HOUSE FILE 2578
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 5004HB)

(As Amended and Passed by the House April 5, 2022)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to appropriations for health and human services and veterans and including other related provisions and appropriations, providing penalties, and including effective date and retroactive and other applicability date provisions.

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

DIVISION I

DEPARTMENT ON AGING — FY 2022-2023

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day, respite care, chore, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 11,804,082

..... FTEs 28.00

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

2. Of the funds appropriated in this section, $418,700 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

3. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both

state and federal laws, rules, and regulations, including but not limited to all of the following:

(1) Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.

(2) Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.

(3) Prohibiting prepayment for goods or services not defined specifically by good or service, time period, or recipient.

(4) Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

b. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules and regulations, not the state, shall be liable for such repayment.

4. Of the funds appropriated in this section, $1,312,000 shall be used for the purposes of chapter 231E and to administer the prevention of elder abuse, neglect, and exploitation program pursuant to section 231.56A, in accordance with the requirements of the federal Older Americans Act of 1965, 42 U.S.C. §3001 et seq., as amended.

5. Of the funds appropriated in this section, $1,000,000 shall be used to fund continuation of the aging and disability resource center lifelong links to provide individuals and caregivers with information and services to plan for and maintain independence.

6. Of the funds appropriated in this section, $850,000 shall be used by the department on aging, in collaboration with the department of human services and affected stakeholders,

to continue to expand the pilot initiative to provide long-term care options counseling utilizing support planning protocols, to assist non-Medicaid eligible consumers who indicate a preference to return to the community and are deemed appropriate for discharge, to return to their community following a nursing facility stay; and shall be used by the department on aging to fund home and community-based services to enable older individuals to avoid more costly utilization of residential or institutional services and remain in their homes. The department on aging shall submit a report regarding the outcomes of the pilot initiative to the governor and the general assembly by December 15, 2022.

DIVISION II

OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2022-2023

Sec. 2. OFFICE OF LONG-TERM CARE OMBUDSMAN. There is appropriated from the general fund of the state to the office of long-term care ombudsman for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... $ 1,449,821

..... FTEs 16.00

DIVISION III

DEPARTMENT OF PUBLIC HEALTH — FY 2022-2023

Sec. 3. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of the use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive

behaviors, including gambling, and for not more than the following full-time equivalent positions:

..... $ 23,659,379

..... FTEs 12.00

a. Of the funds appropriated in this subsection, $4,020,894 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and initiatives. Activities of the programs and initiatives shall be in alignment with the United States centers for disease control and prevention best practices for comprehensive tobacco control programs that include the goals of preventing youth initiation of tobacco usage, reducing exposure to secondhand smoke, and promotion of tobacco cessation.

b. (1) Of the funds appropriated in this subsection, $19,638,485 shall be used for problem gambling and substance-related disorder prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, youth prevention, and program evaluation.

(2) Of the amount allocated under this paragraph, $306,000 shall be utilized by the department of public health, in collaboration with the department of human services, to maintain a single statewide 24-hour crisis hotline for the Iowa children's behavioral health system that incorporates warmline services which may be provided through expansion of existing capabilities maintained by the department of public health as required pursuant to 2018 Iowa Acts, chapter 1056, section 16.

c. The requirement of section 123.17, subsection 5, is met by the appropriations and allocations made in this division of this Act for purposes of substance-related disorder treatment

and addictive disorders for the fiscal year beginning July 1, 2022.

2. HEALTHY CHILDREN AND FAMILIES

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

..... $ 5,816,681

..... FTEs 14.00

3. CHRONIC CONDITIONS

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

..... $ 4,258,373

..... FTEs 10.00

4. COMMUNITY CAPACITY

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

..... $ 6,519,306

..... FTEs 13.00

a. Of the funds appropriated in this subsection, $2,100,000 shall be deposited in the medical residency training account created in section 135.175, subsection 5, paragraph "a", and is appropriated from the account to the department of public health to be used for the purposes of the medical residency training state matching grants program as specified in section 135.176.

b. Of the funds appropriated in this subsection, $800,000 shall be used for rural psychiatric residencies to support the annual creation and training of six psychiatric residents who will provide mental health services in underserved areas of the state. Notwithstanding section 8.33, moneys that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for

the purposes designated for subsequent fiscal years.

c. Of the funds appropriated in this subsection, $425,000 shall be used for the creation or continuation of a center of excellence program to encourage innovation and collaboration among regional health care providers in a rural area based upon the results of a regional community needs assessment to transform health care delivery in order to provide quality, sustainable care that meets the needs of the local communities. An applicant for the funds shall specify how the funds will be expended to accomplish the goals of the program and shall provide a detailed five-year sustainability plan prior to being awarded any funding. Following the receipt of funding, a recipient shall submit periodic reports as specified by the department to the governor and the general assembly regarding the recipient's expenditure of the funds and progress in accomplishing the program goals.

5. ESSENTIAL PUBLIC HEALTH SERVICES

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

..... $ 7,662,464

6. INFECTIOUS DISEASES

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

..... $ 1,796,206

..... FTEs 6.00

7. PUBLIC PROTECTION

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

..... $ 4,466,601

..... FTEs 142.00

b. Of the funds appropriated in this subsection, not more

than $304,000 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

8. RESOURCE MANAGEMENT

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

..... $ 933,871

..... FTEs 4.00

9. MISCELLANEOUS PROVISIONS

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

Sec. 4. DEPARTMENT OF PUBLIC HEALTH — SPORTS WAGERING RECEIPTS FUND. There is appropriated from the sports wagering receipts fund created in section 8.57, subsection 6, to the department of public health for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For problem gambling and substance-related disorder prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, youth prevention, and program evaluation:

..... $ 1,750,000

DIVISION IV

DEPARTMENT OF VETERANS AFFAIRS — FY 2022-2023

Sec. 5. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, to be used for the purposes

designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

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

..... $ 1,229,763

..... FTEs 15.00

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes:

..... $ 7,131,552

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

b. The Iowa veterans home expenditure report shall be submitted monthly to the general assembly.

c. The Iowa veterans home shall continue to include in the annual discharge report applicant information to provide for the collection of demographic information including but not limited to the number of individuals applying for admission and admitted or denied admittance and the basis for the admission or denial; the age, gender, and race of such individuals; and the level of care for which such individuals applied for admission including residential or nursing level of care.

3. HOME OWNERSHIP ASSISTANCE PROGRAM

For transfer to the Iowa finance authority for the continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, pursuant to section 16.54:

..... $ 2,000,000

Sec. 6. LIMITATION OF COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND STANDING APPROPRIATIONS. Notwithstanding the standing appropriation in section 35A.16 for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the amount appropriated from the general fund of the state pursuant to that section

for the following designated purposes shall not exceed the following amount:

For the county commissions of veteran affairs fund under section 35A.16:

..... $ 990,000

DIVISION V

DEPARTMENT OF HUMAN SERVICES — FY 2022-2023

Sec. 7. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

..... $ 5,002,006

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

..... $ 5,412,060

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

..... $ 2,888,980

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at 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 30, 2023, the moneys shall revert.

4. For field operations:

..... $ 31,296,232

5. For general administration:

..... $ 3,744,000

6. For state child care assistance:

..... $ 47,166,826

a. Of the funds appropriated in this subsection, $26,205,412 is transferred to the child care and development block grant appropriation made by the Eighty-ninth General Assembly, 2022 session, for the federal fiscal year beginning October 1, 2022, and ending September 30, 2023. Of this amount, $200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. Any funds appropriated in this subsection remaining unallocated shall be used for state child care assistance payments for families who are employed including but not limited to individuals enrolled in the family investment program.

7. For child and family services:

..... $ 32,380,654

8. For child abuse prevention grants:

..... $ 125,000

9. For pregnancy prevention grants on the condition that family planning services are funded:

..... $ 1,913,203

Pregnancy prevention grants shall be awarded to programs

in existence on or before July 1, 2022, if the programs have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2022, if the programs are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

10. For technology needs and other resources necessary to meet federal and state reporting, tracking, and case management requirements and other departmental needs:

..... $ 1,037,186

11. a. Notwithstanding any provision to the contrary, including but not limited to requirements in section 8.41 or provisions in 2021 Iowa Acts or 2022 Iowa Acts regarding the receipt and appropriation of federal block grants, federal funds from the temporary assistance for needy families block grant received by the state and not otherwise appropriated in this section and remaining available for the fiscal year beginning July 1, 2022, are appropriated to the department of human services to the extent as may be necessary to be used in the following priority order: the family investment program, for state child care assistance program payments for families who are employed, and for the family investment program share of system costs for eligibility determination and related functions. The federal funds appropriated in this paragraph "a" shall be expended only after all other funds appropriated in subsection 1 for assistance under the family investment program, in subsection 6 for state child care assistance, or in subsection 10 for technology needs and other resources necessary to meet departmental needs, as applicable, have been

expended. For the purposes of this subsection, the funds appropriated in subsection 6, paragraph "a", for transfer to the child care and development block grant appropriation are considered fully expended when the full amount has been transferred.

b. The department shall, on a quarterly basis, advise the general assembly and department of management of the amount of funds appropriated in this subsection that was expended in the prior quarter.

12. Of the amounts appropriated in this section, $12,962,008 for the fiscal year beginning July 1, 2022, is transferred to the appropriation of the federal social services block grant made to the department of human services for that fiscal year.

