HOUSE FILE 690
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 206)

(As Amended and Passed by the House March 21, 2019)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to mental health and disability services, including the establishment of a children's behavioral health system and a children's behavioral health system state board, and requiring certain children's behavioral health core services.

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

Section 1. Section 225C.2, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. *"Child"* or *"children"* means a person or persons under eighteen years of age.

NEW SUBSECTION. 1B. *"Children's behavioral health services"* means services for children with a serious emotional disturbance.

NEW SUBSECTION. 1C. *"Children's behavioral health system"* or *"children's system"* means the behavioral health service system for children implemented pursuant to this subchapter.

NEW SUBSECTION. 11. *"Serious emotional disturbance"* means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment. *"Serious emotional disturbance"* does not include substance use and developmental disorders unless such disorders co-occur with such a diagnosable mental, behavioral, or emotional disorder.

NEW SUBSECTION. 12. *"State board"* means the children's behavioral health system state board created in section 225C.51.

Sec. 2. Section 225C.2, subsection 9, Code 2019, is amended by striking the subsection.

Sec. 3. Section 225C.4, subsection 1, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0c.* Assist the state board in planning for community-based children's behavioral health services.

Sec. 4. Section 225C.4, subsection 1, paragraphs d and j, Code 2019, are amended to read as follows:

d. Encourage and facilitate coordination of mental health and disability services with the objective of developing and maintaining in the state a mental health and disability service delivery system to provide ~~disability~~ services to all persons in this state who need the services, regardless of the place

of residence or economic circumstances of those persons. The administrator shall work with the commission and other state agencies, including but not limited to the departments of corrections, education, and public health and the state board of regents, to develop and implement a strategic plan to expand access to qualified mental health workers across the state.

j. Establish and maintain a data collection and management information system oriented to the needs of patients, providers, the department, and other programs or facilities in accordance with section 225C.6A. The system shall be used to identify, collect, and analyze service outcome and performance measures data in order to assess the effects of the services on the persons utilizing the services. The administrator shall annually submit to the commission information collected by the department indicating the changes and trends in the mental health and disability services system. The administrator shall make the outcome data available to the public.

Sec. 5. Section 225C.4, subsection 1, Code 2019, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0k.* Encourage and facilitate coordination of children's behavioral health services with the objective of developing and maintaining in the state a children's behavioral health system to provide behavioral health services to all children in this state who need the services, regardless of the place of residence or economic circumstances of those children. The administrator shall work with the state board and other state agencies including but not limited to the department of education and the department of public health to develop and implement a strategic plan to expand access to qualified mental health workers across the state.

NEW PARAGRAPH. *00k.* Establish and maintain a data collection and management information system oriented to the needs of children utilizing the children's behavioral health system, providers, the department, and other programs or facilities in accordance with section 225C.6A. The system

shall be used to identify, collect, and analyze service outcome and performance measures data in order to assess the effects of the services on the children utilizing the services. The administrator shall annually submit to the state board information collected by the department indicating the changes and trends in the children's behavioral health system. The administrator shall make the outcome data available to the public.

Sec. 6. Section 225C.4, subsection 1, paragraph u, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) School attendance.

Sec. 7. Section 225C.6B, subsection 3, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* Children's behavioral health services provided to eligible children that are not covered under the medical assistance program or other third-party payor are the responsibility of the county-based regional service system.

Sec. 8. NEW SECTION. **225C.51 Children's behavioral health system state board.**

1. A children's behavioral health system state board is created as the state body to provide guidance on the implementation and management of a children's behavioral health system for the provision of services to children with a serious emotional disturbance. The state board's public voting members shall be appointed to four-year staggered terms by the governor and are subject to confirmation by the senate. All other state board voting members shall be appointed to four-year staggered terms and are not subject to confirmation by the senate. State board members shall be appointed on the basis of interest and experience in the fields of children's behavioral health to ensure adequate representation from persons with life experiences and from persons knowledgeable about children's behavioral health services. The department shall provide support to the state board, and the board may utilize staff support and other assistance provided to the state board by

other persons. The state board shall meet at least four times per year. The membership of the state board shall consist of the following persons who, at the time of appointment to the state board, are active members of the indicated groups:

a. The director of the department or the director's designee.

