

CHAPTER 1212
APPROPRIATIONS - HEALTH AND HUMAN RIGHTS
S.F. 2448

AN ACT relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date.

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

Section 1. DEPARTMENT FOR THE BLIND. There is appropriated from the general fund of the state to the department for the blind for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Table with 2 columns: Description, Amount. Row 1: For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions: \$ 1,475,737. Row 2: FTEs 95.00

Sec. 2. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Table with 2 columns: Description, Amount. Row 1: For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions: \$ 1,141,692. Row 2: FTEs 36.00

If the anticipated amount of federal funding from the federal equal employment opportunity commission and the federal department of housing and urban development exceeds \$467,900 during the fiscal year beginning July 1, 1996, and ending June 30, 1997, the Iowa state civil rights commission may exceed the staffing level authorized by this section as necessary to hire additional staff to process or to support the processing of employment and housing complaints.

\*A first-time violation detected during or as a result of random testing to detect civil rights violations shall not result in assessment of a fine over \$500.00. The intent of civil rights testing shall be educational. If this provision is determined to be illegal or unconstitutional by a court of law, or if the provision would in any way jeopardize a federal department of housing and urban development grant to the commission, the provision shall not apply.\*

The questionnaire which the Iowa state civil rights commission requires an employer to complete during the course of an investigation, after a complaint against the employer has been filed, shall be revised and shortened.

Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

Table with 2 columns: Description, Amount. Row 1: 1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions: \$ 450,918. Row 2: FTEs 28.00. Row 3: 2. For aging programs and services: \$ 3,076,528

\*Item veto; see message at end of the Act

All funds appropriated in this subsection shall be received and disbursed by the director of elder affairs for aging programs and services, shall not be used by the department for administrative purposes, not more than \$151,654 shall be used for area agencies on aging administrative purposes, and shall be used for citizens of Iowa over 60 years of age for case management for the frail elderly, mental health outreach, Alzheimer's support, retired senior volunteer program, care review committee coordination, employment, adult day care, respite care, chore services, telephone reassurance, information and assistance, and home repair services, including the winterizing of homes, and for the construction of entrance ramps which make residences accessible to the physically handicapped. Funds appropriated in this subsection may be used to supplement federal funds under federal regulations. To receive funds appropriated in this subsection, a local area agency on aging shall match the funds with funds from other sources in accordance with rules adopted by the department. Funds appropriated in this subsection may be used for elderly services not specifically enumerated in this subsection only if approved by an area agency on aging for provision of the service within the area.

The department shall maintain policies and procedures regarding Alzheimer's support and the retired senior volunteer program.

Sec. 4. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE. There is appropriated from the general fund of the state to the governor's alliance on substance abuse for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	304,333
.....	FTEs	10.00

2. For the Iowa substance abuse clearinghouse in Cedar Rapids for staff, materials, and operating expenses:

.....	\$	32,894
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Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. a. PLANNING AND ADMINISTRATION DIVISION

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

.....	\$	2,197,396
.....	FTEs	61.15

(1) Of the funds appropriated in this lettered paragraph, \$738,182 shall be used for the chronic renal disease program. The types of assistance available to eligible recipients under the program may include insurance premiums, travel reimbursement, and prescription and nonprescription drugs. The program expenditures shall not exceed this allocation. If projected expenditures would exceed the allocation, the department shall establish by administrative rule a mechanism to reduce financial assistance under the renal disease program in order to keep expenditures within the amount allocated in this paragraph.

(2) Hospitals shall not collect fees for birth certificates in excess of the fees as set out in the administrative rules of the Iowa department of public health.

(3) Of the funds appropriated in this lettered paragraph, \$117,027 shall be used to provide regulatory oversight of accountable health plans.

(4) Of the funds appropriated in this lettered paragraph, \$46,658 shall be used for the purchase, verification, updating, and storage of health data information.

The department shall compile, correlate, and disseminate data from health care providers, the state medical assistance program, third-party payors, associations, and other appropriate sources in furtherance of the purpose and intent of this appropriation.