13. For continuation of the program providing categorical eligibility for the supplemental nutrition assistance program (SNAP) as specified for the program in the section of this division of this Act relating to the family investment program account:

..... $ 14,236

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

15. With the exception of moneys allocated under this section for the family development and self-sufficiency grant program, to the extent moneys allocated in this section are deemed by the department not to be necessary to support the purposes for which they are allocated, such moneys may be used in the same fiscal year for any other purpose for which funds are allocated in this section or in section 8 of this division

of this Act for the family investment program account. If there are conflicting needs, priority shall first be given to the family investment program account as specified under subsection 1 of this section and used for the purposes of assistance under the family investment program in accordance with chapter 239B, followed by state child care assistance program payments for families who are employed, followed by other priorities as specified by the department.

Sec. 8. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2022, and ending June 30, 2023, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes, including administrative and information technology costs associated with rent reimbursement and other income assistance programs administered by the department.

3. The department may transfer funds allocated in subsection 4, excluding the allocation under subsection 4, paragraph "b", to the appropriations made in this division of this Act for the same fiscal year for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriations made in section 7 for the temporary assistance for needy families block grant and in section 9 for the family investment program from the general fund of the state in this division of this Act for the same fiscal year.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2022, and ending June 30, 2023, are allocated as follows:

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

to more effectively serve participants in FIP and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:
..... $ 10,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with section 216A.107:
..... $ 7,192,834

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

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2022-2023.

(3) The department of human rights may engage in activities to strengthen and improve family outcomes measures and data collection systems under the family development and self-sufficiency grant program.

c. For the diversion subaccount of the FIP account:
..... $ 1,293,000

A portion of the moneys allocated for the diversion subaccount may be used for field operations, salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program. To the extent moneys allocated in this paragraph "c" are deemed by the department not to be necessary to support diversion activities, such moneys may be used for other efforts intended to increase engagement by family investment program participants in work, education, or training activities, or for the purposes of assistance under the family investment program in accordance with chapter 239B.

d. For the SNAP employment and training program:

..... $ 66,588

(1) The department shall apply the federal SNAP employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the 50 percent federal reimbursement provisions for the claiming of allowable federal reimbursement funds from the United States department of agriculture pursuant to the federal SNAP employment and training program for providing education, employment, and training services for eligible SNAP participants, including but not limited to related dependent care and transportation expenses.

(2) The department shall continue the categorical federal SNAP eligibility at 160 percent of the federal poverty level and continue to eliminate the asset test from eligibility requirements, consistent with federal SNAP program requirements. The department shall include as many SNAP households as is allowed by federal law. The eligibility provisions shall conform to all federal requirements including requirements addressing individuals who are disqualified for committing an intentional program violation or are otherwise ineligible.

e. For the JOBS program, not more than:

..... $ 12,018,258

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation made in this division of this Act. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as a consequence of the appropriations and allocations made in this section the resulting amounts are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department

shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payments account.

Sec. 9. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B and other costs associated with providing needs-based benefits or assistance:

..... $ 41,003,978

1. Of the funds appropriated in this section, $6,606,198 is allocated for the JOBS program.

2. Of the funds appropriated in this section, $4,313,854 is allocated for the family development and self-sufficiency grant program.

3. a. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2022, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys; to comply with federal requirements; or to maximize the use of federal funds; the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services

block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

(1) For the family investment program.

(2) For state child care assistance.

(3) For child and family services.

(4) For field operations.

(5) For general administration.

b. This subsection shall not be construed to prohibit the use of existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the general assembly.

4. Of the funds appropriated in this section, $195,000 shall be used for a contract for tax preparation assistance to low-income Iowans to expand the usage of the earned income tax credit. The purpose of the contract is to supply this assistance to underserved areas of the state. The department shall not retain any portion of the allocation under this subsection for administrative costs.

5. Of the funds appropriated in this section, $70,000 shall be used for the continuation of the parenting program, as specified in 441 IAC ch. 100, relating to parental obligations, in which the child support recovery unit participates, to support the efforts of a nonprofit organization committed to strengthening the community through youth development, healthy living, and social responsibility headquartered in a county with a population over 450,000 according to the 2020 certified federal census. The funds allocated in this subsection shall be used by the recipient organization to develop a larger community effort, through public and private partnerships, to support a broad-based multi-county parenthood initiative that promotes payment of child support obligations, improved family relationships, and full-time employment.

6. The department may transfer funds appropriated in this section, excluding the allocation in subsection 2 for the family development and self-sufficiency grant program, to the appropriations made in this division of this Act for general administration and field operations as necessary to administer this section, section 7 for the temporary assistance for needy families block grant, and section 8 for the family investment program account.

Sec. 10. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... $ 15,942,885

..... FTEs 459.00

1. The department shall expend up to $24,000, including federal financial participation, for the fiscal year beginning July 1, 2022, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

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

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for

cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

Sec. 11. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE — FY 2022-2023. Any funds remaining in the health care trust fund created in section 453A.35A for the fiscal year beginning July 1, 2022, and ending June 30, 2023, are appropriated to the department of human services to supplement the medical assistance program appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 12. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY 2022-2023. Any funds remaining in the Medicaid fraud fund created in section 249A.50 for the fiscal year beginning July 1, 2022, and ending June 30, 2023, are appropriated to the department of human services to supplement the medical assistance appropriations made in this division of this Act, for medical assistance reimbursement and associated costs, including program administration and costs associated with program implementation.

Sec. 13. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2022, except as otherwise expressly authorized by law, consistent with options under federal law and regulations, and contingent upon receipt of approval from the office of the governor of reimbursement for each abortion performed under the program:

..... $ 1,539,659,031

1. Iowans support reducing the number of abortions

performed in our state. Funds appropriated under this section shall not be used for abortions, unless otherwise authorized under this section.

2. The provisions of this section relating to abortions shall also apply to the Iowa health and wellness plan created pursuant to chapter 249N.

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

4. Of the funds appropriated in this Act to the department of public health for addictive disorders, $950,000 for the fiscal year beginning July 1, 2022, is transferred to the department of human services for an integrated substance-related disorder managed care system. The departments of human services and public health shall work together to maintain the level of mental health and substance-related disorder treatment services provided by the managed care contractors. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

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

6. Of the funds appropriated in this section, up to

$3,050,082 may be transferred to the field operations or general administration appropriations in this division of this Act for operational costs associated with Part D of the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, Pub. L. No. 108-173.

7. Of the funds appropriated in this section, up to $442,100 may be transferred to the appropriation in this division of this Act for health program operations to be used for clinical assessment services and prior authorization of services.

8. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, health program operations, the children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and children's health insurance programs as developed by the centers for Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300, and to support other reviews and quality control activities to improve the integrity of these programs.

9. Of the funds appropriated in this section, a sufficient amount is allocated to supplement the incomes of residents of nursing facilities, intermediate care facilities for persons with mental illness, and intermediate care facilities for persons with an intellectual disability, with incomes of less than $50 in the amount necessary for the residents to receive a personal needs allowance of $50 per month pursuant to section 249A.30A.

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

11. A portion of the funds appropriated in this section may

be transferred to the appropriation in this division of this Act for health program operations to be used for administrative activities associated with the money follows the person demonstration project.

12. Of the funds appropriated in this section, $349,011 shall be used for the administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes.

13. a. The department may increase the amounts allocated for salaries, support, maintenance, and miscellaneous purposes associated with the medical assistance program, as necessary, to sustain cost management efforts. The department shall report any such increase to the general assembly and the department of management.

b. If the savings to the medical assistance program from ongoing cost management efforts exceed the associated cost for the fiscal year beginning July 1, 2022, the department may transfer any savings generated for the fiscal year due to medical assistance program cost management efforts to the appropriation made in this division of this Act for health program operations or general administration to defray the costs associated with implementing the efforts.

14. For the fiscal year beginning July 1, 2022, and ending June 30, 2023, the replacement generation tax revenues required to be deposited in the property tax relief fund pursuant to section 437A.8, subsection 4, paragraph "d", and section 437A.15, subsection 3, paragraph "f", shall instead be credited to and supplement the appropriation made in this section and used for the allocations made in this section.

15. a. Of the funds appropriated in this section, up to $50,000 may be transferred by the department to the appropriation made in this division of this Act to the department for the same fiscal year for general administration to be used for associated administrative expenses and for not more than 1.00 full-time equivalent position, in addition to

those authorized for the same fiscal year, to be assigned to implementing the children's mental health home project.

b. Of the funds appropriated in this section, up to $400,000 may be transferred by the department to the appropriation made to the department in this division of this Act for the same fiscal year for Medicaid program-related general administration planning and implementation activities. The funds may be used for contracts or for personnel in addition to the amounts appropriated for and the positions authorized for general administration for the fiscal year.

c. Of the funds appropriated in this section, up to $3,000,000 may be transferred by the department to the appropriations made in this division of this Act for the same fiscal year for general administration or health program operations to be used to support the development and implementation of standardized assessment tools for persons with mental illness, an intellectual disability, a developmental disability, or a brain injury.

16. Of the funds appropriated in this section, $150,000 shall be used for lodging expenses associated with care provided at the university of Iowa hospitals and clinics for patients with cancer whose travel distance is 30 miles or more and whose income is at or below 200 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. The department of human services shall establish the maximum number of overnight stays and the maximum rate reimbursed for overnight lodging, which may be based on the state employee rate established by the department of administrative services. The funds allocated in this subsection shall not be used as nonfederal share matching funds.