b. The director of the department of education or the director's designee.

c. The director of the department of public health or the director's designee.

d. The director of workforce development or the director's designee.

e. One member shall be selected from nominees submitted by the state court administrator.

f. One member shall be selected from nominees submitted by the early childhood Iowa office in the department of management.

g. One member shall be a member of the mental health and disability services commission.

h. One member shall be a board member or an employee of a provider of mental health services to children.

i. One member shall be a board member or an employee of a provider of child welfare services.

j. One member shall be an administrator of an area education agency.

k. One member shall be an educator, counselor, or administrator of a school district.

l. One member shall be a representative of an established advocacy organization whose mission or purpose it is, in part, to further goals related to children's mental health.

m. One member shall be a parent or guardian of a child currently utilizing or who has utilized behavioral health services.

n. One member shall be a sheriff.

o. One member shall be a pediatrician.

p. One member shall be a representative from [a] health care system.

q. One member shall be a chief executive officer of a mental health and disability services region.

r. In addition to the voting members, the membership shall include four members of the general assembly with one member designated by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in section 69.16B in a nonvoting, ex officio capacity and is not eligible for per diem and expenses as provided in section 2.10.

2. The four-year terms shall begin and end as provided in section 69.19. Vacancies on the state board shall be filled as provided in section 2.32. A member shall not be appointed for more than two consecutive four-year terms.

3. The director and the director of the department of education, or their designees, shall serve as co-chairpersons of the state board. Board members shall not be entitled to a per diem as specified in section 7E.6 and shall not be entitled to actual and necessary expenses incurred while engaged in their official duties.

Sec. 9. NEW SECTION. **225C.52 Children's behavioral health system state board — duties.**

To the extent funding is available, the state board shall perform the following duties:

[1.] Advise the administrator on the administration of the children's behavioral health system.

[2.] Provide consultation services to agencies regarding the development of administrative rules for the children's behavioral health system.

[3.] Identify behavioral health outcomes and indicators for eligible children with a serious emotional disturbance to promote children living with their own families and in the

community.

* [4.] Submit a written report on or before December 1 of each year to the governor and the general assembly. At a minimum, the report shall include a summary of all activities undertaken by the state board, a summary of state board activities, and results from identified behavioral health outcomes and indicators for the children's behavioral health system.

Sec. 10. Section 331.388, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 01. *"Children's behavioral health services"* means the same as defined in section 225C.2.

NEW SUBSECTION. 4A. *"Serious emotional disturbance"* means the same as defined in section 225C.2.

NEW SUBSECTION. 4B. *"State board"* means the children's system state board created in section 225C.51.

Sec. 11. Section 331.390, subsection 2, Code 2019, is amended by striking the subsection and inserting in lieu thereof the following:

2. The governing board shall comply with all of the following requirements:

a. The voting membership of the governing board shall consist of at least one board of supervisors member from each county comprising the region or their designees.

b. The membership of the governing board shall also include one adult person who utilizes mental health and disability services or is an actively involved relative of such an adult person. This member shall be designated by the regional advisory committee formed by the governing board pursuant to paragraph *"h"*.

c. The membership of the governing board shall not include employees of the department of human services or an unelected employee of a county.

d. The membership of the governing board shall also consist of one member representing adult service providers in the region. This member shall be designated by the regional

advisory committee formed by the governing board pursuant to paragraph "*h*". The member designated in accordance with this paragraph shall serve in a nonvoting, ex officio capacity.

e. The membership of the governing board shall also consist of one member representing children's behavioral health services providers in the region. This member shall be designated by the regional children's advisory committee formed by the governing board pursuant to paragraph "*i*". The member designated in accordance with this paragraph shall serve in a nonvoting, ex officio capacity.