The department shall request and receive information from other state agencies similar to that required of third-party payors for the purpose of dissemination of health data. The department may enter into agreements for studies on health-related questions and provide or make data available to health care providers, health care subscribers, third-party payors and the general public. The department may purchase data for the purpose of dissemination of health data information. The department shall assure the confidentiality of the data collected from other state agencies, hospitals, and third-party payors under chapter 22. The compilation of data information prepared for release or dissemination from the data collected shall be a public record. The department shall adopt administrative rules to address a contracting process, define confidential information, set fees to be charged for data, and prescribe the forms upon which the information is to be made available.

b. PROFESSIONAL LICENSURE

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

.....	\$	884,900
.....	FTEs	12.00

The director of public health, when estimating expenditure requirements for the boards funded under this paragraph, shall base the budget on 85 percent of the average annual fees generated for the previous two fiscal years. The department shall confer with the boards funded under this paragraph in estimating the boards' annual fee generation and administrative costs. When the department develops each board's annual budget, a board's budget shall not exceed 85 percent of fees collected, based on the average of the previous two fiscal years. The department may expend funds in addition to amounts budgeted, if those additional expenditures are directly the result of unanticipated litigation costs arising from the discharge of the board's regulatory duties. Before the department expends or encumbers an amount in excess of the funds budgeted for a board, the director of the department of management shall approve the expenditure or encumbrance. The amounts necessary to fund the unanticipated litigation in the fiscal year beginning July 1, 1996, shall not exceed 5 percent of the average annual fees generated by the board for the previous two fiscal years.

c. EMERGENCY MEDICAL SERVICES

For salaries, support, maintenance, and emergency medical services training of emergency medical services (EMS) personnel at the state, county, and local levels and for not more than the following full-time equivalent positions:

.....	\$	1,022,360
.....	FTEs	12.00

If a person in the course of responding to an emergency renders aid to an injured person and becomes exposed to bodily fluids of the injured person, that emergency responder shall be entitled to hepatitis testing and immunization in accordance with the latest available medical technology to determine if infection with hepatitis has occurred. The person shall be entitled to reimbursement from the EMS funds available under this lettered paragraph only if the reimbursement is not available through any employer or third-party payor.

2. HEALTH PROTECTION DIVISION

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

.....	\$	2,167,154
.....	FTEs	76.00

b. Of the funds appropriated in this subsection, \$75,000 shall be used for chlamydia testing.

c. Of the funds appropriated in this subsection, \$39,547 shall be used for the lead abatement program.

d. The state university of Iowa hospitals and clinics shall not receive indirect costs from the funds appropriated in this subsection.

3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

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

.....	\$	633,306
.....	FTEs	47.35

(1) The division shall continue to coordinate with substance abuse treatment and prevention providers regardless of funding source to assure the delivery of substance abuse treatment and prevention programs.

(2) The commission on substance abuse, in conjunction with the division, shall continue to coordinate the delivery of substance abuse services involving prevention, social and medical detoxification, and other treatment by medical and nonmedical providers to uninsured and court-ordered substance abuse patients in all counties of the state.

b. Of the funds appropriated in this subsection, \$15,000 is allocated to support the surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agriculture-related injuries and diseases in the state, identifying causal factors associated with agriculture-related injuries and diseases, and evaluating the effectiveness of intervention programs designed to reduce injuries and diseases. The department shall cooperate with the department of agriculture and land stewardship, Iowa state university of science and technology, and the college of medicine at the state university of Iowa in accomplishing these duties.

c. For program grants:

.....	\$	7,990,159
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(1) Of the funds appropriated in this lettered paragraph, \$193,500 shall be used for the provision of aftercare services for persons completing substance abuse treatment.

(2) Of the funds appropriated in this lettered paragraph, a minimum of \$950,000 shall be used by the Iowa department of public health to continue the integrated substance abuse managed care system.

4. FAMILY AND COMMUNITY HEALTH DIVISION

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

.....	\$	3,415,041
.....	FTEs	71.00

(1) Of the funds appropriated in this lettered paragraph, at least \$587,865 shall be allocated by the division for the birth defects and genetics counseling program and of these funds, \$279,402 is allocated for regional genetic counseling services contracted from the state university of Iowa hospitals and clinics under the control of the state board of regents.

(2) Of the funds appropriated in this lettered paragraph, the following amounts are allocated to the state university of Iowa hospitals and clinics under the control of the state board of regents for the following programs under the Iowa specialized child health care services:

(a) Mobile and regional child health specialty clinics:

.....	\$	392,931
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The regional clinic located in Sioux City shall maintain a social worker component to assist the families of children participating in the clinic program.