17. Of the funds appropriated in this section, up to $3,383,880 shall be used for administration of the state family planning services program pursuant to section 217.41B, and

of this amount, the department may use up to $200,000 for administrative expenses.

18. Of the funds appropriated in this section, $1,545,530 shall be used and may be transferred to other appropriations in this division of this Act as necessary to administer the provisions in the division of this Act relating to Medicaid program administration.

19. The department shall comply with the centers for Medicare and Medicaid services' guidance related to Medicaid program and children's health insurance program maintenance of effort provisions, including eligibility standards, methodologies, procedures, and continuous enrollment, to receive the enhanced federal medical assistance percentage under section 6008(b) of the federal Families First Coronavirus Response Act, Pub. L. No. 116-127. The department shall utilize and implement all tools, processes, and resources available to expediently return to normal eligibility and enrollment operations in compliance with federal guidance and expectations.

20. A portion of the funds appropriated in this section may be transferred to the appropriation made in this division of this Act for the children's health insurance program, if the children's health insurance program appropriation is insufficient to cover the designated purposes of that appropriation.

21. No later than January 1, 2023, the department of human services shall implement a tiered rate reimbursement methodology for psychiatric intensive inpatient care under the Medicaid program based on the level of patient acuity and other factors as recommended in the inpatient bed tracking study committee report submitted to the governor and the general assembly on December 1, 2021.

22. The department of human services shall submit a Medicaid state plan amendment to the centers for Medicare and Medicaid services to request the addition of functional family therapy

and multisystemic therapy for youth as covered services under the Medicaid program. The department shall include functional family therapy and multisystemic therapy under the Medicaid program as covered services upon receipt of federal approval.

23. Of the funds appropriated in this section, $7,400,000 shall be used to implement reductions in the waiting list for the home and community-based services waiver for persons with an intellectual disability.

Sec. 14. HEALTH PROGRAM OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For health program operations:

..... $ 17,446,343

1. The department of inspections and appeals shall provide all state matching funds for survey and certification activities performed by the department of inspections and appeals. The department of human services is solely responsible for distributing the federal matching funds for such activities.

2. Of the funds appropriated in this section, $50,000 shall be used for continuation of home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements.

3. Of the amount appropriated in this section, up to $200,000 may be transferred to the appropriation for general administration in this division of this Act to be used for additional full-time equivalent positions in the development of key health initiatives such as development and oversight of managed care programs and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

4. Of the funds appropriated in this section, $1,000,000

shall be used for planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children.

5. a. Of the funds appropriated in this section, $188,000 shall be credited to the autism support program fund created in section 225D.2 to be used for the autism support program created in chapter 225D, with the exception of the following amount of this allocation which shall be used as follows:

b. Of the funds allocated in this subsection, $25,000 shall be used for the public purpose of continuation of a grant to a nonprofit provider of child welfare services that has been in existence for more than 115 years, is located in a county with a population between 220,000 and 250,000 according to the 2020 federal decennial census, is licensed as a psychiatric medical institution for children, and provides school-based programming, to be used for support services for children with autism spectrum disorder and their families.

Sec. 15. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... $ 7,349,002

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

3. If during the fiscal year beginning July 1, 2022, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal

pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. §1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated, including for liability amounts associated with the supplemental nutrition assistance program payment error rate, until the close of the succeeding fiscal year.

Sec. 16. CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

* ..... $[38,661,688]

2. Of the funds appropriated in this section, $158,850 is allocated for continuation of the contract for outreach with the department of public health.

3. A portion of the funds appropriated in this section may be transferred to the appropriations made in this division of this Act for field operations or health program operations to be used for the integration of hawk-i program eligibility, payment, and administrative functions under the purview of the department of human services, including for the Medicaid management information system upgrade.

Sec. 17. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... $ 40,816,931

1. Of the funds appropriated in this section, $34,966,931 shall be used for state child care assistance in accordance with section 237A.13.

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

3. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, $5,850,000 shall be credited to the early childhood programs grants account in the early childhood Iowa fund created in section 256I.11. The moneys shall be distributed for funding of community-based early childhood programs targeted to children from birth through five years of age developed by early childhood Iowa areas in accordance with approved community

plans as provided in section 256I.8.

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

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

7. If a uniform reduction ordered by the governor under section 8.31 or other operation of law, transfer, or federal funding reduction reduces the appropriation made in this section for the fiscal year, the percentage reduction in the amount paid out to or on behalf of the families participating in the state child care assistance program shall be equal to or less than the percentage reduction made for any other purpose payable from the appropriation made in this section and the federal funding relating to it. The percentage reduction to the other allocations made in this section shall be the same as the uniform reduction ordered by the governor or the percentage change of the federal funding reduction, as applicable. If there is an unanticipated increase in federal funding provided for state child care services, the entire amount of the increase, except as necessary to meet federal requirements

including quality set asides, shall be used for state child care assistance payments. If the appropriations made for purposes of the state child care assistance program for the fiscal year are determined to be insufficient, it is the intent of the general assembly to appropriate sufficient funding for the fiscal year in order to avoid establishment of waiting list requirements.

8. Notwithstanding section 8.33, moneys advanced for purposes of the programs developed by early childhood Iowa areas, advanced for purposes of wraparound child care, or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 18. JUVENILE INSTITUTION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. a. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 17,606,871

..... FTEs 207.00

b. Of the funds appropriated in this subsection, $91,000 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

2. A portion of the moneys appropriated in this section shall be used by the state training school at Eldora for grants for adolescent pregnancy prevention activities at the

institution in the fiscal year beginning July 1, 2022.

3. Of the funds appropriated in this subsection, $212,000 shall be used by the state training school at Eldora for a substance use disorder treatment program at the institution for the fiscal year beginning July 1, 2022.

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at 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.

Sec. 19. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... $ 93,571,677

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

3. a. (1) Of the funds appropriated in this section, up to $40,500,000 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this paragraph "a", the department may reallocate the excess to provide additional funding for family foster

care, supervised apartment living, family-centered services, shelter care, or the child welfare emergency services addressed with the allocation for shelter care.

(2) If 2022 Iowa Acts, House File 2507, amending section 232.143, is enacted, notwithstanding subparagraph (1), of the funds appropriated in this section, up to $40,500,000 is allocated for group foster care maintenance and services [to be expended in accordance with the applicable provisions of 2022 Iowa Acts, House File 2507]. If the department projects that such expenditures for the fiscal year will be less than the target amount in this paragraph "a", the department may reallocate the excess to provide additional funding for family foster care, supervised apartment living, family-centered services, shelter care, or the child welfare emergency services addresses with the allocation for shelter care.

b. Unless 2022 Iowa Acts, House File 2507, is enacted, if at any time after September 30, 2022, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community. If 2022 Iowa Acts, House File 2507, is enacted, the applicable provisions of House File 2507 shall supersede the provisions of this paragraph "b".

4. In accordance with the provisions of section 232.188,

the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2022-2023. Of the funds appropriated in this section, $1,717,000 is allocated specifically for expenditure for fiscal year 2022-2023 through the decategorization services funding pools and governance boards established pursuant to section 232.188.

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

6. Of the funds appropriated in this section, a sufficient amount is allocated for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care.

7. Federal funds received by the state during the fiscal year beginning July 1, 2022, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

8. a. Of the funds appropriated in this section, up to $3,290,000 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this paragraph "a", up to $1,556,000 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than $15,000 may be used for the purpose of training.

A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to $748,000 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department of human services' division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2022.

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

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay

for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

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

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

9. Of the funds appropriated in this section, $12,253,000 is allocated for juvenile delinquent graduated sanctions services. Any state funds saved as a result of efforts by juvenile court services to earn a federal Tit. IV-E match for juvenile court services administration may be used for the juvenile delinquent graduated sanctions services.

10. Of the funds appropriated in this section, $1,658,000 is transferred to the department of public health to be used for the child protection center grant program for child protection centers located in Iowa in accordance with section 135.118. The grant amounts under the program shall be equalized so that each center receives a uniform base amount of $245,000, and so that the remaining funds are awarded through a funding formula based upon the volume of children served. To increase access to child protection center services for children in rural areas, the funding formula for the awarding of the remaining funds shall provide for the awarding of an enhanced amount to eligible grantees to develop and maintain satellite centers in underserved regions of the state.

11. Of the funds appropriated in this section, $4,025,000 is allocated for the preparation for adult living program pursuant to section 234.46.

12. Of the funds appropriated in this section, $227,000 shall be used for the public purpose of continuing a grant to a

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

13. Of the funds appropriated in this section, $300,000 is allocated for the foster care youth council approach of providing a support network to children placed in foster care.

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

15. Of the funds appropriated in this section, $630,000 is allocated for the community partnership for child protection sites.

16. Of the funds appropriated in this section, $371,000 is allocated for the department's minority youth and family projects under the redesign of the child welfare system.

17. Of the funds appropriated in this section, $851,000 is allocated for funding of the community circle of care collaboration for children and youth in northeast Iowa.

18. Of the funds appropriated in this section, at least $147,000 shall be used for the continuation of the child welfare provider training program.

19. Of the funds appropriated in this section, $211,000 shall be used for continuation of the central Iowa system of care program grant for the purposes of funding community-based services and other supports with a system of care approach for children with serious emotional disturbance and their families through a nonprofit provider that is located in a county with a population of over 420,000 but less than 450,000 according to the 2010 certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care

grantee prior to July 1, 2022.

