

CHAPTER 169

HUMAN SERVICES — MISCELLANEOUS PROVISIONS

H.F. 702

AN ACT relating to human services and facility requirements involving the single entry point process for mental health and developmental disabilities services, regional planning councils, human services institution employee record checks, decategorization of adult disability services funding, legal settlement involving community-based providers of treatment or services, and the operating requirements of an intermediate care facility for persons with mental retardation and including an effective date and an applicability provision.

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

DIVISION I SINGLE ENTRY POINT PROCESS

Section 1. Section 218.99, Code 1997, is amended to read as follows:

218.99 COUNTY AUDITORS COUNTIES TO BE NOTIFIED OF PATIENTS' PERSONAL ACCOUNTS.

The administrator of a division of the department of human services in control of a state institution shall direct the business manager of each institution under the administrator's jurisdiction which is mentioned in section 331.424, subsection 1, paragraphs "a" and "b" and for which services are paid under section 331.424A to quarterly inform the ~~auditor of the county~~ of legal settlement ~~settlement's entity~~ designated to perform the county's single entry point process of any patient or resident who has an amount in excess of two hundred dollars on account in the patients' personal deposit fund and the amount on deposit. The administrators shall direct the business manager to further notify the ~~auditor of the county~~ county's single entry point process at least fifteen days before the release of funds in excess of two hundred dollars or upon the death of the patient or resident. If the patient or resident has no county of legal settlement, notice shall be made to the ~~director of the department~~ of human services and the administrator of the division of the department in control of the institution involved.

Sec. 2. Section 222.13, subsection 1, Code 1997, is amended to read as follows:

1. If an adult person is believed to be a person with mental retardation, the adult person or the adult person's guardian may submit a request through the single entry point process for the county board of supervisors ~~or their designated agent~~ to apply to the superintendent of any state hospital-school for the voluntary admission of the adult person either as an inpatient or an outpatient of the hospital-school. ~~Submission of an application is subject to a recommendation supporting the placement developed through the single entry point process.~~ After determining the legal settlement of the adult person as provided by this chapter, the board of supervisors shall, on forms prescribed by the administrator, apply to the superintendent of the hospital-school in the district for the admission of the adult person to the hospital-school. An application for admission to a special unit of any adult person believed to be in need of any of the services provided by the special unit under section 222.88 may be made in the same manner, upon request of the adult person or the adult person's guardian. The superintendent shall accept the application providing a preadmission diagnostic evaluation, performed through the single entry point process, confirms or establishes the need for admission, except that an application may not be accepted if the institution does not have adequate facilities available or if the acceptance will result in an overcrowded condition.

Sec. 3. Section 222.61, unnumbered paragraph 1 and subsection 1, Code 1997, are amended to read as follows:

When ~~the board of supervisors of any a~~ county receives an application on behalf of any person for admission to a hospital-school or a special unit or when any court issues an order committing any person to a hospital-school or a special unit, the board of supervisors shall utilize the single entry point process to determine or the court shall determine and enter as a matter of record whether the legal settlement of the person is in one of the following:

1. In the county in which the ~~board of supervisors~~ application is received or court is located.

Sec. 4. Section 222.62, Code 1997, is amended to read as follows:

222.62 SETTLEMENT IN ANOTHER COUNTY.

Whenever the board of supervisors utilizes a single entry point process to determine or the court determines that the legal settlement of the person is other than in the county in which ~~the board~~ application is received or ~~the~~ court is located, the board or court shall, as soon as determination is made, certify such finding to the superintendent of the hospital-school or the special unit where the person is a patient. The superintendent shall charge the expenses already incurred and unadjusted, and all future expenses of the patient, to the county so certified until ~~said~~ the patient's legal settlement shall be otherwise determined as provided by this chapter.