Of the funds allocated in this subparagraph, \$97,937 shall be used for a specialized medical home care program providing care planning and coordination of community support services for children who require technical medical care in the home.

(b) Muscular dystrophy and related genetic disease programs:

.....	\$	115,613
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(c) Statewide perinatal program:

.....	\$	61,693
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(3) The birth defects and genetic counseling service shall apply a sliding fee scale to determine the amount a person receiving the services is required to pay for the services. These fees shall be considered repayment receipts and used for the program.

(4) The state university of Iowa hospitals and clinics shall not receive indirect costs from the funds allocated in this lettered paragraph.

(5) Of the funds appropriated in this lettered paragraph, \$1,001,209 shall be used for maternal and child health services.

(6) If during the 1996-1997 fiscal year, the federal government incorporates the special supplemental nutrition program for women, infants, and children into a block grant, the department of human services, Iowa department of public health, or any other state agency which administers the block grant shall require a competitive bid process for infant formula purchased by or for families under the block grant.

(7) The Iowa department of public health shall administer the statewide maternal and child health program, conduct mobile and regional child health specialty clinics, and conduct other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions and chronic illnesses in accordance with the requirements of Title V of the federal Social Security Act.

(8) The department shall continue efforts to realize the "Healthy Iowans 2000" goal of promoting prevention and health promotion to improve the quality of life of Iowans and to hold down health care costs and shall submit an annual "Healthy Iowans 2000" progress report to the general assembly on January 1 of each fiscal year.

(9) Of the funds appropriated in this lettered paragraph, \$165,391 is allocated for the office of rural health to provide technical assistance to rural areas in the area of health care delivery.

(10) Of the funds appropriated in this lettered paragraph, \$182,028 shall be used to develop, implement, and maintain rural health provider recruitment and retention efforts.

b. Sudden infant death syndrome autopsies:

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section 331.802, subsection 3, paragraph "j":

..... \$ 9,675

c. For grants to local boards of health for the public health nursing program:

..... \$ 2,511,871

(1) Funds appropriated in this lettered paragraph shall be used to maintain and expand the existing public health nursing program for elderly and low-income persons with the objective of preventing or reducing inappropriate institutionalization. The funds shall not be used for any other purpose. As used in this lettered paragraph, "elderly person" means a person who is 60 years of age or older and "low-income person" means a person whose income and resources are below the guidelines established by the department.

(2) One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly and low-income persons living in that county in relation to the total number of elderly and low-income persons living in the state.

(3) In order to receive allocations under this lettered paragraph, the local board of health having jurisdiction shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of expanded public health nursing care to elderly and low-income persons in the jurisdiction. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, or a suitable local governmental body to use the allocated funds to provide public health nursing care. Local boards of health shall make an effort to prevent duplication of services.

(4) If by July 30 of the fiscal year, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated under this lettered paragraph an unallocated pool. If the unallocated pool is \$50,000 or more it shall be reallocated to the counties in substantially the same manner as the original allocations. The reallocated funds are available for use in those counties during the period beginning January 1 and ending June 30 of the fiscal year. If the unallocated pool is less than

\$50,000, the department may allocate the pool to counties with demonstrated special needs for public health nursing.

(5) The department shall maintain rules governing the expenditure of funds appropriated in this lettered paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the care.

(6) The department shall annually evaluate the success of the public health nursing program. The evaluation shall include the extent to which the program reduced or prevented inappropriate institutionalization, the extent to which the program increased the availability of public health nursing care to elderly and low-income persons, and the extent of public health nursing care provided to elderly and low-income persons. The department shall submit a report of each annual evaluation to the governor and the general assembly.

d. For grants to county boards of supervisors for the home care aide program:

..... \$ 8,586,716

Funds appropriated in this lettered paragraph shall be used to provide home care aide services with emphasis on services to elderly and persons below the poverty level and children and adults in need of protective services with the objective of preventing or reducing inappropriate institutionalization. In addition, up to 15 percent of the funds appropriated in this lettered paragraph may be used to provide chore services. The funds shall not be used for any other purposes. In providing services to elderly persons, the service provider shall coordinate efforts with the integrated case management for the frail elderly program of the department of elder affairs. As used in this lettered paragraph:

(1) "Chore services" means services provided to individuals or families, who, due to incapacity, or illness, are unable to perform certain home maintenance functions. The services include but are not limited to yard work such as mowing lawns, raking leaves, and shoveling walks; window and door maintenance such as hanging screen windows and doors, replacing windowpanes, and washing windows; and minor repairs to walls, floors, stairs, railings, and handles. It also includes heavy house cleaning which includes cleaning attics or basements to remove fire hazards, moving heavy furniture, extensive wall washing, floor care or painting, and trash removal.