20. Of the funds appropriated in this section, $235,000 shall be used for the public purpose of the continuation and expansion of a system of care program grant implemented in Cerro Gordo and Linn counties to utilize a comprehensive and long-term approach for helping children and families by addressing the key areas in a child's life of childhood basic needs, education and work, family, and community.

21. Of the funds appropriated in this section, $110,000 shall be used for the public purpose of funding community-based services and other supports with a system of care approach for children with a serious emotional disturbance and their families through a nonprofit provider of child welfare services that has been in existence for more than 115 years, is located in a county with a population of more than 230,000 according to the 2020 certified federal census, is licensed as a psychiatric medical institution for children, and was a system of care grantee prior to July 1, 2022.

22. If a separate funding source is identified that reduces the need for state funds within an allocation under this section, the allocated state funds may be redistributed to other allocations under this section for the same fiscal year.

23. Of the funds appropriated in this section, a portion may be used for family-centered services for purposes of complying with the federal Family First Prevention Services Act of 2018, Pub. L. No. 115-123, and successor legislation.

24. Of the funds appropriated in this section, $3,850,718 shall be used to support placements in qualified residential treatment programs.

Sec. 20. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

a. For adoption subsidy payments and related costs and for other services provided for under paragraph "b", subparagraph (2):

..... $ 40,596,007

b. (1) Of the funds appropriated in this section, a sufficient amount is allocated for adoption subsidy payments and related costs.

(2) Any funds appropriated in this section remaining after the allocation under subparagraph (1) are designated and allocated as state savings resulting from implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, and successor legislation, as determined in accordance with 42 U.S.C. §673(a)(8), and shall be used for post-adoption services and for other purposes allowed under these federal laws, Tit. IV-B or Tit. IV-E of the federal Social Security Act.

(a) The department of human services may transfer funds allocated in this subparagraph (2) to the appropriation for child and family services in this division of this Act for the purposes designated in this subparagraph (2).

(b) Notwithstanding section 8.33, moneys allocated under this subparagraph (2) shall not revert to any fund but shall remain available for the purposes designated in this subparagraph (2) until expended.

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

3. Federal funds received by the state during the fiscal year beginning July 1, 2022, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance

with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 21. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2022, and ending June 30, 2023, are appropriated to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2021. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2021. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2022, shall be limited to the amount appropriated for the purposes of this section.

Sec. 22. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program subject to the enrollment restrictions in section 225C.37, subsection 3:

..... $ 949,282

2. At least $931,536 of the moneys appropriated in this section is transferred to the department of public health for the family support center component of the comprehensive family

support program under chapter 225C, subchapter V.

3. If at any time during the fiscal year, the amount of funding available for the family support subsidy program is reduced from the amount initially used to establish the figure for the number of family members for whom a subsidy is to be provided at any one time during the fiscal year, notwithstanding section 225C.38, subsection 2, the department shall revise the figure as necessary to conform to the amount of funding available.

Sec. 23. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

..... $ 33,632

Sec. 24. MENTAL HEALTH INSTITUTES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For operation of the state mental health institute at Cherokee as required by chapters 218 and 226 for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 15,613,624

..... FTEs 169.00

b. For operation of the state mental health institute at Independence as required by chapters 218 and 226 for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... $ 19,688,928
..... FTEs 208.00

2. a. Notwithstanding sections 218.78 and 249A.11, any revenue received from the state mental health institute at Cherokee or the state mental health institute at Independence pursuant to 42 C.F.R §438.6(e) may be retained and expended by the mental health institute.

b. Notwithstanding sections 218.78 and 249A.11, any COVID-19 related funding received through federal funding sources by the state mental health institute at Cherokee or the state mental health institute at Independence may be retained and expended by the mental health institute.

3. Notwithstanding any provision of law to the contrary, a Medicaid member residing at the state mental health institute at Cherokee or the state mental health institute at Independence shall retain Medicaid eligibility during the period of the Medicaid member's stay for which federal financial participation is available.

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at 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.

Sec. 25. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:
..... $ 16,288,739

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:
..... $ 13,409,294

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of intermediate care facilities for persons with an intellectual disability services, in a manner which does not shift costs between the medical assistance program, mental health and disability services regions, or other sources of funding for the state resource centers.

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

4. If the department's administration and the department of management concur with a finding by a state resource center's superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center's superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2022-2023.

6. Notwithstanding section 8.33, and notwithstanding the amount limitation specified in section 222.92, moneys appropriated in this section that remain unencumbered or unobligated at 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.

Sec. 26. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

..... $ 13,891,276

..... FTEs 140.00

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

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at 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.

Sec. 27. FIELD OPERATIONS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

..... $ 65,894,438

..... FTEs 1,589.00

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

Sec. 28. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

..... $ 15,342,189

..... FTEs 294.00

1. The department shall report at least monthly to the general assembly concerning the department's operational and program expenditures.

2. Of the funds appropriated in this section, $150,000 shall be used for the provision of a program to provide technical assistance, support, and consultation to providers of home and community-based services under the medical assistance program.

3. Of the funds appropriated in this section, $50,000 is transferred to the Iowa finance authority to be used for administrative support of the council on homelessness established in section 16.2D and for the council to fulfill its duties in addressing and reducing homelessness in the state.

4. Of the funds appropriated in this section, $200,000 shall be transferred to and deposited in the administrative fund of the Iowa ABLE savings plan trust created in section 12I.4, to be used for implementation and administration activities of the Iowa ABLE savings plan trust.

5. Of the funds appropriated in this section, $200,000 is transferred to the economic development authority for the Iowa commission on volunteer services to continue to be used for the RefugeeRISE AmeriCorps program established under section 15H.8 for member recruitment and training to improve the economic well-being and health of economically disadvantaged refugees in local communities across Iowa. Funds transferred may be used to supplement federal funds under federal regulations.

6. Of the funds appropriated in this section, up to $300,000 shall be used as follows:

a. To fund not more than 1.00 full-time equivalent position to address the department's responsibility to support the work of the children's behavioral health system state board and implementation of the services required pursuant to section 331.397.

b. To support the cost of establishing and implementing new or additional services required pursuant to sections 331.397 and 331.397A.

c. Of the amount allocated, $32,000 shall be transferred to the department of public health to support the costs of establishing and implementing new or additional services required pursuant to sections 331.397 and 331.397A.

7. Of the funds appropriated in this section, $800,000 shall be used for the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K.

Sec. 29. DEPARTMENT-WIDE DUTIES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes at facilities under the purview of the department of human services:

..... $ 4,172,123

Sec. 30. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

..... $ 84,686

Sec. 31. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) (a) Notwithstanding any provision of law to the contrary, for the fiscal year beginning July 1, 2022, case-mix nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2022.

(b) For the fiscal year beginning July 1, 2022, non-case-mix and special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2022.

(c) For managed care claims, the department of human services shall adjust the payment rate floor for nursing facilities, annually, to maintain a rate floor that is no lower than the Medicaid fee-for-service case-mix adjusted rate calculated in accordance with subparagraph division (a) and 441 IAC 81.6. The department shall then calculate adjusted reimbursement rates, including but not limited to add-on payments, annually, and shall notify Medicaid managed care organizations of the adjusted reimbursement rates within 30 days of determining the adjusted reimbursement rates. Any adjustment of reimbursement rates under this subparagraph division shall be budget neutral to the state budget.

(d) For the fiscal year beginning July 1, 2022, Medicaid managed care long-term services and supports capitation rates

shall be adjusted to reflect the case-mix adjusted rates specified pursuant to subparagraph division (a) for the patient populations residing in Medicaid-certified nursing facilities.

(2) Medicaid managed care organizations shall adjust facility-specific rates based upon payment rate listings issued by the department. The rate adjustments shall be applied prospectively from the effective date of the rate letter issued by the department.

b. (1) For the fiscal year beginning July 1, 2022, the department shall establish the fee-for-service pharmacy dispensing fee reimbursement at $10.38 per prescription, until a cost of dispensing survey is completed. The actual dispensing fee shall be determined by a cost of dispensing survey performed by the department and required to be completed by all medical assistance program participating pharmacies every two years, adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year. A change in the dispensing fee shall become effective following federal approval of the Medicaid state plan.

(2) The department shall utilize an average acquisition cost reimbursement methodology for all drugs covered under the medical assistance program in accordance with 2012 Iowa Acts, chapter 1133, section 33.

c. (1) For the fiscal year beginning July 1, 2022, reimbursement rates for outpatient hospital services shall remain at the rates in effect on June 30, 2022, subject to Medicaid program upper payment limit rules, and adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year.

(2) For the fiscal year beginning July 1, 2022, reimbursement rates for inpatient hospital services shall remain at the rates in effect on June 30, 2022, subject to Medicaid program upper payment limit rules, and adjusted

as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year.

(3) For the fiscal year beginning July 1, 2022, under both fee-for-service and managed care administration of the Medicaid program, critical access hospitals shall be reimbursed for inpatient and outpatient services based on the hospital-specific critical access hospital cost adjustment factor methodology utilizing the most recent and complete cost reporting period as applied prospectively within the funds appropriated for such purpose for the fiscal year.

(4) For the fiscal year beginning July 1, 2022, the graduate medical education and disproportionate share hospital fund shall remain at the amount in effect on June 30, 2022, except that the portion of the fund attributable to graduate medical education shall be reduced in an amount that reflects the elimination of graduate medical education payments made to out-of-state hospitals.

