

1986 Regular Session
OF THE
Seventy-first General Assembly
OF THE
STATE OF IOWA

HELD AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE
THIRTEENTH DAY OF JANUARY, AND ENDED ON THE SECOND
DAY OF MAY, A.D. 1986 IN THE ONE HUNDRED FORTIETH
YEAR OF THE STATE

CHAPTER 1001
SUBSTANCE ABUSE TREATMENT PROGRAMS
H.F. 244

AN ACT relating to programs relating to substance abuse and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 12.21 TRANSFER OF CERTAIN REVENUE.

The treasurer of state shall transfer the designated sum of money from the beer and liquor control fund to a special revenue account pursuant to section 123.163 and to the department of substance abuse pursuant to section 125.59.

Sec. 2. NEW SECTION. 123.163 TRANSFER OF CERTAIN REVENUE.

Notwithstanding section 123.53, subsection 8, the treasurer of state shall transfer into a special revenue account in the general fund of the state, a sum of money equal to seven percent of the gross amount of sales made by the state liquor stores in the cities of the state from the beer and liquor control fund on a monthly basis, and any amounts so transferred shall be used by the department of substance abuse for substance abuse treatment and prevention programs in an amount determined by the general assembly and any amounts received in excess of the amounts appropriated to the department of substance abuse shall be considered part of the general fund balance.

Sec. 3. Section 125.12, subsections 1, 2, and 3, Code 1985, are amended to read as follows:

1. The commission shall establish a comprehensive and co-ordinated program for the treatment of substance abusers, ~~and intoxicated persons, and concerned family members~~. Subject to the approval of the commission, the director shall divide the state into appropriate regions for the conduct of the program and establish standards for the development of the program on the regional level. In establishing the regions, consideration shall be given to city and county lines, population concentrations and existing substance abuse treatment services. In determining the regions, the director ~~shall is not be~~ required to follow the regional map as prepared by the office for planning and programming.

2. The program of the commission shall include:

- a. Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital.
- b. Inpatient treatment.
- c. Intermediate Residential treatment.
- d. Outpatient and follow-up treatment and rehabilitation.
- e. Prevention and education.
- f. Assessment.
- g. Halfway house treatment.

3. The director shall provide for adequate and appropriate treatment for substance abusers, ~~and intoxicated persons, and concerned family members~~ admitted under sections 125.33 and 125.34, or under section 125.75, 125.81, or 125.91. Treatment shall not be provided at a correctional institution except for inmates.

Sec. 4. Section 125.13, subsection 1, unnumbered paragraph 2, Code 1985, is amended to read as follows:

~~Four~~ Three types of licenses may be issued by the department. A ~~standard~~ renewable license may be issued for one or two years. ~~Licenses may also be issued for one hundred eighty or two hundred seventy days, or one year.~~ Treatment programs applying for their initial license may be issued a license for two hundred seventy days. A license issued for ~~one hundred eighty or two hundred seventy days~~ shall not be renewed or extended. ~~A one-year license shall be issued no more than two consecutive times.~~

Sec. 5. Section 125.25, Code 1985, is amended to read as follows:

125.25 APPROVAL OF FACILITY BUDGET.

1. Before making any allocation of funds to a local substance abuse program, the commission on substance abuse shall require the following to be submitted for each program:

a. A detailed line item budget clearly indicating the funds received from each revenue source for the fiscal year for which the funds are requested on forms provided by the department of substance abuse for each program.

b. A certified statement from the auditor of each county participating in the program as to the amount of county resources committed to the program for the fiscal year for which the funds are requested.

2. The commission shall adopt rules governing the approval of line item budgets for the operation of facilities. The rules shall include provisions for the approval of a facility's budget by the counties funding the facility and by the department. The rules shall also include provisions for appeal to the commission by any county which disagrees with the amount of a facility's budget approved by the department.