(2) "Elderly person" means a person who is 60 years of age or older.

(3) "Home care aide services" means services intended to enhance the capacity of household members to attain or maintain the independence of the household members and provided by trained and supervised workers to individuals or families, who, due to the absence, incapacity, or limitations of the usual homemaker, are experiencing stress or crisis. The services include but are not limited to essential shopping, housekeeping, meal preparation, child care, respite care, money management and consumer education, family management, personal services, transportation, and providing information, assistance, and household management.

(4) "Low-income person" means a person whose income and resources are below the guidelines established by the department.

(5) "Protective services" means those home care aide services intended to stabilize a child's or an adult's residential environment and relationships with relatives, caretakers, and other persons or household members in order to alleviate a situation involving abuse or neglect or to otherwise protect the child or adult from a threat of abuse or neglect.

The amount appropriated in this lettered paragraph shall be allocated for use in the counties of the state. Fifteen percent of the amount shall be divided so that an equal amount is available for use in each county in the state. The following percentages of the remaining amount shall be allocated to each county according to that county's proportion of residents with the following demographic characteristics: 60 percent according to the number of elderly persons living in the county, 20 percent according to the number of persons below the poverty level living in the county, and 20 percent according to the number of substantiated cases of child abuse in the county during the three most recent fiscal years for which data is available.

In order to receive allocations in this lettered paragraph, the county board of supervisors, after consultation with the local boards of health, human services county cluster boards, area agency on aging advisory council, local office of the department of human services, and other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the allocated funds available for that jurisdiction that will provide the maximum benefits of home care aide services to elderly and low-income persons and children and adults in need of protective services in the jurisdiction. An agency requesting service or financial information about a current subcontractor shall provide similar information concerning its own home care aide or chore services program to the current subcontractor. The proposal may provide that a maximum of 15 percent of the allocated funds will be used to provide chore services. The proposal shall include a statement assuring that children and adults in need of protective services are given priority for home care aide services and that the appropriate local agencies have participated in the planning for the proposal. After approval of the proposal by the department, the department shall enter into a contract with the county board of supervisors or a governmental body designated by the county board of supervisors. The county board of supervisors or its designee shall subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of human services, or a suitable local governmental body to use the allocated funds to provide home care aide services and chore services providing that the subcontract requires any service provided away from the home to be documented in a report available for review by the department, and that each home care aide subcontracting agency shall maintain the direct service workers' time assigned to direct client service at 70 percent or more of the workers' paid time and that not more than 35 percent of the total cost of the service be included in the combined costs for service administration and agency administration. The subcontract shall require that each home care aide subcontracting agency shall pay the employer's contribution of social security and provide workers' compensation coverage for persons providing direct home care aide service and meet any other applicable legal requirements of an employer-employee relationship.

If by July 30 of the fiscal year, the department is unable to conclude contracts for use of the allocated funds in a county, the department shall consider the unused funds appropriated in this lettered paragraph an unallocated pool. The department shall also identify any allocated funds which the counties do not anticipate spending during the fiscal year. If the amount of anticipated excess funds to any county is substantial, the department and the county may agree to return those excess funds, if the funds are other than program revenues, to the department, and if returned, the department shall consider the returned funds a part of the unallocated pool. The department shall, prior to February 15 of the fiscal year, reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this lettered paragraph. The department shall also review the first 10 months' expenditures for each county in May of the fiscal year, to determine if any counties possess contracted funds which they do not anticipate spending. If such funds are identified and the county agrees to release the funds, the released funds will be considered a new reallocation pool. The department may, prior to June 1 of the fiscal year, reallocate funds from this new reallocation pool to those counties which have experienced a high utilization of protective service hours for children and dependent adults.