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

d. For the fiscal year beginning July 1, 2022, reimbursement rates for hospices and acute psychiatric hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. For the fiscal year beginning July 1, 2022, independent laboratories and rehabilitation agencies shall be reimbursed using the same methodology in effect on June 30, 2022.

f. (1) For the fiscal year beginning July 1, 2022, reimbursement rates for home health agencies shall continue to be based on the Medicare low utilization payment adjustment

(LUPA) methodology with state geographic wage adjustments. The department shall continue to update the rates every two years to reflect the most recent Medicare LUPA rates.

(2) For the fiscal year beginning July 1, 2022, the department shall create a reimbursement rate structure that provides incentives to home health care providers located in rural areas and providing home health care to Medicaid members, within the $4,000,000 appropriated for this purpose. The rate structure shall include a telehealth component to incentivize the provision of necessary supervision for skilled care without requiring travel time. For the purposes of this subparagraph (2), *"rural area"* means an area that is not an Iowa core based statistical area as defined by the federal office of management and budget.

(3) For the fiscal year beginning July 1, 2022, rates for private duty nursing and personal care services under the early and periodic screening, diagnostic, and treatment program benefit shall be calculated based on the methodology in effect on June 30, 2022.

g. For the fiscal year beginning July 1, 2022, federally qualified health centers and rural health clinics shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

h. For the fiscal year beginning July 1, 2022, the reimbursement rates for dental services shall remain at the rates in effect on June 30, 2022.

i. (1) For the fiscal year beginning July 1, 2022, reimbursement rates for non-state-owned psychiatric medical institutions for children shall be based on the reimbursement methodology in effect on June 30, 2022.

(2) As a condition of participation in the medical assistance program, enrolled providers shall accept the medical assistance reimbursement rate for any covered goods or services provided to recipients of medical assistance who are children

under the custody of a psychiatric medical institution for children.

j. For the fiscal year beginning July 1, 2022, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall remain at the rates in effect on June 30, 2022, except for area education agencies, local education agencies, infant and toddler services providers, home and community-based services providers including consumer-directed attendant care providers under a section 1915(c) or 1915(i) waiver, targeted case management providers, and those providers whose rates are required to be determined pursuant to section 249A.20, or to meet federal mental health parity requirements.

k. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2022, the reimbursement rate for anesthesiologists shall remain at the rates in effect on June 30, 2022, and updated on January 1, 2023, to align with the most current Iowa Medicare anesthesia rate.

l. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2022, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under section 249A.20 shall remain at the rate in effect on June 30, 2022; however, this rate shall not exceed the maximum level authorized by the federal government.

m. For the fiscal year beginning July 1, 2022, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file annual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

n. For the fiscal year beginning July 1, 2022, the

reimbursement rates for inpatient mental health services provided at hospitals shall remain at the rates in effect on June 30, 2022, subject to Medicaid program upper payment limit rules and adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year; and psychiatrists shall be reimbursed at the medical assistance program fee-for-service rate in effect on June 30, 2022.

o. For the fiscal year beginning July 1, 2022, community mental health centers may choose to be reimbursed for the services provided to recipients of medical assistance through either of the following options:

(1) For 100 percent of the reasonable costs of the services.

(2) In accordance with the alternative reimbursement rate methodology approved by the department of human services in effect on June 30, 2022.

p. For the fiscal year beginning July 1, 2022, the reimbursement rate for providers of family planning services that are eligible to receive a 90 percent federal match shall remain at the rates in effect on June 30, 2022.

q. (1) For the fiscal year beginning July 1, 2022, reimbursement rates for providers of home and community-based services waiver and habilitation services shall be increased to the extent possible within the $14,600,000 appropriated for this purpose. The entire rate increase shall be used for wages and associated costs specific to wages, benefits, and required withholding of direct support professionals and frontline management, including consumer choices option employees.

(2) For the fiscal year beginning July 1, 2022, reimbursement rates for intermediate care facility for persons with an intellectual disability providers shall be increased over the rates in effect on June 30, 2022, within the $3,125,778 appropriated for this purpose. The entire rate increase shall be used for wages and associated costs specific to wages, benefits, and required withholding of direct support

professionals and frontline management.

(3) For the fiscal year beginning July 1, 2022, reimbursement rates for providers of state plan home and community-based services home-based habilitation services shall remain at the rates in effect on June 30, 2022. The reimbursement rates for home-based habilitation services shall be based on a fee schedule that incorporates the acuity-based tiers.

r. For the fiscal year beginning July 1, 2022, the reimbursement rates for emergency medical service providers shall remain at the rates in effect on June 30, 2022, or as approved by the centers for Medicare and Medicaid services of the United States department of health and human services.

s. (1) For the fiscal year beginning July 1, 2022, reimbursement rates for substance-related disorder treatment programs licensed under section 125.13 shall remain at the rates in effect on June 30, 2022.

(2) For the fiscal year beginning July 1, 2022, the department shall establish a fee schedule or provider-specific rate structure to increase reimbursement rates for residential substance use treatment providers within the $1,100,000 appropriated for this purpose.

t. For the fiscal year beginning July 1, 2022, assertive community treatment per diem rates shall remain at the rates in effect on June 30, 2022.

u. For the fiscal year beginning July 1, 2022, the reimbursement rate for family-centered services providers shall be established by contract.

v. For the fiscal year beginning July 1, 2022, the reimbursement rate for air ambulance services shall remain at the rate in effect on June 30, 2022.

w. For the fiscal year beginning July 1, 2022, all behavioral health intervention services reimbursement rates shall be increased over the rates in effect on June 30, 2022, within the $3,000,000 appropriated for this purpose. The

entire rate increase shall be used for wages and associated costs specific to wages, benefits, and required withholding of direct support professionals and frontline management.

x. For the fiscal year beginning July 1, 2022, all applied behavioral analysis services reimbursement rates shall be increased over the rates in effect on June 30, 2022, within the $385,000 appropriated for this purpose.

2. For the fiscal year beginning July 1, 2022, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the most recently ended calendar year.

4. Notwithstanding section 234.38, for the fiscal year beginning July 1, 2022, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be $16.78, the rate for children ages 6 through 11 years shall be $17.45, the rate for children ages 12 through 15 years shall be $19.10, and the rate for children and young adults ages 16 and older shall be $19.35. For youth ages 18 to 23 who have exited foster care, the preparation for adult living program maintenance rate shall be up to $602.70 per month as calculated based on the age of the participant. The maximum payment for adoption subsidy nonrecurring expenses shall be limited to $500 and the disallowance of additional amounts for court costs and other related legal expenses implemented pursuant to 2010 Iowa Acts, chapter 1031, section 408, shall be continued.

5. For the fiscal year beginning July 1, 2022, the maximum reimbursement rates for social services providers under

contract shall remain at the rates in effect on June 30, 2022, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, if a new service or service provider is added after June 30, 2022, the initial reimbursement rate for the service or provider shall be based upon a weighted average of provider rates for similar services.

6. a. For the fiscal year beginning July 1, 2022, the reimbursement rates for resource family recruitment and retention contractors shall be established by contract.

b. For the fiscal year beginning July 1, 2022, the reimbursement rates for supervised apartment living foster care providers shall be established by contract.

7. For the fiscal year beginning July 1, 2022, the reimbursement rate for group foster care providers shall be the combined service and maintenance reimbursement rate established by contract.

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

9. a. For the fiscal year beginning July 1, 2022, the reimbursement rate paid for shelter care and the child welfare emergency services implemented to provide or prevent the need for shelter care shall be established by contract.

b. For the fiscal year beginning July 1, 2022, the combined service and maintenance components of the per day reimbursement rate paid for shelter care services shall be based on the financial and statistical report submitted to the department. The maximum per day reimbursement rate shall be the maximum per day reimbursement rate in effect on June 30, 2022, as increased within the $649,029 appropriated for this purpose.

The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

c. Unless 2022 Iowa Acts, House File 2507, is enacted, notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2022, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall remain at the amount in effect for this purpose in the fiscal year beginning July 1, 2021. If 2022 Iowa Acts, House File 2507, is enacted, the applicable provisions of House File 2507 shall supersede the provisions of this paragraph "c".

10. For the fiscal year beginning July 1, 2022, the department shall calculate reimbursement rates for intermediate care facilities for persons with an intellectual disability at the 80th percentile. Beginning July 1, 2022, the rate calculation methodology shall utilize the consumer price index inflation factor applicable to the fiscal year beginning July 1, 2022.

11. Effective July 1, 2022, child care provider reimbursement rates shall remain at the rates in effect on June 30, 2022. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying any increase only to registered and licensed providers.

12. The department may adopt emergency rules to implement this section.

Sec. 32. EMERGENCY RULES.

1. If necessary to comply with federal requirements including time frames, or if specifically authorized by a provision of this division of this Act, the department of human services or the mental health and disability services commission may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b",

to implement the provisions of this division of this Act and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date of the rules is delayed or the applicability of the rules is suspended by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.8, subsections 9 and 10, shall be applicable to a delay imposed under this section, notwithstanding a provision in those subsections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as a notice of intended action as provided in section 17A.4.

2. If during a fiscal year, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the general assembly and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

Sec. 33. REPORTS. Unless otherwise provided, any reports or other information required to be compiled and submitted under this Act during the fiscal year beginning July 1, 2022, shall be submitted on or before the dates specified for submission of the reports or information.

