

CHAPTER 1187

APPROPRIATIONS — HEALTH AND HUMAN SERVICES

S.F. 2425

AN ACT relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

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

DIVISION I
GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
ELDER AFFAIRS

Section 1. 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, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly only if the monthly cost per client for case management for the frail elderly services provided does not exceed an average of \$70, resident advocate committee coordination, employment, and other services which may include but are not limited to adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,251,698
.....	FTEs	40.50

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

2. Of the funds appropriated in this section, \$2,788,223 shall be used for case management for the frail elderly. Of the funds allocated in this subsection, \$1,385,015 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department of elder affairs. The monthly cost per client for case management for the frail elderly services provided shall not exceed an average of \$70.

3. Of the funds appropriated in this section, \$200,198 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

4. Of the funds appropriated in this section, \$130,000 shall be used to continue to fund additional long-term care resident's advocate positions.

5. Of the funds appropriated in this section, \$250,000 shall be used for continuation of the substitute decision maker Act pursuant to chapter 231E.

6. Of the funds appropriated in this section, \$200,000 shall be used to replace federal funding for the aging and disability resource center.

7. Of the funds appropriated in this section, \$200,000 shall be used to expand the elder abuse initiative program established pursuant to section 231.56A to additional counties.

HEALTH

Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

.....	\$	3,082,149
.....	FTEs	6.00

a. The requirement of section 123.53, subsection 3, is met by the appropriations made in this Act for purposes of addictive disorders for the fiscal year beginning July 1, 2008.

b. Of the funds appropriated in this subsection, \$1,550,000 shall be used for tobacco use prevention, cessation, and treatment.

2. HEALTHY CHILDREN AND FAMILIES

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

.....	\$	2,636,913
.....	FTEs	16.00

a. Of the funds appropriated in this subsection, not more than \$645,917 shall be used for the healthy opportunities to experience success (HOPES) – healthy families Iowa (HFI) program established pursuant to section 135.106. The department shall transfer the funding allocated for the HOPES-HFI program to the Iowa empowerment board for distribution and shall assist the board in managing the contracting for the funding. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2008.

b. Of the funds appropriated in this subsection, \$325,000 shall be used to continue to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

c. Of the funds appropriated in this subsection, \$100,000 is allocated for distribution to the children’s hospital of Iowa mother’s milk bank.

d. Of the funds appropriated in this subsection, \$40,000 shall be distributed to a statewide dental carrier to provide funds to continue the donated dental services program patterned after the projects developed by the national foundation of dentistry for the handicapped to provide dental services to indigent elderly and disabled individuals.

e. Of the funds appropriated in this subsection, \$100,000 shall be transferred to the university of Iowa college of dentistry for provision of primary dental services to children. State funds shall be matched on a dollar-for-dollar basis. The university of Iowa college of dentistry shall coordinate efforts with the department of public health bureau of oral health to provide dental care to underserved populations throughout the state.

3. CHRONIC CONDITIONS

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

.....	\$	2,242,840
.....	FTEs	5.00

a. Of the funds appropriated in this subsection, \$100,000 shall be used for grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods.

b. Of the funds appropriated in this subsection, \$500,000 is allocated for continuation of the contracts for resource facilitator services in accordance with section 135.22B, subsection 10, and for brain injury training services and recruiting of service providers to increase the capacity within this state to address the needs of individuals with brain injuries and such individuals' families.

4. COMMUNITY CAPACITY

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

.....	\$	1,760,532
.....	FTEs	12.00

a. Of the funds appropriated in this subsection, \$100,000 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with community empowerment areas.

b. Of the funds appropriated in this subsection, \$159,700 is allocated for an initiative implemented at the university of Iowa and \$140,300 is allocated for an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the department of public health, and the mental health, mental retardation, developmental disabilities, and brain injury commission to address the focus of the initiatives. The department of human services, the department of public health, and the commission shall receive regular updates concerning the status of the initiatives.

5. ELDERLY WELLNESS

For promotion of healthy aging and optimization of the health of older adults:

.....	\$	9,233,985
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6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

.....	\$	747,960
.....	FTEs	2.00

Of the funds appropriated in this subsection, \$121,000 shall be used for childhood lead poisoning provisions.

7. INFECTIOUS DISEASES

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

.....	\$	1,858,286
.....	FTEs	7.00

a. Of the funds appropriated in this subsection, an increase of \$200,000 is provided for the purchasing of vaccines for immunizations.

b. Of the funds appropriated in this subsection, \$100,000 shall be used to fund the position of bureau chief for the center for acute disease epidemiology (CADE).

8. PUBLIC PROTECTION

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

.....	\$	3,161,013
.....	FTEs	128.00

a. Of the funds appropriated in this subsection, \$643,500 shall be credited to the emergency medical services fund created in section 135.25. Moneys in the emergency medical services fund are appropriated to the department to be used for the purposes of the fund.

b. Of the funds appropriated in this subsection, \$23,810 shall be used for the office of the state medical examiner.

c. Of the funds appropriated in this subsection, \$150,000 shall be used for management of the antiviral stockpile.

d. Of the funds appropriated in this subsection, \$262,500 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department's sexual violence prevention program. The

amount allocated in this paragraph “d” shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

e. Of the funds appropriated in this subsection, \$200,000 shall be used for start-up costs to implement licensing of plumbers and mechanical professionals in accordance with 2007 Iowa Acts, chapter 198.

f. The department may incur expenses for start-up costs to implement licensing of plumbers and mechanical professionals in accordance with 2007 Iowa Acts, chapter 198, provided the amounts expended are covered by the close of the fiscal year through the repayment receipts from license fees.

9. RESOURCE MANAGEMENT

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

.....	\$	1,205,933
.....	FTEs	10.00

Of the funds appropriated in this subsection, \$150,150 shall be used for administration of tobacco-related programs.

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

Sec. 3. GAMBLING TREATMENT FUND — APPROPRIATION.

1. In lieu of the appropriation made in section 135.150, subsection 1, there is appropriated from funds available in the gambling treatment fund created in section 135.150 to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be utilized for the benefit of persons with addictive disorders:

.....	\$	1,690,000
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It is the intent of the general assembly that from the moneys appropriated in this subsection persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services. The amount appropriated in this subsection includes moneys credited to the fund in previous fiscal years.

