund of the state for  
the  
medical assistance program in 2007 Iowa Acts, chapter

115 30 218, and  
115 31 making an allocation for the psychiatric hospital. The  
115 32 medical assistance appropriation is also amended to  
transfer  
115 33 approximately \$4.5 million to the IowaCare account. In  
115 34 addition, the appropriation made in 2007 Iowa Acts,  
chapter  
115 35 215, for the salary adjustment fund is amended to reduce  
the  
116 1 appropriation and to reflect that the distribution of  
salary  
116 2 adjustment moneys for the state psychiatric hospital are  
116 3 reduced to zero.  
116 4 The bill also increases the amount appropriated to the  
116 5 state board of regents for the IowaCare program for FY  
116 6 2007=2008, and makes distribution of the amount  
contingent  
116 7 upon claims adjudicated and approved for payment.  
116 8 CODE CHANGES. This division provides miscellaneous  
Code  
116 9 changes.  
116 10 Code section 28.9, relating to the community  
empowerment  
116 11 fund, is amended to change the name of the community  
116 12 empowerment gifts and grants account within the fund to  
the  
116 13 first years first account.  
116 14 Code section 135.22B, relating to the brain injury  
services  
116 15 program in DPH, is amended to eliminate the component  
relating  
116 16 to persons eligible for the Medicaid home and  
community-based  
116 17 services waiver for persons with brain injury.  
116 18 New Code section 135.155 creates the early childhood  
Iowa  
116 19 council, and includes a purpose and vision statement,  
provides  
116 20 that the council membership is open to a representative  
of any  
116 21 organization that touches the lives of young children in  
the  
116 22 state ages zero through five, authorizes the council to  
adopt

116 23 its own procedures, provides for creation of component  
groups  
116 24 and for a steering committee consisting of the  
co=chairpersons  
116 25 of the component groups and others, provides for a state  
116 26 agency team to support the activities of the council, and  
116 27 outlines the duties of the council.  
116 28 New Code section 135.156 designates the department of  
116 29 public health as the lead agency for the support of the  
116 30 development and integration of an early childhood system  
for  
116 31 Iowa. The lead agency's duties include working with state  
116 32 agencies to enter into memorandums of understanding  
outlining  
116 33 the agencies' responsibilities in the system; working  
with  
116 34 private businesses, foundations, and nonprofit  
organizations  
116 35 in implementing a public=private partnership to develop  
and  
117 1 provide funding for the system; and maintaining an  
internet  
117 2 site for the early childhood Iowa council and its  
component  
117 3 groups.  
117 4 Code section 135H.3, relating to the nature of care  
117 5 provided in a psychiatric medical institution for  
children, is  
117 6 amended to provide that children requiring treatment for  
117 7 mental illness and meeting other criteria are deemed to  
meet  
117 8 the acuity criteria for inpatient treatment under various  
117 9 health care coverage provisions.  
117 10 Code section 155A.32, relating to drug product  
selection  
117 11 restrictions, is amended. Current law allows a pharmacist  
to  
117 12 exercise professional judgment by selecting a drug  
product  
117 13 with the same generic name and demonstrated  
bioavailability as  
117 14 the drug prescribed for dispensing and sale to the  
patient.  
117 15 The bill limits that discretion in the case of an



117 16 antiepileptic drug or immunosuppressant drug. Prior to  
117 17 any  
117 18 substitution the pharmacist must obtain signed informed  
117 19 consent of that selection from both the authorized  
117 20 prescriber  
117 21 and the patient or the patient's representative. The  
117 22 board of  
117 23 pharmacy may impose a variety of penalties for violation  
117 24 of  
117 25 the bill, pursuant to Code section 272C.3. In addition,  
117 26 civil  
117 27 penalties not to exceed \$25,000 may be imposed as  
117 28 provided  
117 29 pursuant to section 155A.18. This section takes effect  
117 30 upon  
117 31 enactment.

117 32 Code section 217.19, relating to DHS expenses, is  
117 33 amended  
117 34 to require the department of administrative services to  
117 35 work  
117 36 with DHS in order to develop and implement an expense  
117 37 policy  
117 38 for members of boards, commissions, and other bodies so  
117 39 that a  
117 40 person with an income below 150 percent of the federal  
117 41 poverty  
117 42 level may have expenses paid in lieu of reimbursement.

117 43 Code section 237A.13, relating to the child care  
117 44 assistance  
117 45 program, is amended to require DHS, the department of  
117 46 management, and the legislative services agency to  
117 47 jointly  
117 48 arrive at a consensus projection for program expenditures  
117 49 on  
117 50 at least a quarterly basis.

118 1 Code section 249A.36 relates to behavioral health  
118 2 services  
118 3 provided under the medical assistance (Medicaid) program.  
118 4 The bill provides that beginning May 1, 2008, and  
118 5 thereafter, any contract between the department of human  
118 6 services and a third party for behavioral health services  
118 7 under the Medicaid program shall meet certain  
118 8 requirements  
118 9 including: the administrative fee negotiated between the