The department shall maintain rules governing the expenditure of funds appropriated in this lettered paragraph. The rules shall require each local agency receiving funds to establish and use a sliding fee scale for those persons able to pay for all or a portion of the cost of the services and shall require the payments to be applied to the cost of the services. The department shall also maintain rules for standards regarding training, supervision, recordkeeping, appeals, program evaluation, cost analysis, and financial audits, and rules specifying reporting requirements.

The department shall annually evaluate the success of the home care aide program. The evaluation shall include a description of the program and its implementation, the extent of local participation, the extent to which the program reduced or prevented inappropriate in-

stitutionalization, the extent to which the program provided or increased the availability of home care aide services to elderly and low-income persons and children and adults in need of protective services, any problems and recommendations concerning the program, and an analysis of the costs of services across the state. The department shall submit a report of the annual evaluation to the governor and the general assembly.

e. For the development and maintenance of well-elderly clinics in the state:

..... \$ 585,337

The appropriation in this lettered paragraph shall be distributed by a formula to well-elderly clinics located in counties which provide funding on a matching basis for the well-elderly clinics.

f. For the physician care for children program:

..... \$ 411,187

The physician services shall be subject to managed care and selective contracting provisions and shall be used to provide for the medical treatment of children and shall include coverage of diagnostic procedures, prescription drugs, and physician-ordered treatments necessary to treat an acute condition. Services provided under this lettered paragraph shall be reimbursed according to medical assistance reimbursement rates.

g. For primary and preventive health care for children:

..... \$ 75,000

Funds appropriated in this lettered paragraph shall be for the public purpose of providing a renewable grant, following a request for proposals, to a statewide charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code which was organized prior to April 1, 1989, and has as one of its purposes the sponsorship or support for programs designed to improve the quality, awareness, and availability of health care for the young, to serve as the funding mechanism for the provision of primary health care and preventive services to children in the state who are uninsured and who are not eligible under any public plan of health insurance, provided all of the following conditions are met:

- (1) The organization shall provide a match of \$4 in advance of each state dollar provided.
- (2) The organization coordinates services with new or existing public programs and services provided by or funded by appropriate state agencies in an effort to avoid inappropriate duplication of services and ensure access to care to the extent as is reasonably possible. The organization shall work with the Iowa department of public health, family and community health division, to ensure duplication is minimized.
- (3) The organization's governing board includes in its membership representatives from the executive and legislative branches of state government.
- (4) Grant funds are available as needed to provide services and shall not be used for administrative costs of the department or the grantee.

h. For the Iowa healthy family program under section 135.106:

..... \$ 952,000

The moneys appropriated in this lettered paragraph shall be granted pursuant to 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 415, except that the grants shall be extended through September 30, 1997. Notwithstanding the provisions of 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 416, the use of mid-level practitioners to improve access to prenatal care shall include obstetrical-gynecological nurse practitioners and family nurse practitioners focusing on maternal and child health. The department is encouraged to expand funding eligibility under the program to private physician and clinic-sponsored programs servicing low-income populations. The administrative entities of the Iowa healthy family program shall work collaboratively to assure continuity of the provision of services from the prenatal to the preschool period to an individual client by having a single resource mother work with that client. The department shall submit an annual report to the general assembly concerning the efficiency of the healthy family program and make any recommendations for improvements. Any funds contracted to agencies under this paragraph which are projected to be unused at the close of the fiscal year shall be allowed to be reallocated within the healthy family program by April 1, 1997.

The Iowa department of public health and the department of human services shall determine if expenses under any portion of the healthy family program would qualify for payment under the medical assistance program and if so, shall apply to the federal government for a medical assistance waiver. The Iowa department of public health and the department of human services shall evaluate the funding change's potential impact upon clients of the healthy family program.