2. In addition to the appropriation made in subsection 1, there is appropriated from funds available in the gambling treatment fund created in section 135.150 to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be utilized for the benefit of substance abuse treatment for persons with addictions:

.....	\$	525,000
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The amount appropriated in this subsection is one-time funding from moneys remaining in the gambling treatment fund from the carryforward of appropriations made for addictive disorders in previous fiscal years.

3. The amount remaining in the gambling treatment fund after the appropriations are made in subsections 1 and 2, is appropriated to the department to be used for funding of 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, education and preventive services, and financial management services. Of the amount appropriated in this subsection, up to \$100,000 may be used for the licensing of gambling treatment programs as provided in section 135.150.

4. Notwithstanding any provision to the contrary, to standardize the availability, delivery, cost of delivery, and accountability of gambling and substance abuse treatment services statewide, the department shall implement a process to create a system for delivery of the treatment services. To ensure the system provides a continuum of treatment services that best meets the needs of Iowans, the gambling and substance abuse treatment services in an area may be provided either by a single agency or by separate agencies submitting a joint proposal. The process shall be completed by July 1, 2010.

a. The process shall include the establishment of joint licensure for gambling and substance

abuse treatment programs that includes one set of standards, one licensure survey, comprehensive technical assistance, and appropriately credentialed counselors to support the following goals:

- (1) Gambling and substance abuse treatment services are available to Iowans statewide.
 - (2) To the greatest extent possible, outcome measures are uniform statewide for both gambling and substance abuse treatment services and include but are not limited to prevalence indicators, service delivery areas, financial accountability, and longitudinal clinical outcomes.
 - (3) The costs to deliver gambling and substance abuse treatment services in the system are based upon best practices and are uniform statewide.
- b. From the amounts appropriated in this section and from other funding sources available for gambling and substance abuse treatment, the department may allocate up to \$100,000 for administrative costs to develop and implement the process in accordance with this subsection.

DEPARTMENT OF VETERANS AFFAIRS

Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, including the war orphans educational assistance fund created in section 35.8, and for not more than the following full-time equivalent positions:

.....	\$	1,163,457
.....	FTEs	17.20

Of the amount appropriated in this subsection, \$50,000 is allocated for continuation of the veterans counseling program established pursuant to section 35.12.

2. IOWA VETERANS HOME

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

.....	\$	12,694,154
.....	FTEs	951.95

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

If there is a change in the employer of employees providing services at the Iowa veterans home under a collective bargaining agreement, such employees and the agreement shall be continued by the successor employer as though there had not been a change in employer.

3. COUNTY GRANT PROGRAM FOR VETERANS

For providing grants to counties to provide services to living veterans:

.....	\$	600,000
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The department shall establish or continue a grant application process and shall require each county applying for a grant to submit a plan for utilizing the grant for providing services for living veterans. The maximum grant to be awarded to a county shall be \$10,000. Each county receiving a grant shall submit a report to the department identifying the impact of the grant on providing services to veterans as specified by the department. The department shall submit a report to the general assembly by October 1, 2008, concerning the impact of the grant program on services to veterans.

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to the fund from which appropriated but shall be credited to the veterans trust fund.

4. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED VETERANS

For provision of educational assistance pursuant to section 35.9:

.....	\$	27,000
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HUMAN SERVICES

Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, which are federally appropriated for the federal fiscal years beginning October 1, 2007, and ending September 30, 2008, and beginning October 1, 2008, and ending September 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 26,101,513

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

..... \$ 13,334,528

Notwithstanding section 8.33, not more than 5 percent of the moneys designated in this subsection that are allocated by the department for contracted services, other than family self-sufficiency grant services allocated under this subsection, that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2009, the moneys shall revert.

3. To be used for the family development and self-sufficiency grant program in accordance with 2008 Iowa Acts, House File 2328:¹

..... \$ 2,998,675

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2009, the moneys shall revert.

4. For field operations:

..... \$ 18,507,495

Of the funds appropriated in this subsection, \$800,000 is allocated for additional income maintenance workers and social workers.

It is the intent of the general assembly that the department work with Indian tribes providing services under the federal Temporary Assistance for Needy Families block grant to Indians who reside in Iowa but live outside the reservation to establish a formula for providing match funding for the expenditures made by the tribes for such services. The department shall provide recommendations regarding implementation of the formula beginning in FY 2009-2010 to the governor and the persons designated by this Act to receive reports. For the purposes of this paragraph, "Indian", "reservation", and "Indian tribe" mean the same as defined in section 232B.3.

5. For general administration:

..... \$ 3,744,000

6. For local administrative costs:

..... \$ 2,189,830

7. For state child care assistance:

..... \$ 27,886,177

a. Of the funds appropriated in this subsection, \$18,986,177 shall be transferred to the child care and development block grant appropriation made in 2008 Iowa Acts, Senate File 2286,²

¹ Chapter 1072 herein

² Chapter 1177 herein

if enacted, for the federal fiscal year beginning October 1, 2008, and ending September 30, 2009. Of this amount, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. Any funds appropriated in this subsection remaining unallocated shall be used for state child care assistance payments for individuals enrolled in the family investment program who are employed.

8. For mental health and developmental disabilities community services:	\$	4,894,052
9. For child and family services:	\$	32,084,430
10. For child abuse prevention grants:	\$	250,000
11. For pregnancy prevention grants on the condition that family planning services are funded:	\$	1,930,067

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2008, if the programs are comprehensive in scope and have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2008, if the programs are comprehensive in scope and are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

12. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:

	\$	1,037,186
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13. For the healthy opportunities for parents to experience success (HOPES) program administered by the department of public health to target child abuse prevention:

	\$	200,000
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14. To be credited to the state child care assistance appropriation made in this section to be used for funding of community-based early childhood programs targeted to children from birth through five years of age developed by community empowerment areas as provided in section 28.9:

	\$	7,350,000
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The department shall transfer TANF block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection.

15. For a pilot program established in one or more judicial districts, selected by the department and the judicial council, to provide employment and support services to delinquent child support obligors as an alternative to commitment to jail as punishment for contempt of court:

	\$	200,000
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Of the amounts appropriated in this section, \$12,962,008 for the fiscal year beginning July 1, 2008, shall be transferred to the appropriation of the federal social services block grant for that fiscal year.

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

Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2008, and ending June 30, 2009, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes.