118 8 third=party administrator and the department for the  
services  
118 9 provided by the third=party administrator shall be the  
entire  
118 10 consideration for all services provided by the  
third=party  
118 11 administrator; funds that are not used to pay for  
behavioral  
118 12 health services and any interest earned on such funds  
shall be  
118 13 remitted to the department within 30 days of generation  
of  
118 14 such funds; and if certain conditions are met, payment  
for the  
118 15 services provided shall be presumed valid for the purpose  
of  
118 16 any appeal. Code section 249A.36 also directs the  
department  
118 17 of human services to establish a behavioral health care  
118 18 provider appeals panel, specifies the membership of the  
panel,  
118 19 provides that the panel shall hear appeals, in accordance  
with  
118 20 chapter 17A, on denials of claims for behavioral health  
118 21 services under the Medicaid program, and provides that a  
118 22 provider or a third=party administrator may appeal the  
118 23 decision of the provider appeals panel to the director of  
the  
118 24 department, whose written decision shall be final and  
binding.  
118 25 Code section 249A.36 requires the department of human  
118 26 services to maintain a separate account for all funds  
118 27 appropriated, allocated, or otherwise available for  
payment of  
118 28 behavioral health services provided under the Medicaid  
program  
118 29 and specifies the funds to be deposited in the account  
and the  
118 30 use of funds in the account.  
118 31 For the purposes of Code section 249A.36, "behavioral  
118 32 health services" means services provided for the  
treatment of  
118 33 mental disorders, emotional disorders, and chemical  
dependency

118 34 disorders as specified by rule of the department.

118 35 This Code section takes effect upon enactment and is  
119 1 retroactively applicable to May 1, 2008.

119 2 Code section 249J.23 is amended to allow for payment  
of the

119 3 administrative costs for Broadlawns medical center  
related to

119 4 IowaCare through the account for health care  
transformation.

119 5 This section takes effect upon enactment and is  
retroactively

119 6 applicable to July 1, 2005.

119 7 New Code section 256.35A creates the Iowa autism  
council in

119 8 the department of education to advise the state in  
developing

119 9 and implementing a system for services to children with  
autism

119 10 and to meet the needs of adults with autism.

119 11 Code section 514I.6 is amended to provide that  
qualified

119 12 child health plans under the hawk=i program are  
prohibited

119 13 from requiring linkage to other health insurance products  
of

119 14 the participating insurer as a condition of participation  
in

119 15 the qualified child health plan.

119 16 INDIVIDUAL DEVELOPMENT ACCOUNTS. This division relates  
to

119 17 individual development accounts authorized for certain

119 18 individuals with low income.

119 19 Under current law in Code chapter 541A, the department  
of

119 20 human services administers the accounts through operating  
119 21 organizations who certify the accounts. Account holder

119 22 deposits may be matched by operating organizations,  
federal

119 23 individual development account funding, and state savings  
119 24 refunds providing a state match for the deposits of  
account

119 25 holders with family incomes of 200 percent or less of the  
119 26 federal poverty level. The state savings refund amount  
ranges

119 27 from 15=25 percent of account holder deposits, depending  
on  
119 28 income. Interest and earnings on the accounts and the  
119 29 deposits made to an account by others is exempt from  
state  
119 30 income tax. Withdrawals from an account must be approved  
by  
119 31 the operating organization for one of the following  
approved  
119 32 purposes: higher education costs, training programs,  
purchase  
119 33 of a primary residence or improvements to such residence,  
119 34 capitalization of a small business start-up, or certain  
119 35 emergency medical costs.

120 1 The bill makes a number of changes to the requirements  
for  
120 2 individual development accounts. New approved purposes  
for  
120 3 using the accounts are provided authorizing purchase of  
an  
120 4 automobile, purchase of assistive technology to assist an  
120 5 account holder or family member with a disability, or for  
120 6 other purposes approved in rule. The maximum amount of  
120 7 deposits of principal to an account is reduced from  
\$50,000 to  
120 8 \$30,000. Administration of the program is moved from the  
120 9 department of human services to the division of community  
120 10 action agencies of the department of human rights.  
120 11 Requirements for household income determinations and  
other  
120 12 procedures for the accounts are required to be adopted in  
rule  
120 13 by the commission on community action agencies. The  
division  
120 14 of community action agencies is required to utilize a  
request  
120 15 for proposals process for selection of operating  
organizations  
120 16 and approval of financial institutions.

120 17 The division includes a temporary authorization for  
120 18 operation of the accounts in accordance with the rules  
adopted  
120 19 by the department of human services until replacement  
rules

120 20 are adopted. The commission may adopt the replacement  
rules  
120 21 using emergency procedures which forego public comment  
and  
120 22 review by the administrative rules review committee.  
120 23 The state savings refund is changed to a state match  
and is  
120 24 increased to 100 percent of account holder deposits. The  
120 25 current state match limit of a percentage of account  
holder  
120 26 deposits of up to \$2,000 per calendar year is charged  
with an  
120 27 overall limit of \$2,000. If funding is available the  
120 28 commission may authorize implementing refugee accounts  
with  
120 29 withdrawals approved for the special needs of refugee  
120 30 families. Code section 422.7, providing for adjustments  
to  
120 31 income for purposes of determining net income under the  
state  
120 32 income tax, is amended to include a reference to state  
match  
120 33 payments in the exemption provision relating to  
individual  
120 34 development accounts. The provisions of the bill  
referencing  
120 35 the state match payment are retroactively applicable to  
121 1 January 1, 2008, for the tax year beginning on that date.  
121 2 An individual development account state match fund is  
121 3 created in new Code section 541A.7 with a standing  
121 4 appropriation of any moneys available in the fund to the  
121 5 division for payments of state matches. The division of  
121 6 community action agencies is authorized to revise the  
match  
121 7 payment provisions as necessary to restrict payments to  
the  
121 8 funding available. A requirement for the program  
121 9 administrator to work with the federal government and the  
121 10 state's congressional delegation to secure federal tax  
121 11 exemption for the accounts and account earnings and to  
report  
121 12 annually is repealed. A portion of any appropriations  
from

121 13 the fund may be used for administrative costs.  
121 14 This division takes effect upon enactment.  
121 15 LSB 5002JA 82  
121 16 pf/jp/14.6