Of the funds appropriated in this lettered paragraph, a minimum of \$622,000 shall be used for the healthy opportunities for parents to experience success program. If funds are appropriated by the Seventy-sixth General Assembly, 1996 Session, in excess of \$335,000, the excess funds shall be used by the department to expand the program to counties of greatest need.

i. For primary care provider recruitment and retention endeavors:

..... \$ 235,000

5. STATE BOARD OF DENTAL EXAMINERS

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

..... \$ 309,768  
..... FTEs 4.00

6. STATE BOARD OF MEDICAL EXAMINERS

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

..... \$ 1,036,156  
..... FTEs 18.00

7. STATE BOARD OF NURSING EXAMINERS

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

..... \$ 981,403  
..... FTEs 18.00

8. STATE BOARD OF PHARMACY EXAMINERS

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

..... \$ 680,138  
..... FTEs 11.00

9. The state board of medical examiners, the state board of pharmacy examiners, the state board of dental examiners, and the state board of nursing examiners shall prepare estimates of projected receipts to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected receipts equal projected costs.

10. The state board of medical examiners, the state board of pharmacy examiners, the state board of dental examiners, and the state board of nursing examiners shall retain their individual executive officers, but are strongly encouraged to share administrative, clerical, and investigative staffs to the greatest extent possible.

11. A local health care provider or nonprofit health care organization seeking grant monies administered by the Iowa department of public health shall provide documentation that the provider or organization has coordinated its services with other local entities providing similar services.

12. Consolidation of state funding sources for public health nursing, home care aid, and the senior health program into a single contract for each county, as agreed upon by the county board of supervisors and any boards of health within the county, shall be available for implementation beginning July 1, 1996. It is the department's goal to add federal funding for health promotion as federal funds become available. The department shall submit a report to the general assembly on or before January 2, 1997, which shall include an evaluation of the first year of the voluntary demonstration project and a plan to expand statewide a single source

contract for each county beginning July 1, 1997. The department may include other state and federal funding sources with the understanding that local, city, or county funds not be sup-  
planted.

Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. CENTRAL ADMINISTRATION DIVISION

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

.....	\$	186,522
.....	FTEs	6.60

2. COMMUNITY ACTION AGENCIES DIVISION

For the expenses of the community action agencies commission:

.....	\$	3,366
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3. DEAF SERVICES DIVISION

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

.....	\$	256,167
.....	FTEs	7.00

The fees collected by the division for provision of interpretation services by the division to obligated agencies shall be disbursed pursuant to the provisions of section 8.32, and shall be dedicated and used by the division for continued and expanded interpretation services.

4. PERSONS WITH DISABILITIES DIVISION

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

.....	\$	97,765
.....	FTEs	2.00

5. LATINO AFFAIRS DIVISION

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

.....	\$	142,442
.....	FTEs	3.00

6. STATUS OF WOMEN DIVISION

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

.....	\$	323,879
.....	FTEs	3.00

a. Of the funds appropriated in this subsection, at least \$125,775 shall be spent for the displaced homemaker program.

b. Of the funds appropriated in this subsection, at least \$42,570 shall be spent for domestic violence and sexual assault-related grants.

6A. STATUS OF WOMEN DIVISION CONTINGENT APPROPRIATION

If the general assembly does not enact a statute creating a department of workforce development with responsibility for the mentoring project for family investment program participants, the following amount for the division of the status of women to implement the mentoring project under section 239.22:

.....	\$	72,000
.....	FTEs	1.50

7. STATUS OF AFRICAN-AMERICANS DIVISION

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

.....	\$	105,390
.....	FTEs	2.00

8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

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

.....	\$	378,021
.....	FTEs	10.05

a. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

b. Of the funds appropriated in this subsection, at least \$36,300 shall be spent for expenses relating to the administration of federal funds for juvenile assistance. It is the intent of the general assembly that the department of human rights employ sufficient staff to meet the federal funding match requirements established by the federal office for juvenile justice delinquency prevention. The governor's advisory council on juvenile justice shall determine the staffing level necessary to carry out federal and state mandates for juvenile justice.

9. COMMUNITY GRANT FUND

For the community grant fund established under section 232.190 for the continuation of existing grants for the fiscal year beginning July 1, 1996, and ending June 30, 1997, to be used for the purposes of the community grant fund and for not more than the following full-time equivalent positions:

.....	\$	1,600,000
.....	FTEs	1.43

10. SHARED STAFF. Except for the persons with disabilities division which shall be administered by the director of the department of human rights, the divisions of the department of human rights shall retain their individual administrators, but shall share staff to the greatest extent possible.

Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the commission of veterans affairs for the fiscal year beginning July 1, 1996, and ending June 30, 1997, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

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

.....	\$	289,510
.....	FTEs	5.00

The commission of veterans affairs may use the gifts accepted by the chairperson of the commission of veterans affairs, or designee, and other resources available to the commission for use at its Camp Dodge office. The commission shall report annually to the governor and the general assembly on monetary gifts received by the commission for the Camp Dodge office.

2. WAR ORPHANS

For the war orphans educational aid fund established pursuant to chapter 35:

.....	\$	4,800
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3. IOWA VETERANS HOME

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

.....	\$	38,900,388
.....	FTEs	800.82

a. The Iowa veterans home may use the gifts accepted by the chairperson of the commission of veterans affairs and other resources available to the commission for use at the Iowa veterans home.

b. If medical assistance revenues are expanded at the Iowa veterans home, and this expansion results in medical assistance reimbursements which exceed the amount budgeted for

that purpose in the fiscal year beginning July 1, 1996, and ending June 30, 1997, the Iowa veterans home may expend the excess amounts to exceed the number of full-time equivalent positions authorized in this section for the purpose of meeting related certification requirements or to provide additional beds. The expenditure of additional funds received, as outlined in this paragraph, is subject to the approval by the department of management.

\*Sec. 8. *COMMUNITY GRANT FUND AND SUBSTANCE ABUSE GRANTS – FISCAL YEAR 1996.* There is appropriated from the unobligated and unencumbered balance of the gamblers assistance fund for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amounts to be used for the purposes designated:

1. *COMMUNITY GRANT FUND*

To the community grant fund established under section 232.190:

..... \$ 200,000

2. *SUBSTANCE ABUSE GRANTS*

To the Iowa department of public health for substance abuse program grants administered by the department:

..... \$ 400,000

The appropriations made in this section shall be in descending priority order and if the unobligated and unencumbered balance of the fund is insufficient for both appropriations, the appropriation in subsection 2 shall be reduced accordingly.

Notwithstanding section 8.33, moneys appropriated in this section shall not revert to the gamblers assistance fund but shall remain available to be used for the purpose designated in the fiscal year beginning July 1, 1996.\*

Sec. 9. *DIRECT PURCHASE INCENTIVE.*

1. If a department is able to demonstrate a 10 percent savings resulting from a direct purchase of equipment which is otherwise required to be purchased pursuant to a state contract, the department, after consultation with the department of general services, is authorized to make the direct purchase, notwithstanding section 18.6, subsections 1 through 7, and subsections 9 through 14, and the dollar limitation in subsection 8. To provide an incentive to encourage departments to consider direct purchasing, 50 percent of the savings realized from the direct purchase may be retained by a department, and the remaining 50 percent shall be deposited into the general fund of the state. The department of management shall monitor the savings for a one-year period beginning on July 1, 1996, and submit a report at the conclusion of the one-year period to the health and human rights appropriations subcommittee. Prior to making a purchase under this section, the department shall first determine whether goods or services are available from a targeted small business and preference shall be given to making the purchases from targeted small businesses.

2. The provisions of this section shall apply to purchases made with moneys appropriated in sections 1 through 7 of this Act.

Sec. 10. Section 22.7, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 33. Records of the Iowa department of public health pertaining to participants in the gambling treatment program except as otherwise provided in this chapter.

Sec. 11. Section 99D.7, subsection 21, Code Supplement 1995, is amended to read as follows:

21. To cooperate with the ~~gamblers assistance~~ gambling treatment program administered by the ~~department of human services~~ Iowa department of public health to incorporate information regarding the ~~gamblers assistance~~ gambling treatment program and its toll-free telephone number in printed materials distributed by the commission. The commission may require licensees to have the information available in a conspicuous place as a condition of licensure.

\*Item veto; see message at end of the Act

Sec. 12. Section 99E.9, subsection 8, Code Supplement 1995, is amended to read as follows:

8. The Iowa lottery board shall cooperate with the ~~gamblers assistance~~ gambling treatment program administered by the ~~department of human services~~ Iowa department of public health to incorporate information regarding the ~~gamblers assistance~~ gambling treatment program and its toll-free telephone number in printed materials distributed by the board.

Sec. 13. Section 99E.10, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. An amount equal to three-tenths of one percent of the gross lottery revenue shall be deposited in a ~~gamblers assistance~~ gambling treatment fund in the office of the treasurer of state. The director of ~~human services~~ the Iowa department of public health shall administer the fund and shall provide that receipts are allocated on a monthly basis to fund administrative costs and to provide programs which may include, but are not limited to, outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, and education and preventive services.