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

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2008, and ending June 30, 2009, are allocated as follows:

a. To be retained by the department of human services to be used for coordinating with the department of human rights to more effectively serve participants in the FIP program and other shared clients and to meet federal reporting requirements under the federal temporary assistance for needy families block grant:

..... \$ 20,000

b. To the department of human rights for staffing, administration, and implementation of the family development and self-sufficiency grant program in accordance with 2008 Iowa Acts, House File 2328:³

..... \$ 5,563,042

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

(2) The department of human rights may continue to implement the family development and self-sufficiency grant program statewide during fiscal year 2008-2009.

c. For the diversion subaccount of the FIP account:

..... \$ 2,814,000

(1) A portion of the moneys allocated for the subaccount may be used for field operations salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program.

(2) Of the funds allocated in this lettered paragraph, not more than \$250,000 shall be used to develop or continue community-level parental obligation pilot projects. The requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall remain applicable to the parental obligation pilot projects for fiscal year 2008-2009. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects the earlier of October 1, 2006, or when legislative authority is discontinued, the rules relating to the pilot projects shall remain in effect until June 30, 2009.

d. For the food stamp employment and training program:

..... \$ 68,059

The department shall amend the food stamp employment and training state plan in order to maximize to the fullest extent permitted by federal law the use of the fifty-fifty match provisions for the claiming of allowable federal matching funds from the United States department of agriculture pursuant to the federal food stamp employment and training program for providing education, employment, and training services for eligible food assistance program participants, including but not limited to related dependent care and transportation expenses.

e. For the JOBS program:

..... \$ 22,310,116

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account, a portion may be used to increase recoveries, and a portion may be used to sustain cash flow in the child support payments account. If as

³ Chapter 1072 herein

a result the appropriations allocated in this section are insufficient to sustain cash assistance payments and meet federal maintenance of effort requirements, the department shall seek supplemental funding. If child support collections assigned under FIP are greater than estimated or are otherwise determined not to be required for maintenance of effort, the state share of either amount may be transferred to or retained in the child support payment account.

6. The department may adopt emergency rules for the family investment, JOBS, family development and self-sufficiency grant, food stamp, and medical assistance programs if necessary to comply with federal requirements.

Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... \$ 42,675,127

1. Of the funds appropriated in this section, \$8,975,588 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$2,584,367 is allocated for the family development and self-sufficiency grant program.

3. a. Of the funds appropriated in this section, \$250,000 shall be used for a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state. The grant shall be provided to an organization that has existing national foundation support for supplying such assistance that can also secure local charitable match funding.

b. The general assembly supports efforts by the organization receiving funding under this subsection to create a statewide earned income tax credit and asset-building coalition to achieve both of the following purposes:

(1) Expanding the usage of the tax credit through new and enhanced outreach and marketing strategies, as well as identifying new local sites and human and financial resources.

(2) Assessing and recommending various strategies for Iowans to develop assets through savings, individual development accounts, financial literacy, antipredatory lending initiatives, informed home ownership, use of various forms of support for work, and microenterprise business development targeted to persons who are self-employed or have fewer than five employees.

4. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2008, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

a. For the family investment program.

b. For child care assistance.

c. For child and family services.

d. For field operations.

e. For general administration.

f. MH/MR/DD/BI community services (local purchase).

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

Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	14,951,757
.....	FTEs	515.00

1. The department shall expend up to \$31,000, including federal financial participation, for the fiscal year beginning July 1, 2008, for a child support public awareness campaign. The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

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

3. The appropriation made to the department for child support recovery may be used throughout the fiscal year in the manner necessary for purposes of cash flow management, and for cash flow management purposes the department may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

Sec. 9. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2008, except as otherwise expressly authorized by law, including reimbursement for abortion services which shall be available under the medical assistance program only for those abortions which are medically necessary:

.....	\$	649,629,269
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1. Medically necessary abortions are those performed under any of the following conditions:

a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

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

3. Of the funds appropriated in this Act to the department of public health for addictive disorders, \$950,000 for the fiscal year beginning July 1, 2008, shall be transferred to the depart-

ment of human services for an integrated substance abuse managed care system. The department shall not assume management of the substance abuse system in place of the managed care contractor unless such a change in approach is specifically authorized in law. The departments of human services and public health shall work together to maintain the level of mental health and substance abuse services provided by the managed care contractor through the Iowa plan for behavioral health. Each department shall take the steps necessary to continue the federal waivers as necessary to maintain the level of services.

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

b. Of the funds appropriated in this section, \$100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

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

6. In addition to any other funds appropriated in this Act, of the funds appropriated in this section, \$250,000 shall be used for the grant to the Iowa healthcare collaborative as defined in section 135.40.

7. Of the funds appropriated in this section, not more than \$166,600 shall be used to enhance outreach efforts. The department may transfer funds allocated in this subsection to the appropriations in this division of this Act for general administration, the state children's health insurance program, or medical contracts, as necessary, to implement the outreach efforts.

8. Of the funds appropriated in this section, up to \$442,100 may be transferred to the appropriation in this Act for medical contracts to be used for clinical assessment services related to remedial services in accordance with federal law.

9. Of the funds appropriated in this section, \$1,143,522 may be used for the demonstration to maintain independence and employment (DMIE) if the waiver for DMIE is approved by the centers for Medicare and Medicaid services of the United States department of health and human services. Additionally, if the waiver is approved, \$440,000 of the funds shall be transferred to the department of corrections for DMIE activities.

10. The drug utilization review commission shall monitor the smoking cessation benefit provided under the medical assistance program and shall provide a report of utilization, client success, cost-effectiveness, and recommendations for any changes in the benefit to the persons designated in this Act to receive reports by January 15, 2009. If a prescriber determines that all smoking cessation aids on the preferred drug list are not effective or medically appropriate for a patient, the prescriber may apply for an exception to policy for another product approved by the United States food and drug administration for smoking cessation pursuant to 441 IAC 1.8(1).

11. A portion of the funds appropriated in this section may be transferred to the appropriations in this division of this Act for general administration, medical contracts, the state children's health insurance program, or field operations to be used for the state match cost to comply with the payment error rate measurement (PERM) program for both the medical assistance and state children's health insurance programs as developed by the centers for

Medicare and Medicaid services of the United States department of health and human services to comply with the federal Improper Payments Information Act of 2002, Pub. L. No. 107-300.