Sec. 34. EFFECTIVE UPON ENACTMENT. [The] following provision of this division of this Act, being deemed of immediate importance, takes effect upon enactment:

The provision relating to section 232.141 and directing the state court administrator and the division administrator of the department of human services division of child and family services to make the determination, by June 15, 2022, of the distribution of funds allocated for the payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state.

DIVISION VI

HEALTH CARE ACCOUNTS AND FUNDS — FY 2022-2023

Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Notwithstanding any provision of law to the contrary, to supplement the appropriations made in this Act for health program operations under the medical assistance program for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

..... $ 234,193

Sec. 36. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is appropriated from the quality assurance trust fund created in section 249L.4 to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:

..... $ 56,305,139

Sec. 37. HOSPITAL HEALTH CARE ACCESS TRUST FUND — DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to the contrary and subject to the availability of funds, there is

appropriated from the hospital health care access trust fund created in section 249M.4 to the department of human services for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amounts, or so much thereof as is necessary, for the purposes designated:

To supplement the appropriation made in this Act from the general fund of the state to the department of human services for medical assistance for the same fiscal year:

..... $ 33,920,554

Sec. 38. MEDICAL ASSISTANCE PROGRAM — NONREVERSION FOR FY 2022-2023. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2022, and ending June 30, 2023, from the general fund of the state, the quality assurance trust fund, and the hospital health care access trust fund, are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall remain available for expenditure for the purposes of the medical assistance program until the close of the succeeding fiscal year.

DIVISION VII

DECATEGORIZATION CARRYOVER FUNDING

Sec. 39. DECATEGORIZATION CARRYOVER FUNDING FY 2020 — TRANSFER TO MEDICAID PROGRAM. Notwithstanding section 232.188, subsection 5, paragraph "b", any state-appropriated moneys in the funding pool that remained unencumbered or unobligated at the close of the fiscal year beginning July 1, 2019, and were deemed carryover funding to remain available for the two succeeding fiscal years that still remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2021, shall not revert but shall be transferred to the medical assistance program for the fiscal year beginning July 1, 2022.

Sec. 40. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 41. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2021.

DIVISION VIII

TRANSFER OF PROPERTY TAX RELIEF FUND BALANCE

Sec. 42. TRANSFER OF PROPERTY TAX RELIEF FUND BALANCE — FY 2021-2022. Notwithstanding any provision to the contrary, any funds remaining in the property tax relief fund created in section 426B.1 at the close of the fiscal year beginning July 1, 2021, shall be transferred to the region incentive fund created in the mental health and disability services regional service fund pursuant to section 225C.7A.

Sec. 43. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IX

PRIOR APPROPRIATIONS AND OTHER PROVISIONS

FAMILY INVESTMENT PROGRAM GENERAL FUND

Sec. 44. 2021 Iowa Acts, chapter 182, section 9, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for one-time purposes, and may be transferred to the appropriation in this division of this Act for general administration for technology purposes, until the close of the succeeding fiscal year.

CHILD AND FAMILY SERVICES

Sec. 45. 2021 Iowa Acts, chapter 182, section 19, is amended by adding the following new subsection:

NEW SUBSECTION. 24. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the purposes designated until the close of the succeeding fiscal year.

FIELD OPERATIONS

Sec. 46. 2021 Iowa Acts, chapter 182, section 27, is amended

by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for one-time expenditure purposes until the close of the succeeding fiscal year.

GENERAL ADMINISTRATION

Sec. 47. 2021 Iowa Acts, chapter 182, section 28, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for one-time expenditure purposes until the close of the succeeding fiscal year.

Sec. 48. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION X

PUBLIC HEALTH EMERGENCY PROVISIONS COVID-19 REGULATIONS

Sec. 49. COVID-19 FEDERAL REGULATIONS. For the time period beginning on the effective date of this division of this Act, and ending June 30, 2023, notwithstanding state administrative rules to the contrary, to the extent federal regulations relating to the COVID-19 pandemic differ from state administrative rules, including applicable federal waivers, the federal regulations are controlling during the pendency of the federally declared state of emergency and for such period of time following the end of the federally declared state of emergency applicable to the respective federal regulations.

DIVISION XI

HEALTH AND HUMAN SERVICES REALIGNMENT

Sec. 50. TRANSITION OF DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF PUBLIC HEALTH INTO DEPARTMENT OF HEALTH AND HUMAN SERVICES.

1. Definitions. For the purposes of this section:

a. "Department of health and human services" or

"department" means the department of health and human services created under this section.

b. "Transition department" means the department of human services or the department of public health.

c. "Transition departments" means the department of human services and the department of public health.

d. "Transition period" means the period beginning July 1, 2022, and ending June 30, 2023.

2. Creation of department of health and human services — transition period — powers and duties. Notwithstanding any conflicting provision of law to the contrary, there is created a department of health and human services. During the transition period, the department of health and human services shall have and may exercise all of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities of the department of human services and the department of public health as prescribed by law or rule in effect on July 1, 2022, including but not limited to those relating to:

a. All obligations and contracts of a transition department, including obligations and contracts related to a grant program.

b. All property and records in the custody of a transition department.

c. All funds appropriated to a transition department by the general assembly and all state, federal, and other funds for which expenditure by a transition department is authorized.

d. Complaints, investigations, contested cases, causes of action, and statutes of limitations involving a transition department.

(1) All complaints, investigations, contested cases, or a remand of an action by a reviewing court pending before a transition department or an authorized person of a transition department shall continue without change in status before the department and shall be governed by the laws and rules

applicable to the complaint, investigation, contested case, or remand action or proceeding in effect on July 1, 2022.

(2) Any cause of action or statute of limitation relating to a transition department shall not be affected as a result of the transition and such cause of action or statute of limitation shall apply to the department.

e. Rules, policies, and forms. All rules, policies, and forms adopted by or on behalf of a transition department shall become rules, policies, and forms of the department and shall remain in effect unless altered by the department.

f. Licenses, permits, and certifications. All licenses, permits, and certifications issued by a transition department shall continue in effect as a license, permit, or certification of the department in accordance with the law or rule governing the license, permit, or certification in effect on July 1, 2022, until the license, permit, or certification expires, is suspended or revoked, or otherwise becomes invalid by the terms of such law or rule.

g. References to a department or director. All references to the department of public health or the department of human services in law or in rule shall be interpreted to mean the department of health and human services, and all references to the director of public health or the director of human services shall be interpreted to mean the director of the department of health and human services.

h. Departmental structure.

(1) Any transition department, transition department subunit, or transition department body created or established by law and in existence on July 1, 2022, shall continue in full force and effect and shall not be permanently abolished, merged, or otherwise altered until amended, repealed, or supplemented by action of the general assembly.

(2) This paragraph shall not prohibit a transition department, transition department subunit, or transition department body created or established by law in existence on

July 1, 2022, from sharing or coordinating responsibilities or functions under their respective purviews nor prohibit the director from temporarily integrating such departments, subunits, or bodies or the responsibilities or functions under their respective purviews in furtherance of the transition plan during the transition period.

3. Transition period leadership. During the transition period, the director of human services shall continue to act as the director of human services, shall assume the duties of the director of public health, shall act as the director of the department of health and human services, and may thereby exercise any policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities of the director of human services and the director of public health including those duties prescribed by law for the department of human services or the department of public health in effect on July 1, 2022.

4. Federal authorization and effective date of authorizations. If a transition department or the department determines that a waiver or authorization from the federal government is necessary to administer any provision of this section, the department shall request the waiver or authorization, and notwithstanding any other effective date to the contrary, the provision shall take effect only upon receipt of federal approval.

5. Initial written transition plan.

a. On or before September 30, 2022, the transition departments or department shall publish on their respective internet sites an initial written transition plan for merging the functions of the transition departments into the department of health and human services effective July 1, 2023, in order to do all of the following:

(1) More efficiently and effectively manage health and human services programs that are the responsibility of the state.

(2) Establish a health and human services policy for the state.

(3) Promote health and the quality of life in the health and human services field.

b. The transition plan shall describe, at a minimum, all of the following:

(1) The tasks that require completion before July 1, 2023, including a description of how the transition departments shall solicit comment from stakeholders, including employees of the transition departments, clients and partners of the transition departments, members of the public, and members of the general assembly.

(2) The proposed organizational structure of the department, at a minimum, including the division level of the table of organization. Any personnel in the state merit system of employment who are mandatorily transferred due to the transition shall be so transferred without any loss in salary, benefits, or accrued years of service.

(3) Proposed changes to any transition department boards, commissions, committees, councils, or other bodies and their functions.

(4) Office space and infrastructure requirements related to the transition.

(5) Any work site location changes for transitioning employees.

(6) The transition of service delivery sites.

(7) Procedures for the transfer and reconciliation of budgeting and funding between the transition departments and the department.

(8) The transition of technology services of the transition departments to the department.

(9) Any additional known tasks that may require completion after the transition on July 1, 2023.

c. The written transition plan published under paragraph "b" shall:

(1) Include a detailed timeline for the completion of the tasks described.

(2) Be updated quarterly during the remainder of the transition period.

(3) Describe how information will be provided to clients of the transition departments and the department regarding any changes in service delivery.

(4) Describe how the transition to the department will be funded, including how expenses associated with the transition will be managed; how funding for services provided by the transition departments will be managed to ensure provision of services by the transition departments and the department without interruption; and how federal funds will be used by or transferred between the transition departments and the department to ensure provision of services by the transition departments and the department without interruption.