Sec. 5. Section 222.64, Code 1997, is amended to read as follows:

222.64 FOREIGN STATE OR UNKNOWN LEGAL SETTLEMENT.

If the legal settlement of the person is found by the board of supervisors through a single entry point process or the court to be in a foreign state or country or is found to be unknown, the board of supervisors or the court shall immediately notify the administrator of ~~sueh~~ the finding and shall furnish the administrator with a copy of the evidence taken on the question of legal settlement. The care of ~~said~~ the person shall be as arranged by the board of supervisors or by ~~sueh~~ an order as the court may enter. Application for admission or order of commitment may be made pending investigation by the administrator.

Sec. 6. Section 229.42, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If a person wishing to make application for voluntary admission to a mental hospital established by chapter 226 is unable to pay the costs of hospitalization or those responsible for the person are unable to pay the costs, application for authorization of voluntary admission must be made ~~to any clerk of the district court~~ through a single entry point process before application for admission is made to the hospital. ~~The clerk shall determine the person's county of legal settlement shall be determined through the single entry point process~~ and if the admission is approved through the single entry point process, ~~the clerk shall authorize the person's admission to a mental health hospital shall be authorized~~ as a voluntary case. The authorization shall be issued on forms provided by the administrator. ~~The clerk shall at once provide a duplicate copy of the form to the single entry point process.~~ The costs of the hospitalization shall be paid by the county of legal settlement to the director of revenue and finance and credited to the general fund of the state, providing the mental health hospital rendering the services has certified to the county auditor of the county of legal settlement the amount chargeable to the county and has sent a duplicate statement of the charges to the director of revenue and finance. A county shall not be billed for the cost of a patient unless the patient's admission is authorized through the single entry point process. The mental health institute and the county shall work together to locate appropriate alternative placements and services, and to educate patients and family members of patients regarding such alternatives.

DIVISION II
REGIONAL PLANNING COUNCILS

Sec. 7. Section 225C.7, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 8. Section 225C.18, subsections 1 and 2, Code 1997, are amended by striking the subsections and inserting in lieu thereof the following:

1. A county may participate in a mental health and developmental disabilities regional planning council. The region encompassed by a planning council shall be determined by the counties participating in the planning council.

2. The boards of supervisors of the counties comprising the planning council shall determine the size and membership of the planning council.

Sec. 9. Section 225C.18, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 10. Section 225C.18, subsection 4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

A planning council ~~shall~~ may perform the following tasks:

Sec. 11. Section 225C.18, subsection 5, Code 1997, is amended to read as follows:

5. The ~~requirements~~ provisions of this section relating to services to persons with disabilities are not intended as and shall not be construed as a requirement to provide services.

DIVISION III
DEPARTMENT OF HUMAN SERVICES EMPLOYEE RECORD CHECKS

Sec. 12. Section 218.13, subsections 2, 3, 4, and 5, Code 1997, are amended to read as follows:

2. If a person is being considered for employment involving direct responsibility for a resident or with access to a resident when the resident is alone, or if a person will reside in a facility utilized by an institution, and if the person has been convicted of a crime or has a record of founded child or dependent adult abuse, the department shall perform an evaluation to determine whether the crime or founded ~~child~~ abuse warrants prohibition of employment or residence in the facility. The department shall conduct criminal and child and dependent adult abuse record checks of the person in this state and may conduct these checks in other states. The investigation and evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

3. If the department determines that a person, who is employed by an institution or resides in a facility utilized by an institution, has been convicted of a crime or has a record of founded child or dependent adult abuse, the department shall perform an evaluation to determine whether prohibition of the person's employment or residence is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

4. In an evaluation, the department shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded ~~child~~ abuse, the circumstances under which the crime or founded ~~child~~ abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded ~~child~~ abuse again, and the number of crimes or founded ~~child~~ abuses committed by the person involved. The department may permit a person who is evaluated to be employed or reside or to continue employment or residence if the person complies with the department's conditions relating to employment or residence which may include completion of additional training.

5. If the department determines that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment or residence, the person shall not be employed by an institution or reside in a facility utilized by an institution.