12. It is the intent of the general assembly that the department implement the recommendations of the assuring better child health and development initiative II (ABCDII) clinical panel to the Iowa early and periodic screening, diagnostic, and treatment services healthy mental development collaborative board regarding changes to billing procedures, codes, and eligible service providers.

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

14. Of the funds appropriated in this section, the following amounts shall be transferred to appropriations made in this division of this Act to the state mental health institutes:

a. Cherokee mental health institute	\$	5,933,659
b. Clarinda mental health institute	\$	1,289,526
c. Independence mental health institute	\$	5,899,400
d. Mount Pleasant mental health institute	\$	3,751,626

15. a. Of the funds appropriated in this section, \$2,753,055 is allocated for state match for disproportionate share hospital payment of \$7,321,954 to hospitals that meet both of the following conditions:

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payment shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

16. Of the funds appropriated in this section, \$4,568,899 is transferred to the IowaCare account created in section 249J.24.

17. Of the funds appropriated in this section, \$250,000 shall be used for the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.

18. The department shall implement cost-saving initiatives including implementing a surcharge for claims filed on paper when electronic filing is available and collecting a supplemental rebate for diabetic supplies.

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

20. a. Beginning July 1, 2009, any new or renewed contract entered into by the department with a third party to administer behavioral health services under the medical assistance program shall provide that any interest earned on payments from the state during the state fiscal year shall be remitted to the department for deposit in a separate account after the end of the fiscal year.

b. Beginning July 1, 2008, the department shall maintain a separate account within the medical assistance budget for the deposit of all funds remitted pursuant to a contract with a third party to administer behavioral health services under the medical assistance program. Notwithstanding section 8.33, funds remaining in the account that remain unencumbered or unobligated at the end of any fiscal year shall not revert but shall remain available in succeeding

fiscal years and shall be used only in accordance with appropriations from the account for health and human services-related purposes.

c. Of the state share of any funds remitted to the medical assistance program pursuant to a contract with a third party to administer behavioral health services under the medical assistance program, the following amounts are appropriated to the department for the fiscal year beginning July 1, 2008, and ending June 30, 2009, to be used as follows:

(1) For implementation of the emergency mental health crisis services system in accordance with section 225C.19, as enacted by this Act, beginning January 1, 2009, \$1,500,000.

(2) For implementation of the mental health services system for children and youth in accordance with section 225C.52, as enacted by this Act, beginning January 1, 2009, \$500,000.

(3) For the mental health, mental retardation, and developmental disabilities risk pool created in the property tax relief fund in section 426B.5, \$1,000,000.

(4) To reduce the waiting lists of the medical assistance home and community-based services waivers, \$2,000,000. The department shall distribute the funding allocated under this subparagraph proportionately among all home and community-based services waivers.

(5) For Medicaid services provided under the children’s mental health waiver, \$750,000.

(6) For training for child welfare services providers, \$250,000. The training shall be developed by the department in collaboration with the coalition for children and family services in Iowa.

d. The department shall provide the results of the audits of the third party administering behavioral health services under the medical assistance program for the fiscal years beginning July 1, 2006, and July 1, 2007, to the legislative services agency for review.

21. Of the funds appropriated in this section, at least \$2,500,000 shall be used for existing and new home and community-based waiver⁴ slots for persons with brain injury.

22. Of the funds appropriated in this section, \$250,000 shall be used to implement the provisions in 2007 Iowa Acts, chapter 218, section 124,⁵ as amended by the Eighty-second General Assembly, 2008 Session, relating to eligibility for certain persons with disabilities under the medical assistance program.

23. The department of human services shall conduct a review of the impact of broadening the list of drugs prescribed for the treatment of diabetes on the preferred drug list under the medical assistance program in order to promote drugs that are appropriate and therapeutically effective for persons with diabetes. The review shall include, at a minimum, a comparison of the effectiveness of drugs prescribed for the treatment of diabetes and a cost analysis. The department shall report its findings and recommendations to the individuals specified in this Act to receive reports by December 15, 2008.

24. The department of human services shall conduct a review of the medical assistance home and community-based services waivers, including but not limited to the upper limit of reimbursement for each waiver and the services provided under each waiver, and shall make recommendations to the individuals specified in this Act to receive reports by December 15, 2008, regarding revising the upper limits of reimbursement and services provided.

Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	566,338
.....	FTEs	21.00

Sec. 11. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

⁴ According to enrolled Act; the phrase “community-based services waiver” probably intended

⁵ According to enrolled Act; the phrase “section 126” probably intended; see chapter 1188, §55 herein

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

.....	\$	14,165,550
.....	FTEs	6.00

1. Of the funds appropriated in this section, \$50,000 shall be used for electronic cross-matching with state vital records databases through the department of public health.
2. Of the funds appropriated in this section, \$250,000 shall be used for monitoring of home and community-based services waivers.

Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

.....	\$	18,611,385
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2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2008, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Title XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

.....	\$	13,868,885
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2. If sufficient funding is available under this Act, and if federal reauthorization of the state children's health insurance program provides sufficient federal allocations to the state and authorization to cover the following populations as an option under the state children's health insurance program, the department may expand coverage under the state children's health insurance program as follows:

- a. By eliminating the categorical exclusion of state employees from receiving state children's health insurance program benefits.
- b. By providing coverage for legal immigrant children and pregnant women not eligible under current federal guidelines.
- c. By covering children up to age twenty-one, or up to age twenty-three if the child is attending school.

3. If the United States Congress does not authorize additional federal funds necessary to address any shortfall for the state children's health insurance program for the federal fiscal year beginning October 1, 2008, and ending September 30, 2009, the department may use 100 percent of state funds from the appropriation made in this section for the period beginning July 1, 2008, and ending June 30, 2009, and may, after consultation with the governor and the gen-

eral assembly, utilize funding from the appropriations made in this Act for medical assistance to maintain the state children’s health insurance program. If deemed necessary, the department shall request a supplemental appropriation from the Eighty-third General Assembly, 2009 Session, to address any remaining shortfall for the fiscal year beginning July 1, 2008.

4. Of the funds appropriated in this section, \$134,050 is allocated for continuation of the contract for advertising and outreach with the department of public health and \$90,050 is allocated for other advertising and outreach.

Sec. 14. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:

..... \$ 41,345,381

1. Of the funds appropriated in this section, \$37,589,569 shall be used for state child care assistance in accordance with section 237A.13.