f. The membership of the governing board shall also consist * [of one member representing the education system in the region. This member shall be designated by the regional] children's advisory committee formed by the governing board pursuant to paragraph "*i*".

g. The membership of the governing board shall also consist of one member who is a parent of a child who utilizes children's behavioral health services or actively involved relatives of such children. This member shall be designated by the regional children's advisory committee formed by the governing board pursuant to paragraph "*i*".

h. The governing board shall have a regional advisory committee consisting of adults who utilize services or actively involved relatives of such adults, service providers, and regional governing board members.

i. The governing board shall have a regional children's advisory committee consisting of parents of children who utilize services or actively involved relatives of such * children, [a member of the education system], an early childhood advocate, a child welfare advocate, a children's behavioral health service provider, a member of the juvenile court, a pediatrician, a child care provider, a local law enforcement representative, and regional governing board members.

Sec. 12. Section 331.390, subsection 3, paragraph b, Code 2019, is amended to read as follows:

b. The regional administrator staff shall include one or more coordinators of mental health and disability services and one or more coordinators of children's behavioral health services. A coordinator shall possess a bachelor's or higher level degree in a human services-related or administration-related field, including but not limited to social work, psychology, nursing, or public or business administration, from an accredited college or university. However, in lieu of a degree in public or business administration, a coordinator may provide documentation of relevant management experience. An action of a coordinator involving a clinical decision shall be made in conjunction with a professional who is trained in the delivery of the mental health or disability service or children's behavioral health service addressed by the clinical decision. The regional administrator shall determine whether referral to a coordinator of mental health and disability services or children's behavioral health services is required for a person or child seeking to access a service through a local access point of the regional service system or the children's behavioral health system.

Sec. 13. Section 331.393, subsection 2, Code 2019, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *i.* The scope of children's behavioral health core services. Each service included shall be described and a projection of need shall be included.

NEW PARAGRAPH. *j.* The eligibility requirements for children's behavioral health core services under the children's behavioral health system.

Sec. 14. Section 331.393, subsection 4, paragraph g, subparagraph (1), Code 2019, is amended to read as follows:

(1) Performance and outcome measures relating to the health, safety, education, work performance, and community residency of the persons receiving the services.

Sec. 15. Section 331.396, subsection 1, paragraph b, Code

2019, is amended to read as follows:

b. The person is at least eighteen years of age and is a resident of this state. ~~However, a person who is seventeen years of age, is a resident of this state, and is receiving publicly funded children's services may be considered eligible for services through the regional service system during the three-month period preceding the person's eighteenth birthday in order to provide a smooth transition from children's to adult services.~~

Sec. 16. Section 331.396, subsection 1, paragraph d, Code 2019, is amended by striking the paragraph.

Sec. 17. NEW SECTION. **331.396A Eligibility requirements — children's behavioral health services.**

A child shall be eligible for behavioral health services under the [regional service] system if all of the following conditions are met:

1. The child is under eighteen years of age and is a resident of this state.

2. The child has been diagnosed with a serious emotional disturbance.

3. *a.* The child's family has a family income equal to or less than five hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

b. Notwithstanding [paragraph "*a*"], a child's family whose household income is between one hundred fifty percent but not more than five hundred percent of the federal poverty level shall be eligible for behavioral health services subject to a copayment, a single statewide sliding fee scale, or other cost-sharing requirements approved by the department.

Sec. 18. NEW SECTION. **331.397A Children's behavioral health core services.**

1. For the purposes of this section, unless the context otherwise requires, "*domain*" means a set of similar behavioral

health services that can be provided depending on a child's service needs.

2. *a.* (1) A region shall work with children's behavioral health service providers to ensure that services in the required behavioral health core service domains in subsection 4 are available to children who are residents of the region, regardless of any potential payment source for the services.