Sec. 6. Section 125.32, unnumbered paragraph 1 and subsections 2 and 4, Code 1985, are amended to read as follows:

The commission shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, subject to the provisions of chapter 17A, considering available treatment resources and facilities, for the purpose of early and effective treatment of substance abusers, and intoxicated persons, and concerned family members. In establishing the rules the commission shall be guided by the following standards:

2. A patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless the patient is found to require inpatient, residential, or halfway house treatment.

4. An individualized treatment plan shall be prepared and maintained on a current basis for each patient after the assessment process.

Sec. 7. Section 125.33, subsections 2 through 4, Code 1985, are amended to read as follows:

2. Subject to rules adopted by the commission, the administrator or the administrator's designee in charge of a facility may determine who shall be admitted for treatment or rehabilitation. If a person is refused admission, the administrator, or the administrator's designee, subject to rules adopted by the commission, shall refer the person to another facility for treatment if possible and appropriate.

3. A substance abuser seeking treatment or rehabilitation and who is either addicted or dependent on a chemical substance shall may first be examined and evaluated by a licensed physician and surgeon or osteopathic physician and surgeon who shall may prescribe a proper course of treatment and medication, if needed. The licensed physician and surgeon or osteopathic physician and surgeon may further prescribe a course of treatment or rehabilitation and authorize another licensed physician and surgeon or osteopathic physician and surgeon or facility to provide the prescribed treatment or rehabilitation services. Treatment or rehabilitation services may be provided to a person individually or in a group. Any A facility providing or engaging in such treatment or rehabilitation shall not report or disclose to a law enforcement officer or law enforcement agency the name of any person receiving or engaged in such the treatment or rehabilitation; nor shall any a person receiving or participating in such treatment or rehabilitation report or disclose the name of any other person engaged in or receiving such treatment or rehabilitation or that such the program is in existence, to a law enforcement officer or law enforcement agency. Such information shall not be admitted in evidence in any court, grand jury, or administrative proceeding. However, any a person engaged in or receiving such treatment or rehabilitation may authorize the disclosure of the person's name and individual participation.

4. If a patient receiving inpatient or residential care leaves a facility, the patient shall be encouraged to consent to appropriate outpatient or intermediate halfway house treatment. If it appears to the administrator in charge of the facility that the patient is a substance abuser who requires help, the director may arrange for assistance in obtaining supportive services and residential facilities.

Sec. 8. Section 125.34, subsection 3, Code 1985, is amended to read as follows:

3. A person who arrives at a facility and voluntarily submits to examination shall be examined by a licensed physician as soon as possible, but not later than twelve hours after the person arrives at the facility. The person may then be admitted as a patient or referred to another health facility. The referring facility shall arrange for transportation.

Sec. 9. Section 125.39, subsection 2, Code 1985, is amended to read as follows:

2. A local governmental unit which is providing funds to a facility for treatment of substance abuse may request from the facility a treatment program plan prior to authorizing

payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program requirements of section 125.45 of the facility.

Sec. 10. Section 125.43, Code 1985, is amended to read as follows:

125.43 FUNDING AT MENTAL HEALTH INSTITUTES.

Chapter 230 governs the determination of the costs and payment for treatment provided to substance abusers in a mental health institute under the department of human services, except that the charges are not a lien on real estate owned by persons legally liable for support of the substance abuser and the daily per diem shall be billed at twenty-five percent. The superintendent of a state hospital shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to substance abusers for purposes of determining the daily per diem. Sections Section 125.44 and 125.45 govern governs the determination of who is legally liable for the cost of care, maintenance, and treatment of a substance abuser and of the amount for which the person is liable.

Sec. 11. NEW SECTION. 125.43A PRESCREENING.

Except in cases of medical emergency or court ordered admissions, a person shall be admitted to a state mental health institute for substance abuse treatment only after a preliminary intake and assessment by an Iowa department of substance abuse licensed treatment facility or its designee other than a state mental health institute has confirmed that the admission is appropriate to the person's substance abuse service needs. A county board of supervisors may seek an admission of a patient to a state mental health institute who has not been confirmed for appropriate admission and the county shall be responsible for one hundred percent of the cost of treatment and services of the patient.