DIVISION IV
DECATEGORIZATION OF ADULT DISABILITY SERVICES

Sec. 13. DECATEGORIZATION PLANNING.

1. Up to three counties or combinations of counties may participate in a funding decategorization planning process as provided in this section. Upon the request of a participating county, the department of human services and the division of vocational rehabilitation of the department of education shall assign representatives who are knowledgeable of their agency's funding streams, to participate in a planning process conducted by the participating county. The purpose of the planning process shall be to determine the feasibility of decategorizing the following county, state, and state-federal funding categories:

- a. Moneys levied under and deposited in the county's services fund under section 331.424A.
- b. The medical assistance program under chapter 249A.
- c. State supplementary assistance under chapter 249.
- d. Federal social services block grant funds distributed by the state to counties for local purchase of services.
- e. Moneys distributed from the mental health and developmental disabilities community services fund created in section 225C.7.
- f. Federal vocational rehabilitation funds projected to be used for adult disability services in the participating county or counties.
- g. The portion of federal alcohol, drug abuse, and mental health block grant funds administered by the department of human services.
- h. The portion of state hospital-school and state mental health institutes costs which is paid from the general fund of the state.

2. As part of the planning process, the department of human services and the division of vocational rehabilitation shall make available historical expenditure information, budget projections, and other available data relating to persons with disabilities served in a county participating in the planning process.

DIVISION V
COUNTY AUDITOR

Sec. 14. Section 222.2, Code 1997, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. "Auditor" means the county auditor or the auditor's designee.

Sec. 15. Section 229.1, Code 1997, is amended by adding the following new subsection:
NEW SUBSECTION. 1A. "Auditor" means the county auditor or the auditor's designee.

Sec. 16. NEW SECTION. 230.34A AUDITOR DEFINED.

As used in this chapter, "auditor" means the county auditor or the auditor's designee.

Sec. 17. Section 252.22, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purposes of this section, "auditor" means the county auditor or the auditor's designee.

DIVISION VI
HEALTH CARE FACILITIES

Sec. 18. Section 135C.6, subsection 8, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A total of twenty residential care facilities for persons with mental retardation which are licensed to serve no more than five individuals may be authorized by the department of human services to convert to operation as a residential program under the provisions of a medical assistance home and community-based services waiver for persons with mental retardation. A converted residential program is subject to the conditions

stated in paragraph "b" except that the program shall not serve more than five individuals. The department of human services shall allocate conversion authorizations to provide for four conversions in each of the department's five service regions. If a conversion authorization allocated to a region is not used for conversion by January 1, 1998, the department of human services may reallocate the unused conversion authorization to another region. The department of human services shall study the cost effectiveness of the conversions and provide an initial report to the general assembly no later than January 2, 1998, and a final report no later than December 15, 1998.

Sec. 19. Section 135C.9, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4. If a facility subject to licensure under this chapter, a facility exempt from licensure under this chapter pursuant to section 135C.6, or a family home under section 335.25 or 414.22, has been issued a certificate of compliance or a provisional certificate of compliance under subsection 1 or 3, or has otherwise been approved as complying with a rule or standard by the state or a deputy fire marshal or a local building department as defined in section 103A.3, the state or deputy fire marshal or local building department which issued the certificate, provisional certificate, or approval shall not apply additional requirements for compliance with the rule or standard unless the rule or standard is revised in accordance with chapter 17A or with local regulatory procedure following issuance of the certificate, provisional certificate, or approval.

Sec. 20. ENHANCED RESIDENTIAL CARE FACILITY FOR PERSONS WITH MENTAL RETARDATION REIMBURSEMENT RATES. The department of human services shall design a program to provide an enhanced reimbursement rate for individuals transferred from an intermediate care facility for persons with mental retardation to a residential care facility for persons with mental retardation. The enhanced reimbursement rate shall not exceed the nonfederal share of intermediate care facility for persons with mental retardation reimbursement plus state supplementary assistance. The department shall report to the general assembly concerning the program on or before January 1, 1998. The report shall address both the cost impact and decreased utilization of intermediate care facilities for persons with mental retardation level of care which may result from implementation of the program.