6. Statutory and administrative rule updates.

a. Legislative changes required to implement the transition. Additional legislation is necessary to fully implement the transition. The director of the department of health and human services shall, in compliance with section 2.16, prepare draft legislation for submission to the legislative services agency, as necessary, for consideration by the general assembly during the 2023 legislative session, to implement the transition effective July 1, 2023. Notwithstanding any provision to the contrary in section 2.16, the draft legislation shall be submitted to the legislative services agency by October 1, 2022.

b. Update of administrative code required by the transition. In updating references and the format in the Iowa administrative code, in order to correspond to the transferring of duties of the transition departments, the administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall collectively develop a schedule for the necessary

updating of the Iowa administrative code.

DIVISION XII

NON-STATE GOVERNMENT-OWNED NURSING FACILITY QUALITY OF CARE RATE ADD-ON PROGRAM

Sec. 51. Section 249L.2, subsections 6 and 7, Code 2022, are amended by striking the subsections.

Sec. 52. Section 249L.2, subsection 8, Code 2022, is amended to read as follows:

8. *"Nursing facility"* means a licensed nursing facility as defined in section 135C.1 that is a freestanding facility or a nursing facility operated by a hospital licensed pursuant to chapter 135B, but does not include a distinct-part skilled nursing unit or a swing-bed unit operated by a hospital, or a nursing facility owned by the state or federal government or other governmental unit. ~~*"Nursing facility"* includes a non-state government-owned nursing facility if the nursing facility participates in the non-state government-owned nursing facility quality of care rate add-on program.~~

Sec. 53. REPEAL. 2019 Iowa Acts, chapter 85, sections 103, 104, and 108, are repealed.

Sec. 54. REPEAL. 2020 Iowa Acts, chapter 1063, section 390, is repealed.

DIVISION XIII

HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM — ADMINISTRATION

Sec. 55. HEARING AID AND AUDIOLOGIC SERVICES FUNDING PROGRAM ADMINISTRATION. The Iowa department of public health shall not enter into a contract with a third party to administer the hearing aids and audiologic services funding program and shall adopt rules pursuant to chapter 17A to administer the program within the department, including but not limited to the administration of the application process, the determination of applicants' eligibility, the enrollment of eligible applicants into the program, the maintenance of the hearing aids and audiologic services funding waitlist, and the

reimbursement of providers.

DIVISION XIV

HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM — FY 2021-2022 NONREVERSION

Sec. 56. 2021 Iowa Acts, chapter 182, section 3, subsection 2, paragraph e, is amended to read as follows:

e. Of the funds appropriated in this subsection, $156,000 shall be used to provide audiological services and hearing aids for children. Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at 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. The amount that does not revert shall be reported by the department to the general assembly.

Sec. 57. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV

ADMISSION OR TRANSFER OF PERSONS WITH A DIAGNOSIS OF AN INTELLECTUAL DISABILITY TO A STATE MENTAL HEALTH INSTITUTE

Sec. 58. Section 4.1, subsection 9A, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

9A. *"Intellectual disability"* means a diagnosis of intellectual disability or intellectual developmental disorder, global developmental delay, or unspecified intellectual disability or intellectual developmental disorder which diagnosis shall be made only when the onset of the person's condition was during the developmental period and based on an assessment of the person's intellectual functioning and level of adaptive skills. A diagnosis of intellectual disability shall be made by a licensed psychologist or psychiatrist who is professionally trained to administer the tests required to assess intellectual functioning and to evaluate a person's adaptive skills and shall be made in accordance with the

criteria provided in the current version of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.

Sec. 59. Section 226.8, Code 2022, is amended to read as follows:

226.8 Persons with a diagnosis of an intellectual disability ~~not receivable — exception~~ — admission or transfer to state mental health institute.

1. ~~A~~ Admission or transfer pursuant to section 222.7 to a state mental health institute of a person ~~who has~~ with a diagnosis of an intellectual disability, as defined in section 4.1, shall ~~not be admitted, or transferred pursuant to section 222.7, to a state mental health institute unless a professional diagnostic evaluation indicates that such~~ only occur under the following conditions:

a. If all of the following requirements are met:

(1) The person has been determined by the state mental health institute to meet admission criteria for inpatient psychiatric care.

(2) The state mental health institute has determined the person will benefit from psychiatric treatment or from some other specific program available at the state mental health institute ~~to which it is proposed to admit or transfer the person~~.

(3) There is sufficient capacity available at the state mental health institute to support the needs of the person.

b. If determined appropriate for the person at the sole discretion of the director of human services, the administrator, or the director's or administrator's designee.

2. Charges for the care of any person with a diagnosis of an intellectual disability admitted to a state mental health institute shall be made by the institute in the manner provided by chapter 230, but the liability of any other person to any ~~county~~ mental health and disability services region for the cost of care of such person with a diagnosis of an intellectual

disability shall be as prescribed by section 222.78.

DIVISION XVI

COLLEGES OF MEDICINE AND DENTISTRY — RESIDENCY — REPORTS

Sec. 60. Section 262.9, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 39. Adopt a policy requiring that not less than seventy-five percent of the students who are accepted at the college of medicine in the doctor of medicine program and who are accepted at the college of dentistry at the state university of Iowa be residents of Iowa or persons who were, prior to applying to such college, enrolled in an eligible postsecondary institution as defined in section 261E.2.

Sec. 61. Section 263.2, Code 2022, is amended to read as follows:

263.2 Degrees — reports.

1. A person shall not be admitted to courses of instruction in the university if the person has not completed the elementary instruction in such branches as are taught in the public or accredited nonpublic schools throughout the state.

2. Graduates of the university shall receive degrees or diplomas, or other evidences of distinction such as are usually conferred and granted by universities and are authorized by the state board of regents.

3. The state university of Iowa, in collaboration with the university hospitals and clinics, shall submit an annual report to the general assembly providing the following information:

a. The states in which members of each graduating class from the college of dentistry and the college of medicine's doctor of medicine program reside during the year immediately following graduation. The information shall be categorized by either residents of Iowa at the time of application to the college or nonresidents at the time of application to the college.

b. The states in which the university of Iowa hospitals and clinics primary care and specialty residents reside in the year

following completion of medical residency and whether following residency such residents accepted fellowships. The information shall be categorized by primary care and the various areas of specialty, and shall specify whether the medical residents were residents of Iowa prior to applying for admission at an undergraduate college or university, received a baccalaureate degree from a postsecondary institution in Iowa, or graduated from a medical school in Iowa, whether or not the medical residents were residents of the state at the time of acceptance into the university of Iowa hospitals and clinics' residency programs and, if any residents accepted fellowships following residency, the states in which the fellowships are offered and the areas of specialty under the fellowships.

DIVISION XVII

MEDICAL RESIDENCY POSITIONS AND AUDITION CLINICALS

Sec. 62. MEDICAL RESIDENCY POSITIONS AND AUDITION CLINICALS — MEDICAL STUDENTS AND APPLICANTS MEETING CERTAIN CRITERIA — ANNUAL REPORT.

1. The university of Iowa hospitals and clinics shall offer an interview for an available medical residency position to any applicant who has a residency specialty in obstetrics and gynecology, psychiatry, general surgery, emergency medicine, cardiology, neurology, or primary care and who also is a resident of Iowa, attended and earned an undergraduate degree from an Iowa college or university, or attended and earned a medical degree from a medical school in Iowa.

2. The university of Iowa hospitals and clinics shall provide the opportunity to a medical student attending a medical school in Iowa to participate in an audition clinical in the medical residency specialty for which the medical student applies to allow the university to constructively review the student in a clinical setting.

3. The university of Iowa hospitals and clinics shall submit a report to the governor and the general assembly by January 15, annually, regarding the interviews and audition clinicals

as specified in this section during the prior fiscal year. Specifically, the report shall include for each interview or audition clinical the name of the student's or applicant's medical school, whether an applicant was offered and participated in an interview, whether the student was offered and participated in an audition clinical, whether the applicant was accepted for one of the residency program positions, and the total number of available residency positions filled by an applicant meeting the criteria under this section.

DIVISION XVIII

HEALTH CARRIERS — TELEHEALTH

Sec. 63. Section 514C.34, subsection 3, Code 2022, is amended to read as follows:

3. *a.* Health care services that are delivered by telehealth must be appropriate and delivered in accordance with applicable law and generally accepted health care practices and standards prevailing at the time the health care services are provided, including all rules adopted by the appropriate professional licensing board, pursuant to chapter 147, having oversight of the health care professional providing the health care services.

b. A health carrier shall not exclude a health care professional who provides services for mental health conditions, illnesses, injuries, or diseases and who is physically located out-of-state from participating as a provider, via telehealth, under a policy, plan, or contract offered by the health carrier in the state if all of the following requirements are met:

(1) The health care professional is licensed in this state by the appropriate professional licensing board and is able to deliver health care services for mental health conditions, illnesses, injuries, or diseases via telehealth in compliance with paragraph "*a*".

(2) The health care professional is able to satisfy the same criteria that the health carrier uses to qualify a health care

professional who is located in the state, and who holds the same license as the out-of-state professional, to participate as a provider, via telehealth, under a policy, plan, or contract offered by the health carrier in the state.

Sec. 64. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 65. APPLICABILITY. This division of this Act applies to health carriers that deliver, issue for delivery, continue, or renew a policy, contract, or plan in this state on or after the effective date of this Act.