Sec. 12. Section 125.44, unnumbered paragraphs 1 and 2, Code 1985, is amended to read as follows:

The director may, consistent with the comprehensive substance abuse program, enter into written agreements with a facility as defined in section 125.2 to pay for ~~seventy-five one hundred percent~~ of the cost of the care, maintenance and treatment of a substance abuser, except that the state's liability shall be one hundred percent of the total cost of care, maintenance and treatment when a substance abuser is a state patient when section 125.43A applies. All payments for state patients shall be made in accordance with the limitations of this section. Such contracts shall be for a period of no more than one year. The commission shall review and evaluate at least once each year all such agreements and determine whether or not they shall be continued.

The contract may be in such the form and contain provisions as agreed upon by the parties. ~~Such~~ The contract shall provide that the facility shall admit and treat substance abusers regardless of where they have residence. If one payment for care, maintenance, and treatment is not made by the patient or those legally liable therefor within thirty days after discharge for the patient, the payment shall be made by the department directly to the facility. Payments shall be made each month and shall be based upon the facility's average daily per patient charge rate of payment for services negotiated between the department and the contracting facility. ~~Provisions of this~~ If a facility projects a temporary cash flow deficit, the department may make cash advances at the beginning of each fiscal year to the facility. The repayment schedule for advances shall be part of the contract between the department and the facility. This section shall does not pertain to patients treated at the mental health institutes.

Sec. 13. Section 125.44, unnumbered paragraph 4, Code 1985, is amended to read as follows:

Contracting facilities shall deliver to each patient upon discharge a statement of the costs of the care, maintenance and treatment for which that patient is liable, and shall retain a carbon copy or other similar copy of that statement for a period of not less than one year after the date of discharge of the patient to whom the statement refers. Every payment received by a contracting facility from or on behalf of a patient, whether received before or after costs have been billed to the department ~~or to a county~~, shall be identified by the facility as to patient and invoice or statement, and shall be reported to the department. A contracting facility shall allow as a credit against a future billing to the department ~~or to a county~~, payments received during each month from or on behalf of a patient whose care, maintenance and treatment ~~theretofore~~ has been billed to and paid by the department ~~or a county~~. Failure by a contracting facility to comply with this paragraph, or with rules ~~promulgated~~ adopted pursuant to section 125.20 shall ~~constitute~~ is grounds for nonrenewal of the contract.

Sec. 14. Section 125.54, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The director ~~shall~~ is not be required to distribute or guarantee funds, except as provided in section 125.59:

Sec. 15. NEW SECTION. 125.59 TRANSFER OF CERTAIN REVENUE – COUNTY PROGRAM FUNDING.

The treasurer of state, on each July 1 for that fiscal year, shall transfer the estimated amounts to be received from section 123.36, subsection 8 and section 123.143, subsection 1 to the department of substance abuse.

1. Of these funds, notwithstanding section 125.13, subsection 1, one half of the transferred amount shall be used for grants to counties operating a substance abuse program involving only education, prevention, referral or post treatment services, either with the counties' own employees or by contract with a nonprofit corporation. The grants shall not annually exceed ten thousand dollars to any one county, subject to the following conditions:

a. The money shall be paid to the county after expenditure by the county and submission of the requirements in paragraph "b" on the basis of one dollar for each three dollars spent by the county. The county may submit a quarterly claim for reimbursement.

b. The county shall submit an accounting of the expenditures and shall submit an annual financial report, a description of the program, and the results obtained before June 10 of the same fiscal year in which the money is granted.