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

3. Of the funds appropriated in this section, \$525,524 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, \$1,680,288 is allocated for child care quality improvement initiatives including but not limited to the voluntary quality rating system in accordance with section 237A.30.

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

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

7. Of the funds appropriated in this section, \$1,200,000 is transferred to the Iowa empowerment fund from which it is appropriated to be used for professional development for the system of early care, health, and education.

8. Of the funds appropriated in this section, \$350,000 shall be allocated to a county with a population of more than 300,000 to be used for a one-time grant to support child care center services provided to children with mental, physical, or emotional challenges in order for the children to remain in a home or family setting.

9. Notwithstanding section 8.33, moneys appropriated in this section or received from the federal appropriations made for the purposes of this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 15. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending

June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, and maintenance, and for not more than the following full-time equivalent positions:

.....	\$	7,579,484
.....	FTEs	126.00

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

.....	\$	11,948,327
.....	FTEs	202.70

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2008.

Sec. 16. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

.....	\$	89,326,628
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2. In order to address a reduction of \$5,200,000 from the amount allocated under the appropriation made for the purposes of this section in prior years for purposes of juvenile delinquent graduated sanction services, up to \$5,200,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of juvenile delinquent graduated sanction services.

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

4. a. Of the funds appropriated in this section, up to \$35,841,744 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services.

b. If at any time after September 30, 2008, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

5. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative during fiscal year 2008-2009. Of the moneys subject to the nonreversion clause provided in the amendment in this Act to 2006 Iowa Acts, chapter 1184, section 17, subsection 4, \$3,605,000 is allocated specifically for expenditure for fiscal year 2008-2009 through the decategorization service funding pools and governance boards established pursuant to section 232.188.

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

7. Notwithstanding section 234.35 or any other provision of law to the contrary, state funding for shelter care shall be limited to \$7,072,215. The department shall work with the coalition for children and family services in Iowa and other representatives of shelter care providers to reduce the number of guaranteed shelter beds and shift a portion of available funding to develop new or expand existing child welfare emergency services for children who might otherwise be served in shelter care. The child welfare emergency services shall be provided by shelter care agencies that currently have a contract for shelter care services with the department and may include mobile crisis response units for child and family crises, in-home supervision services, emergency family foster care homes, expanding capacity to provide emergency services in other family foster care homes, or provide flexible funding for child welfare emergency services based on evidence-based practices. Notwithstanding chapter 8A, the department may amend existing contracts with shelter care agencies as necessary to include child welfare emergency services.

8. Federal funds received by the state during the fiscal year beginning July 1, 2008, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for services and purposes provided for under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

9. Of the funds appropriated in this section, at least \$3,696,285 shall be used for protective child care assistance.

10. a. Of the funds appropriated in this section, up to \$2,268,963 is allocated for the payment of the expenses of court-ordered services provided to juveniles who are under the supervision of juvenile court services, which expenses are a charge upon the state pursuant to section 232.141, subsection 4. Of the amount allocated in this lettered paragraph, up to \$1,556,287 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

b. Of the funds appropriated in this section, up to \$823,965 is allocated for the payment of the expenses of court-ordered services provided to children who are under the supervision of the department, which expenses are a charge upon the state pursuant to section 232.141, subsection 4.

c. Notwithstanding section 232.141 or any other provision of law to the contrary, the amounts allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator and to the department's service areas as determined by the administrator of the department's division of child and family services. The state court administrator and the division administrator shall make the determination of the distribution amounts on or before June 15, 2008.

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

e. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

f. Of the funds allocated in this subsection, not more than \$100,000 may be used by the judicial branch for administration of the requirements under this subsection.

11. Of the funds appropriated in this section, \$1,030,000 shall be transferred to the department of public health to be used for the child protection center grant program in accordance with section 135.118.

12. If the department receives federal approval to implement a waiver under Title IV-E of the federal Social Security Act to enable providers to serve children who remain in the children’s families and communities, for purposes of eligibility under the medical assistance program children who participate in the waiver shall be considered to be placed in foster care.

13. Of the funds appropriated in this section, \$2,862,164 is allocated for the preparation for adult living program pursuant to section 234.46.

14. Of the funds appropriated in this section, \$1,030,000 shall be used for juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

a. To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

(1) Marshall county:	\$	61,800
.....		
(2) Woodbury county:	\$	123,862
.....		
(3) Polk county:	\$	193,057
.....		
(4) The third judicial district:	\$	66,950
.....		
(5) The eighth judicial district:	\$	66,950
.....		

b. For court-ordered services to support substance abuse services provided to the juveniles participating in the juvenile drug court programs listed in paragraph “a” and the juveniles’ families:

.....	\$	517,381
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The state court administrator shall allocate the funding designated in this paragraph among the programs.

15. Of the funds appropriated in this section, \$203,000 is allocated for continuation of the contracts for the multidimensional treatment level foster care program established pursuant to 2006 Iowa Acts, chapter 1123, for a third year.

16. Of the funds appropriated in this section, \$236,900 shall be used for a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and their nonoffending family members.

17. Of the funds appropriated in this section, \$131,000 is allocated for the elevate approach of providing a support network to children placed in foster care.

18. Of the funds appropriated in this section, \$300,000 is allocated for sibling visitation provisions for children subject to a court order for out-of-home placement in accordance with section 232.108.

19. Of the funds appropriated in this section, \$200,000 is allocated for use pursuant to section 235A.1 for the initiative to address child sexual abuse implemented pursuant to 2007 Iowa Acts, ch. 218, section 18, subsection 21.

20. Of the funds appropriated in this section, \$80,000 is allocated for renewal of a grant to a county with a population between 189,000 and 196,000 in the latest preceding certified federal census for implementation of the county’s runaway treatment plan under section 232.195.

21. Of the funds appropriated in this section, \$418,000 is allocated for the community partnership for child protection sites.

22. Of the funds appropriated in this section, \$375,000 is allocated for the department’s minority youth and family projects under the redesign of the child welfare system.

23. Of the funds appropriated in this section, \$300,000 is allocated for funding of the state match for the federal substance abuse and mental health services administration (SAMHSA) system of care grant.

24. The department shall develop options for providing a growth mechanism for reimbursement of the child and family services traditionally funded under this appropriation. The growth mechanism options may provide for a tie to allowable growth for school aid, an inflationary adjustment reflective of the cost increases for the services, or other reasonable proxy for the cost increases affecting such service providers.