(2) Subject to the available appropriations, the director of human services shall ensure the behavioral health core service domains listed in subsection 4 are covered services for the medical assistance program under chapter 249A to the greatest extent allowable under federal regulations. The medical assistance program shall reimburse Medicaid enrolled providers for Medicaid covered services under subsection 4 when the services are medically necessary, the Medicaid enrolled provider submits an appropriate claim for such services, and no other third-party payor is responsible for reimbursement of such services. Within the funds available, the region shall pay for such services for eligible children when payment through the medical assistance program or another third-party payment is not available, unless the child is on a waiting list for such payment or it has been determined that the child does not meet the eligibility criteria for any such service.

b. Until funding is designed for other service populations, eligibility for the service domains listed in this section shall be limited to such children who are in need of behavioral health services.

3. Pursuant to recommendations made by the state board, the department of human services shall adopt rules to define the services included in the core domains listed in this section. The rules shall provide service definitions, service provider standards, service access standards, and service implementation dates, and shall provide consistency, to the extent possible, with similar service definitions under the medical assistance program.

4. The children's behavioral health core service domains shall include all of the following:

a. Treatment designed to ameliorate a child's serious emotional disturbance, including but not limited to all of the following:

(1) Prevention, early identification, early intervention, and education.

(2) Assessment and evaluation relating to eligibility for services.

(3) Medication prescribing and management.

(4) Behavioral health outpatient therapy.

b. Comprehensive facility and community-based crisis services regardless of a diagnosis of a serious emotional disturbance, including all of the following:

(1) Mobile response.

(2) Crisis stabilization community-based services.

(3) Crisis stabilization residential services.

(4) Behavioral health inpatient treatment.

* 5. A region shall ensure that services within the following additional core service domains are available to children not eligible for the medical assistance program under chapter 249A or receiving other third-party payment for the services, when public funds are made available for such services:

a. Treatment designed to ameliorate a child's serious emotional disturbance including but not limited to behavioral health school-based therapy.

b. Support for community living including but not limited to all of the following:

(1) Family support.

(2) Peer support.

(3) Therapeutic foster care.

(4) Respite care.

c. Transition services for children to the adult mental health system providing an appropriate match with a child's abilities based upon informed, person-centered choices made

from an array of options including but not limited to all of the following:

(1) Day habilitation.

(2) Job development.

(3) Supported employment.

(4) Prevocational services.

(5) Educational services.

d. Service coordination including physical health and primary care that follow the principles of the system of care including but not limited to all of the following:

(1) Care coordination.

(2) Health homes.

[Sec. 19. DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF PUBLIC HEALTH — CRISIS HOTLINE. The department of human services and the department of public health shall provide a single, statewide twenty-four-hour crisis hotline that incorporates information for families of children with a serious emotional disturbance which may be provided through expansion of the YourLifeIowa platform.]

Sec. 20. MENTAL HEALTH AND DISABILITY SERVICES REGION — CHILDREN'S BEHAVIORAL HEALTH SERVICES IMPLEMENTATION PLAN. Each mental health and disability services region shall submit to the department of human services an implementation plan to implement children's behavioral health services described under section 331.397A, as enacted in this Act, no later than April 1, 2020.

Sec. 21. DEPARTMENT OF HUMAN SERVICES — RULES. The department of human services shall submit a notice of intended action to the administrative rules coordinator and the Iowa administrative code editor pursuant to section 17A.4, subsection 1, paragraph "a", not later than January 1, 2020, for the adoption of rules to implement this Act.

Sec. 22. REPEAL. Sections 225C.51, 225C.52, 225C.53, and 225C.54, Code 2019, are repealed.

Sec. 23. CODE EDITOR'S DIRECTIVES. The Code editor may

change the current subchapter title of chapter 225C, subchapter VI, to "CHILDREN'S BEHAVIORAL HEALTH SYSTEM".

The Code editor may change the current subchapter title of chapter 331, part 6, to "MENTAL HEALTH AND DISABILITY SERVICES — REGIONAL SERVICE SYSTEM — CHILDREN'S BEHAVIORAL HEALTH SYSTEM".