DIVISION XIX

NURSING FACILITY CONSTRUCTION OR EXPANSION RELIEF

Sec. 66. Section 249K.2, subsection 4, Code 2022, is amended to read as follows:

4. *"Major renovations"* means construction or facility improvements to a nursing facility in which the total amount expended exceeds ~~one million five~~ seven hundred fifty thousand dollars.

Sec. 67. Section 249K.5, subsection 2, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* The nursing facility for which relief or an exception is requested is proposing replacement or enhancement of an HVAC, as defined in section 105.2, system for improved infection control.

Sec. 68. ADMINISTRATIVE RULES — ADOPTION AND AMENDMENT. The department of human services shall adopt or amend rules pursuant to chapter 17A to administer this division of this Act. Specifically, the department shall amend rules relating to nursing facility additional requirements for all requests for the capital cost per diem instant relief add-on and enhanced nondirect care rate component limit to provide that with regard to the additional requirements a nursing facility must meet, the facility has Medicaid utilization at or above forty percent for the two-month period before the request for additional reimbursement is submitted. Medicaid

utilization for this purpose is calculated as total nursing facility Medicaid patient days divided by total in-house patient days as reported on the facility's most current financial and statistical report.

DIVISION XX

HEALTH CARE PROVIDERS — COVID-19 AND EXPERIMENTAL TREATMENTS

Sec. 69. Section 144E.2, subsection 1, paragraphs a, c, and e, Code 2022, are amended to read as follows:

a. Has a terminal illness, attested to by ~~the patient's~~ a treating physician, or is receiving mechanical ventilation to prolong life.

c. Has received a recommendation from ~~the individual's~~ a physician for an investigational drug, biological product, or device.

e. Has documentation from ~~the individual's~~ a physician that the individual meets the requirements of this subsection.

Sec. 70. Section 144E.2, subsection 2, Code 2022, is amended to read as follows:

2. *"Investigational drug, biological product, or device"* means ~~a~~ any of the following:

a. A drug, biological product, or device that has successfully completed phase 1 of a United States food and drug administration-approved clinical trial but has not yet been approved for general use by the United States food and drug administration and remains under investigation in a United States food and drug administration-approved clinical trial.

b. An off-label use of a drug.

Sec. 71. Section 144E.2, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. *"Off-label use of a drug"* means the legal, prescribed use of a drug in a manner different from that described on the United States food and drug administration-approved drug label, including the use of a drug for a different disease or medical condition or giving a drug at a different dose or through a different route of

administration other than that approved by the United States food and drug administration.

Sec. 72. Section 144E.2, subsection 4, unnumbered paragraph 1, Code 2022, is amended to read as follows:

"*Written informed consent*" means a written document that is signed by the patient, a parent of a minor patient, or a legal guardian or other legal representative of the patient and attested to by ~~the patient's~~ a treating physician and a witness and that includes all of the following:

Sec. 73. Section 144E.2, subsection 4, paragraphs b and d, Code 2022, are amended to read as follows:

b. An attestation that the patient concurs with ~~the patient's~~ a treating physician in believing that all products and treatments approved by the United States food and drug administration are unlikely to prolong the patient's life.

d. A description of the best and worst potential outcomes of using the investigational drug, biological product, or device and a realistic description of the most likely outcome. The description shall include the possibility that new, unanticipated, different, or worse symptoms might result and that death could be hastened by use of the proposed investigational drug, biological product, or device. The description shall be based on ~~the~~ a treating physician's knowledge of the proposed investigational drug, biological product, or device in conjunction with an awareness of the patient's condition.

Sec. 74. Section 144E.4, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 5. This chapter does not create a duty for a hospital licensed under chapter 135B to credential any physician.

Sec. 75. Section 144E.8, subsection 1, Code 2022, is amended to read as follows:

1. This chapter shall not create a private cause of action against a manufacturer of an investigational drug,

biological product, or device, against a physician, health care practitioner, or facility that provides necessary follow-up care, or against any other person or entity involved in the care of an eligible patient using the investigational drug, biological product, or device for any harm done to the eligible patient resulting from the investigational drug, biological product, or device, if the manufacturer or other person or entity is complying in good faith with the terms of this chapter and has exercised reasonable care.

Sec. 76. Section 144E.9, Code 2022, is amended to read as follows:

144E.9 Assisting suicide.

This chapter shall not be construed to allow a ~~patient's treating~~ physician to assist ~~the~~ a patient in committing or attempting to commit suicide as prohibited in section 707A.2.

Sec. 77. Section 686D.6, Code 2022, is amended to read as follows:

686D.6 Liability of and disciplinary actions against health care providers.

1. A health care provider shall not be liable for civil damages or subject to disciplinary action by the health care provider's licensing board for causing or contributing, directly or indirectly, to the death or injury of an individual as a result of the health care provider's acts or omissions while providing or arranging health care in support of the state's response to COVID-19. This subsection shall apply to all of the following:

a. Injury or death resulting from screening, assessing, diagnosing, caring for, or treating individuals with a suspected or confirmed case of COVID-19.

b. Prescribing, administering, or dispensing a pharmaceutical for off-label use to treat a patient with a suspected or confirmed case of COVID-19.

c. Acts or omissions while providing health care to individuals unrelated to COVID-19 when those acts or omissions

support the state's response to COVID-19, including any of the following:

(1) Delaying or canceling nonurgent or elective dental, medical, or surgical procedures, or altering the diagnosis or treatment of an individual in response to any federal or state statute, regulation, order, or public health guidance.

(2) Diagnosing or treating patients outside the normal scope of the health care provider's license or practice.

(3) Using medical devices, equipment, or supplies outside of their normal use for the provision of health care, including using or modifying medical devices, equipment, or supplies for an unapproved use.

(4) Conducting tests or providing treatment to any individual outside the premises of a health care facility.

(5) Acts or omissions undertaken by a health care provider because of a lack of staffing, facilities, medical devices, equipment, supplies, or other resources attributable to COVID-19 that renders the health care provider unable to provide the level or manner of care to any person that otherwise would have been required in the absence of COVID-19.

(6) Acts or omissions undertaken by a health care provider relating to use or nonuse of personal protective equipment.

2. This section shall not relieve any person of liability for civil damages or a health care provider from disciplinary action by the health care provider's licensing board for any act or omission which constitutes recklessness or willful misconduct.

Sec. 78. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXI

HEALTH-RELATED DATA

Sec. 79. Section 11.41, subsection 3, Code 2022, is amended to read as follows:

3. If the information, records, instrumentalities, and properties sought by the auditor of state are required by law

to be kept confidential, the auditor of state shall have access to the information, records, instrumentalities, and properties, but shall maintain the confidentiality of all such information and is subject to the same penalties as the lawful custodian of the information for dissemination of the information. However, the auditor of state shall not have access to the income tax returns of individuals or to an individual's name or residential address from a reportable disease report under section 139A.3.

Sec. 80. Section 135.166, subsection 2, Code 2022, is amended to read as follows:

2. Unless otherwise authorized or required by state or federal law, data collected under this section shall not include the social security number or name of the individual subject of the data.

Sec. 81. Section 139A.3, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. A state or local agency employee or agent shall not have access to personally identifiable information included in a reportable disease report provided to or maintained by the department, a local board, or a local department, unless the employee or agent has completed data confidentiality training.

DIVISION XXII

PSYCHIATRY RESIDENCY PROGRAM

Sec. 82. NEW SECTION. **135.180 State-funded psychiatry residency program — fund — appropriations.**

1. The university of Iowa hospitals and clinics shall administer a state-funded psychiatry residency program in cooperation with the state mental health institutes at Independence and Cherokee, the state resource centers at Glenwood and Woodward, the state training school at Eldora, and the Iowa medical and classification center at Oakdale. The university of Iowa hospitals and clinics shall expand the psychiatry residency program to provide additional residency

positions by providing financial support for residency positions which are in excess of the federal residency cap established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33. Participating residents shall complete a portion of their psychiatry training at one of the state mental health institutes, the state resource centers, the state training school, or the Iowa medical and classification center at Oakdale. For accreditation-required clinical experiences not available at the state mental health institutes, the state resource centers, the state training school, or the Iowa medical and classification center at Oakdale, the psychiatry residency program and its residents may utilize clinical rotations at the university of Iowa hospitals and clinics and its affiliates across the state.

2. The residency program shall provide for the awarding of twelve residency positions for each class of residents. Preference in the awarding of residency positions shall be given to candidates who are residents of Iowa, attended and earned an undergraduate degree from an Iowa college or university, or attended and earned a medical degree from a medical school in Iowa.

3. A psychiatry residency program fund is created in the state treasury consisting of the moneys appropriated or credited to the fund by law. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the psychiatry residency program fund for use in subsequent fiscal years. Moneys in the fund are appropriated to the university of Iowa hospitals and clinics to be used for the purposes of the program. For fiscal years beginning on or after July 1, 2023, there is appropriated from the general fund of the state to the psychiatry residency program fund the following amounts to be used for the purposes of the program:

a. For the fiscal year beginning July 1, 2023, one million two hundred thousand dollars.

b. For the fiscal year beginning July 1, 2024, two million four hundred thousand dollars.

c. For the fiscal year beginning July 1, 2025, three million six hundred thousand dollars.

d. For the fiscal year beginning July 1, 2026, and each fiscal year thereafter, four million eight hundred thousand dollars.