25. Of the funds appropriated in this section, \$152,440 shall be used for continuation of the funding of one or more child welfare diversion and mediation pilot projects as provided in 2004 Iowa Acts, chapter 1130, section 1.

26. The department shall review the processes for drug testing of persons responsible for the care of a child in child abuse cases to evaluate the effectiveness of the testing, whether it is applied in the same manner in all service areas, identify how the funding designated for drug testing is utilized, and address other issues associated with the testing. The department shall report on or before December 1, 2008, concerning the review to the persons designated by this Act to receive reports.

27. Of the funds appropriated in this section, \$100,000 shall be used for a grant to support a satellite project associated with a child protection center in a county with a population between 189,000 and 196,000 to be operated in a hospital in a county in northeast Iowa with a population between 120,000 and 135,000. The pilot project shall provide immediate, sensitive support and forensic interviews, medical exams, needs assessments, and referrals for victims of child abuse and the victims' nonoffender family members. Population numbers used in this subsection are from the latest preceding certified federal census.

Sec. 17. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:
..... \$ 34,168,872

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

3. Federal funds received by the state during the fiscal year beginning July 1, 2008, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2008, and ending June 30, 2009, are appropriated to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2007. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2007. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2008, shall be limited to the amount appropriated for the purposes of this section.

Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program:

..... \$ 1,936,434

2. The department shall use at least \$433,212 of the moneys appropriated in this section for the family support center component of the comprehensive family support program under section 225C.47. Not more than \$20,000 of the amount allocated in this subsection shall be used for administrative costs.

Sec. 20. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

..... \$ 42,623

Sec. 21. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 5,727,743
..... FTEs 210.00

2. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 7,323,073
..... FTEs 114.95

Of the funds appropriated in this section, \$300,000 shall be used to establish and operate an Alzheimer's patient mobile consultation and assessment program.

3. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 10,495,879
..... FTEs 287.66

4. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,874,721
..... FTEs 116.44

Sec. 22. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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

..... \$ 17,102,330

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

..... \$ 11,266,164

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFMR services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

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

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

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2008-2009.

Sec. 23. MI/MR/DD STATE CASES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties for state case services for persons with mental illness, mental retardation, and developmental disabilities in accordance with section 331.440:

..... \$ 13,067,178

2. For the fiscal year beginning July 1, 2008, and ending June 30, 2009, \$200,000 is allocated for state case services from the amounts appropriated from the fund created in section 8.41 to the department of human services from the funds received from the federal government under 42 U.S.C., ch. 6A, subch. XVII, relating to the community mental health center block grant, for the federal fiscal years beginning October 1, 2006, and ending September 30, 2007, beginning October 1, 2007, and ending September 30, 2008, and beginning October 1, 2008, and ending September 30, 2009. The allocation made in this subsection shall be made prior to any other distribution allocation of the appropriated federal funds.

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

Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES — COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund created in section 225C.7 for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this division of this Act:

..... \$ 18,017,890

1. Of the funds appropriated in this section, \$17,727,890 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county’s proportion of the state’s population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county’s proportion of the state’s general population.

2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2. However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, \$30,000 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4. a. Funding appropriated for purposes of the federal social services block grant is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with the county’s approved county management plan. A county without an approved county management plan shall not receive allocated funds until the county’s management plan is approved.

c. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county’s proportion of the state’s population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.

5. A county is eligible for funds under this section if the county qualifies for a state payment as described in section 331.439.

6. Of the funds appropriated in this section, \$260,000 shall be used for a grant to a statewide association of counties for development and implementation of the community services network to replace the county management information system.

7. The most recent population estimates issued by the United States bureau of the census shall be applied for the population factors utilized in this section.

Sec. 25. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

.....	\$	6,720,268
.....	FTEs	94.50

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

Sec. 26. FIELD OPERATIONS. There is appropriated from the general fund of the state

to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

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

.....	\$	67,852,732
.....	FTEs	2,130.68

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

Sec. 27. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

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

.....	\$	16,682,067
.....	FTEs	407.50

1. Of the funds appropriated in this section, \$57,000 is allocated for the prevention of disabilities policy council established in section 225B.3.

2. The department shall report at least monthly to the legislative services agency concerning the department's operational and program expenditures.

Sec. 28. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:

.....	\$	109,568
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Sec. 29. FAMILY PLANNING SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount or so much thereof as is necessary, to be used for the purpose designated:

For family planning services to individuals with incomes not to exceed two hundred percent of the federal poverty level as defined by the most recently revised income guidelines published by the United States department of health and human services, who are not currently receiving the specific benefit under the medical assistance program:

.....	\$	750,000
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Moneys appropriated under this section shall not be used to provide abortions. The department shall work with appropriate stakeholders to implement and administer the program.

Sec. 30. PREGNANCY COUNSELING AND SUPPORT SERVICES PROGRAM — APPROPRIATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount or so much thereof as is necessary for the purpose designated:

For a pregnancy counseling and support services program as specified in this section:

.....	\$	200,000
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The department of human services shall establish a pregnancy counseling and support services program to provide core services consisting of information, education, counseling, and support services to women who experience unplanned pregnancies by supporting childbirth, assisting pregnant women in remaining healthy and maintaining a healthy pregnancy while deciding whether to keep the child or place the child for adoption, and assisting women after the birth of a child. The services provided may include but are not limited to: counseling and

mentoring; pregnancy, childbirth, and parenting classes; fostering of a statewide pregnancy and parenting support system; assistance with physical and mental well-being of a woman during pregnancy and postdelivery; assistance with the physical well-being of the woman during pregnancy and the newborn; assistance with food, shelter, clothing, health care, child care, and employment; and other supportive programs and services. The department shall award grants to service providers that have been in existence for at least one year prior to the awarding of the grant, are qualified and experienced in providing core pregnancy support services that support childbirth and parenting support services, including qualified Medicaid providers, social service agencies, and adoption agencies. Actual provision and delivery of services and counseling shall be dependent on client needs and not otherwise prioritized by agency⁶ or agencies administering the program.

Sec. 31. CIVIL MONETARY PENALTIES — DIRECT CARE WORKERS. Of the funds received by the department of human services through federal civil monetary penalties from nursing facilities, during the fiscal year beginning July 1, 2008, and ending June 30, 2009, \$70,000 shall be used to provide conference scholarships to direct care workers, subject to approval by the centers for Medicare and Medicaid services of the United States department of health and human services.