2. Of these funds, one half of the transferred amount shall be used for prevention programs in addition to the amount budgeted for prevention programs by the department of substance abuse in the same fiscal year. The department shall use this additional prevention program money for grants to a county, person, or nonprofit agency operating a prevention program. A grant to a county, person, or nonprofit agency is subject to the following conditions:

a. The money shall be paid to the county, person, or nonprofit agency after submission of the requirements in paragraph "b" on the basis of two dollars for each dollar designated for prevention by the county, person, or nonprofit agency.

b. The county, person, or nonprofit agency shall submit a description of the program.

c. The county, person, or nonprofit agency shall submit an annual financial report and the results obtained before June 10 of the same fiscal year in which the money is granted.

The department may consider in kind contributions received by a county, person, or nonprofit agency for matching purposes required in paragraph "a".

Sec. 16. NEW SECTION. 125.60 GRANT FORMULA.

The funding distributed by the department of substance abuse for program grants pursuant to the appropriation received by the department shall be distributed to each county or multi-county area by a formula based on population, need, and other criteria as determined by the department.

Sec. 17. Section 230.15, unnumbered paragraph 2, Code 1985, is amended to read as follows:

A substance abuser is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the substance abuser while a voluntary or committed patient. When a portion of the cost is paid by a county, the substance abuser is legally liable to the county for the amount paid. The substance abuser shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the abuser's care, maintenance, and treatment in a state hospital to the state. Any payments received by the state from or on behalf of a substance abuser shall be in part credited to the county in proportion to the share of the costs paid by the county. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any mentally ill person or substance abuser as established by the department of human services.

Sec. 18. Section 331.401, subsection 1, paragraph c, Code 1985, is amended by striking the paragraph.

Sec. 19. Section 331.508, subsection 3, Code 1985, is amended by striking the subsection.

Sec. 20. Section 331.552, subsection 10, Code 1985, is amended by striking the subsection.

Sec. 21. Section 331.756, subsection 26, Code 1985, is amended by striking the subsection.

Sec. 22. Sections 125.45, 125.47, 125.49 to 125.53, and 125.57, Code 1985, are repealed.

Sec. 23. Sections 1 and 2 of this Act are repealed effective July 1, 1986.

Sec. 24. The commission on substance abuse shall disburse the following money in the exact order which follows:

1. To each county the amount the county has expended and the commission has verified for substance abuse treatment in a facility defined in section 125.2, subsection 2, between July 1, 1985 and the effective date of this Act.

2. Increase the contract grants awarded by the commission on May 30, 1985 to facilities pursuant to section 125.44 by the amount expended by the facility for substance abuse treatment and not reimbursed by a county, state, or other organization between July 1, 1985 and the effective date of this Act. In no event shall the increase exceed one third of the original grant less the three point eighty-five percent budget cut divided by twelve and multiplying that quotient by the number of completed calendar months between July 1, 1985 and the effective date of this Act. If the grantee expended less than such amount, the grantee shall receive an increase of only the amount expended.

3. Increase the grants awarded by the commission on May 30, 1985 to facilities pursuant to section 125.44 by the amount determined after dividing one third of the original grant less the three point eighty-five percent budget cut by twelve and multiplying that quotient by the number of calendar months of the 1986 fiscal year not included in subsection 2 ending no later than June 30, 1986. In no event shall the increase exceed such amount.

Any funds left after subtracting subsections 1, 2, and 3 from one million eight hundred forty-six thousand, eight hundred seventy-nine dollars shall not be expended by the commission or the department and shall be reverted to the general fund of the state.

Sec. 25. This Act, being deemed of immediate importance, takes effect from and after its publication in The Boone News-Republican, a newspaper published in Boone, Iowa, and in The Cascade Pioneer-Advertiser, a newspaper published in Cascade, Iowa.

Approved January 27, 1986

I hereby certify that the foregoing Act, House File 244, was published in The Cascade Pioneer-Advertiser, Cascade, Iowa on January 29, 1986 and in The Boone News-Republican, Boone, Iowa on January 30, 1986.

MARY JANE ODELL, *Secretary of State*