DIVISION VII

STATE-COUNTY MANAGEMENT COMMITTEE AND SERVICE PLANS

Sec. 21. 1997 Iowa Acts, House File 715, section 22, relating to the mental health and developmental disabilities community services fund, if enacted,* is amended by adding the following new subsection:

NEW SUBSECTION. 9. The department, following consultation with the Iowa state association of counties, may adopt emergency rules as necessary for the department to negotiate contractual agreements between providers of mental health, mental retardation, and developmental disabilities local purchase services and the department for the benefit of counties for local purchase services.

Sec. 22. Section 331.439, subsection 3, paragraph b, Code 1997, as amended by 1997 Iowa Acts, House File 255,** section 4, is amended to read as follows:

b. Based upon information contained in county management plans and budgets, the state-county management committee shall recommend an allowed growth factor adjustment to the governor by November 15 for the fiscal year which commences two years from the beginning date of the fiscal year in progress at the time the recommendation is made. The allowed growth factor adjustment shall address costs associated with new consumers of service, service cost inflation, and investments for economy and efficiency. In developing the service cost inflation recommendation, the committee shall consider the cost trends indicated by the gross expenditure amount reported in the expenditure reports submitted by

* Chapter 208 herein

** Chapter 198 herein

counties pursuant to subsection 1, paragraph "b".* The governor shall consider the committee's recommendation in developing the governor's recommendation for an allowed growth factor adjustment for such fiscal year. The governor's recommendation shall be submitted at the time the governor's proposed budget for the succeeding fiscal year is submitted in accordance with chapter 8.

Sec. 23. Section 331.439, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A county shall annually report data concerning the services managed by the county. At a minimum, the data reported shall indicate the number of different individuals who utilized services in a fiscal year and the various types of services. Data reported under this subsection shall be submitted with the county's expenditure report required under subsection 1, paragraph "b".*

Sec. 24. Section 331.439, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A county's management plans submitted under this section shall allow for the service needs of all ages of persons for whom expenditures may be made from the county's services fund.

Sec. 25. **EFFECTIVE DATE AND APPLICABILITY PROVISION.** Section 24 of this division of this Act, being deemed of immediate importance, takes effect upon enactment. The requirements of section 24 shall first apply to county mental health, mental retardation, and developmental disabilities services plans submitted under section 331.439 applicable to the fiscal year beginning July 1, 1997. If a county's management plan for that fiscal year was submitted prior to the effective date of section 24 and is not in compliance with the provisions of section 24 of this Act, the county shall submit an amendment to the management plan as necessary for compliance. The amendment shall be submitted within 60 days of the effective date of section 24 and is subject to the approval provisions of section 331.439.

DIVISION VIII ICFMR CONVERSION

Sec. 26. Section 135C.6, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. Contingent upon the department of human services receiving federal approval, a residential program which serves not more than eight individuals and is licensed as an intermediate care facility for persons with mental retardation may surrender the facility license and continue to operate under a federally approved medical assistance home and community-based services waiver for persons with mental retardation, if the department of human services has approved a plan submitted by the residential program.

DIVISION IX LEGAL SETTLEMENT

Sec. 27. Section 252.16, subsection 8, Code 1997, is amended to read as follows:

8. A person receiving treatment or support services from any ~~community-based~~ provider ~~of, whether organized for pecuniary profit or not or whether supported by charitable or public or private funds, that provides~~ treatment or services for mental retardation, developmental disabilities, mental health, brain injury, or substance abuse does not acquire legal settlement in the ~~host~~ county in which the site of the provider is located unless the person continuously resides in ~~the host~~ that county for one year from the date of the last treatment or support service received by the person.

Approved May 19, 1997

* Paragraph "a" probably intended