Sec. 32. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2008, the total state funding amount for the nursing facility budget shall not exceed \$183,367,323.

(2) For the state fiscal year beginning July 1, 2008, the patient-day weighted medians used in rate setting for nursing facilities shall be recalculated and the rates adjusted to provide an increase in nursing facility rates by applying the skilled nursing facility market basket inflation factor from the mid-point of the cost report to July 1, 2007, plus 1 percent. Nursing facility rates calculated in accordance with this subparagraph shall in no instance exceed the rate component limits as defined in 441 IAC 81.6(16).

(3) The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount. Any temporary enhanced federal financial participation that may become available to the Iowa medical assistance program during the fiscal year shall not be used in projecting the nursing facility budget. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph “c”, and subsection 3, paragraph “a”, subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year beginning July 1, 2008, are projected to exceed the amount specified in subparagraph (1), the department shall adjust the reimbursement for nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount. The department shall revise such reimbursement as necessary to adjust the annual accountability measures payment in accordance with the amendment in this division of this Act to 2001 Iowa Acts, chapter 192, section 4, subsection 4.

b. For the fiscal year beginning July 1, 2008, the department shall reimburse pharmacy dispensing fees using a single rate of \$4.57 per prescription or the pharmacy’s usual and customary fee, whichever is lower.

c. (1) (a) For the fiscal year beginning July 1, 2008, reimbursement rates for inpatient and outpatient hospital services shall be increased by 1 percent over the rates in effect on June 30, 2008.

(b) If the centers for Medicare and Medicaid services of the United States department of health and human services does not approve the increased reimbursement for hospitals provided pursuant to subparagraph subdivision (a), of the funds appropriated to the department

⁶ According to enrolled Act; the phrase “the agency” probably intended

for reimbursement to medical assistance providers for the fiscal year beginning July 1, 2008, \$1,700,000 shall be used as nonmedical assistance payments to hospitals paid under the prospective payment system methodology under the medical assistance program for the purposes of addressing health care workforce shortages by increasing salaries for registered nurses who are permanent employees, eligible for benefits, and who provide direct care to patients.

(c) Hospitals paid under the prospective payment system methodology under the medical assistance program shall report to the department the total amount of nurse salary increases compared to the total amount of the medical assistance payment increase for the fiscal year beginning July 1, 2008. Nurse salary information shall only include information for registered nurses who are permanent employees, eligible for benefits, and who provide direct care to patients. Reports submitted shall be a public record.

(d) The department shall continue the outpatient hospital reimbursement system based upon ambulatory patient groups implemented pursuant to 1994 Iowa Acts, chapter 1186, section 25, subsection 1, paragraph "f", unless the department adopts the Medicare ambulatory payment classification methodology authorized in subparagraph (2).

(2) The department may implement the Medicare ambulatory payment classification methodology for reimbursement of outpatient hospital services. Any change in hospital reimbursement shall be budget neutral.

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

d. For the fiscal year beginning July 1, 2008, reimbursement rates for rural health clinics, hospices, independent laboratories, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. (1) For the fiscal year beginning July 1, 2008, reimbursement rates for home health agencies shall be increased by 1 percent over the rates in effect on June 30, 2008, not to exceed a home health agency's actual allowable cost.

(2) The department shall establish a fixed fee reimbursement schedule for home health agencies under the medical assistance program beginning July 1, 2009.

f. For the fiscal year beginning July 1, 2008, federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

g. For the fiscal year beginning July 1, 2008, the reimbursement rates for dental services shall be increased by 1 percent over the rates in effect on June 30, 2008.

h. For the fiscal year beginning July 1, 2008, the maximum reimbursement rate for psychiatric medical institutions for children shall be \$167.19 per day.

i. For the fiscal year beginning July 1, 2008, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall be increased by 1 percent over the rates in effect on June 30, 2008, except for area education agencies, local education agencies, infant and toddler services providers, and those providers whose rates are required to be determined pursuant to section 249A.20.

j. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2008, the reimbursement rate for anesthesiologists shall be increased by 1 percent over the medical assistance rate for anesthesiologists in effect on July 1, 2007.

k. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2008, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under that section shall be increased by 1 percent over the rate in effect on June 30, 2008; however, this rate shall not exceed the maximum level authorized by the federal government.

l. For the fiscal year beginning July 1, 2008, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimburse-

ment rate for facilities electing not to file semiannual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

m. For the fiscal year beginning July 1, 2008, inpatient mental health services provided at hospitals shall be reimbursed at the cost of the services, subject to Medicaid program upper payment limit rules; community mental health centers and providers of mental health services to county residents pursuant to a waiver approved under section 225C.7, subsection 3, shall be reimbursed at 100 percent of the reasonable costs for the provision of services to recipients of medical assistance; and psychiatrists shall be reimbursed at the medical assistance program fee for service rate.

2. For the fiscal year beginning July 1, 2008, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

4. For the fiscal year beginning July 1, 2008, the foster family basic daily maintenance rate paid in accordance with section 234.38, the maximum adoption subsidy rate, and the maximum supervised apartment living foster care rate for children ages 0 through 5 years shall be \$16.36, the rate for children ages 6 through 11 years shall be \$17.01, the rate for children ages 12 through 15 years shall be \$18.62, and the rate for children ages 16 and older shall be \$18.87.

5. For the fiscal year beginning July 1, 2008, the maximum reimbursement rates for social services providers reimbursed under a purchase of social services contract shall be increased by 1 percent over the rates in effect on June 30, 2008, or the provider's actual and allowable cost plus inflation for each service, whichever is less. However, the rates may be adjusted under any of the following circumstances:

a. If a new service was added after June 30, 2008, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

6. For the fiscal year beginning July 1, 2008, the reimbursement rates for family-centered service providers, family foster care service providers, group foster care service providers, and the resource family recruitment and retention contractor shall be increased by 1 percent over rates in effect on June 30, 2008.

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

8. For the fiscal year beginning July 1, 2008, remedial service providers shall receive cost-based reimbursement for 100 percent of the reasonable costs plus 1 percent not to exceed the established limit for the provision of services to recipients of medical assistance.