Sec. 14. Section 99E.10, subsection 1, paragraph a, Code 1995, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Of the moneys remaining in the gambling treatment fund at the close of the fiscal year which otherwise would remain unexpended or unobligated for the purposes designated in this paragraph "a", up to four hundred thousand dollars shall be used by the Iowa department of public health for substance abuse program grants.

Sec. 15. Section 135.1, subsection 4, Code Supplement 1995, is amended to read as follows:

4. "Physician" means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, osteopathy, chiropractic, ~~or podiatry, or optometry~~ under the laws of this state; but a person licensed as a physician and surgeon shall be designated as a "physician" or "surgeon", a person licensed as an osteopathic physician and surgeon shall be designated as an "osteopathic physician" or "osteopathic surgeon", a person licensed as an osteopath shall be designated as an "osteopathic physician", a person licensed as a chiropractor shall be designated as a "chiropractor", ~~and a person licensed as a podiatrist shall be designated as a "podiatric physician", and a person licensed as an optometrist shall be designated as an "optometrist".~~ A definition or designation contained in this subsection shall not be interpreted to expand the scope of practice of such licensees.

Sec. 16. Section 232.190, subsection 1, Code 1995, is amended to read as follows:

1. A community grant fund is established in the state treasury under the control of the division of criminal and juvenile justice planning of the department of human rights for the purposes of awarding grants under this section. The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall assist the division in administering grants awarded under this section. The department of human services shall advise the division on programs which meet the criteria established for grant recipients. Not more than ~~one~~ five percent of the moneys appropriated to the fund shall be used for administrative purposes.

Sec. 17. 1993 Iowa Acts, chapter 55, section 1, subsection 3, is amended to read as follows:

3. The project shall be completed on or before June 30, 1997, and existing vital records shall be converted to the electronic system by that date. Moneys appropriated pursuant to this section which remain ~~unexpended unencumbered~~ on June 30, 1997, shall revert to the general fund of the state. The remaining encumbered moneys which remain unexpended on June 30, 1998, shall revert to the general fund of the state. For the fiscal year beginning July 1, 1997, and succeeding fiscal years, the provisions of section 144.46, requiring the vital records fee to be set by rule based on the average administrative costs, shall apply.

Sec. 18. INTERPRETIVE SERVICES STUDY. The legislative council is requested to establish an interim committee to evaluate the access to and quality of interpretive services provided for the deaf and hard-of-hearing population.

Sec. 19. EFFECTIVE DATE. Section 8 of this Act, being deemed of immediate importance, takes effect upon enactment.

*Approved May 28, 1996, except the items which I hereby disapprove and which are designated as Section 2, unnumbered and unlettered paragraph 3 in its entirety; and Section 8 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.*

TERRY E. BRANSTAD, Governor

Dear Mr. Secretary:

I hereby transmit Senate File 2448, an Act relating to and making appropriations to the Department for the Blind, the Iowa State Civil Rights Commission, the Department of Elder Affairs, the Governor's Alliance on Substance Abuse, the Iowa Department of Public Health, the Department of Human Rights, the Commission of Veterans Affairs, and providing an immediate effective date.

Senate File 2448 is therefore approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 2, unnumbered and unlettered paragraph 3, in its entirety. This item would restrict the Iowa Civil Rights Commission in effectively enforcing Iowa's anti-discrimination laws by reducing the maximum fine that could be assessed for first time violations detected during a random test. Information received from the U.S. Department of Housing and Urban Development indicates this restriction would negatively affect the Commission's ability to contract with and obtain grants from HUD. It could also impact the Commission's continued certification as a "substantially equivalent agency" under the Fair Housing Act.

I am unable to approve the item designated as Section 8, in its entirety. This item would appropriate the balance remaining in the Gamblers Treatment Fund at the end of this fiscal year for other purposes in fiscal year 1997. This is yet another example of a bad budgeting practice in that it would fund ongoing programs from a one-time revenue source. As a result of this action, these funds will remain in the Gamblers Treatment Fund to be used to treat the increasing number of persons with gambling addictions.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2448 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, Governor