9. a. For the fiscal year beginning July 1, 2008, the combined service and maintenance components of the reimbursement rate paid for shelter care services purchased under a contract shall be based on the financial and statistical report submitted to the department. The maximum reimbursement rate shall be \$92.36 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

b. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2008, the amount of the statewide average of the actual and allowable rates for reimbursement of

juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall be increased by \$0.91 over the amount in effect for this purpose in the preceding fiscal year.

10. For the fiscal year beginning July 1, 2008, the department shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile.

11. For the fiscal year beginning July 1, 2008, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. Effective October 1, 2008, the child care provider reimbursement rates shall be increased by 2 percent over the rates in effect on September 30, 2008. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered by applying the increase only to registered and licensed providers.

12. For the fiscal year beginning July 1, 2008, reimbursements for providers reimbursed by the department of human services may be modified if appropriated funding is allocated for that purpose from the senior living trust fund created in section 249H.4, or as specified in appropriations from the healthy Iowans tobacco trust created in section 12.65.

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

Sec. 33. 2001 Iowa Acts, chapter 192, section 4, subsection 4, is amended to read as follows:

4. ACCOUNTABILITY MEASURERS MEASUREMENTS — ANNUAL ACCOUNTABILITY PAYMENTS.

a. It is the intent of the general assembly that the department of human services initiate a system to measure a variety of elements to determine a nursing facility's capacity to provide quality of life and appropriate access to medical assistance program beneficiaries in a cost-effective manner. Beginning July 1, 2001, the department shall implement a process to collect data for these measurements and shall develop procedures to increase nursing facility reimbursements based upon a nursing facility's achievement of multiple favorable outcomes as determined by these measurements. Any increased reimbursement shall not exceed 3 percent of the calculation of the modified price-based case-mix reimbursement median. The increased reimbursement shall be included in the calculation of nursing facility modified price-based payment rates beginning July 1, 2002, with the exception of Medicare-certified hospital-based nursing facilities, state-operated nursing facilities, and special population nursing facilities.

b. ~~It is the intent of the general assembly that increases in payments to nursing facilities under the case-mix adjusted component shall be used for the provision of direct care with an emphasis on compensation to direct care workers. The department shall compile and provide a detailed analysis to demonstrate growth of direct care costs, increased acuity, and care needs of residents. The department shall also provide analysis of cost reports submitted by providers and the resulting desk review and field audit adjustments to reclassify and amend provider cost and statistical data. The results of these analyses shall be submitted to the general assembly for evaluation to determine payment levels following the transition funding period.~~

b. Beginning July 1, 2008, notwithstanding any law or rule to the contrary, the increased nursing facility reimbursement available pursuant to paragraph "a" shall be based upon the accountability measures and calculations existing on July 1, 2008, pursuant to 441 IAC 81.6(16)(g), as adjusted in accordance with the following provisions, and the increased reimbursement shall be disbursed to each qualifying nursing facility as an accountability payment⁷ at the end of each fiscal year. The department of human services shall request any medical assistance state plan amendment necessary to implement the modified accountability payment⁸ methodology. If the department does not receive approval of the state plan amendment, the funds designated for the purposes of providing the accountability measures payment shall instead be disbursed through the case-mix reimbursement system:

(1) If a nursing facility receives a citation resulting in actual harm pursuant to the federal certification guidelines at a G level scope and severity or higher, the increased reimbursement calculated for payment under this paragraph "b" shall be reduced by 25 percent for each such citation during the year. Additionally, if a nursing facility fails to cure any deficiency cited

⁷ According to enrolled Act; the phrase "accountability measures payment" probably intended

⁸ According to enrolled Act; the phrase "accountability measures payment" probably intended

within the time required by the department of inspections and appeals, the increased reimbursement calculated for payment under this paragraph shall be forfeited and the nursing facility shall not receive any accountability measure⁹ payment for the year.

(2) If a nursing facility receives a deficiency resulting in actual harm or immediate jeopardy, pursuant to the federal certification guidelines at an H level scope and severity or higher, regardless of the amount of any fines assessed, the increased reimbursement calculated for payment under this paragraph "b" shall be forfeited and the nursing facility shall not receive any accountability measure¹⁰ payment for the year.

(3) Beginning July 1, 2008, accountability measure¹¹ payments to providers shall be reduced by 20 percent of the calculated amount. The percentage reduction shall continue until June 30, 2009, or until such time as the general assembly adopts a modification of the accountability measures system.

c. It is the intent of the general assembly that the department of human services assemble a workgroup to develop recommendations to redesign the accountability measures for implementation in the fiscal year beginning July 1, 2009. The workgroup shall include long-term care services stakeholders and advocates including but not limited to representatives of the AARP Iowa chapter, direct care workers, long-term care provider entities, the state and local offices of the long-term care resident's advocate, the older Iowans' legislature, area agencies on aging, the consumer members of the senior living coordinating unit, the department of elder affairs, the department of inspections and appeals, and the chairpersons and ranking members of the joint appropriations subcommittee on health and human services. The workgroup shall submit its recommendations for the redesigned accountability measures which shall meet all of the following specifications:

(1) Acknowledge and establish higher benchmarks for performance-based reimbursement to those nursing facilities meeting the identified and weighted components recommended by the workgroup.

(2) Reinforce the expectation that the performance-based payments will be used to support direct care and support care staff through increased wages, enhanced benefits, and expanded training opportunities and provide a system for determining compliance with this expectation.

(3) Identify the best practices that are used in facilities receiving a performance-based payment and create a system to assist other facilities in the implementation of those best practices.

Sec. 34. REVIEW — DRUG PRODUCT SELECTION. On or after the effective date of this section, the chairpersons of the joint appropriations subcommittee on health and human services shall convene a group of representatives of appropriate entities to review current law regarding drug product selection. The representatives shall include but are not limited to representatives of the Iowa pharmacy association, the Iowa medical society, pharmacy industry representatives of the Iowa retail federation, advocacy groups, the department of human services, the board of pharmacy, and the department of public health. The legislative services agency shall provide administrative support to the group. The group shall complete its deliberations on or before December 15, 2008.

Sec. 35. VISUAL ASSESSMENTS AND REPAIR OF LEAD HAZARDS. The department of human services and the department of education shall adopt rules to require programs and facilities under the purview of the respective department to conduct visual assessments for lead hazards and to repair lead hazards identified.

Sec. 36. EMERGENCY RULES. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health, mental retardation, developmental disabilities, and brain injury commission may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review

⁹ According to enrolled Act; the word "measures" probably intended

¹⁰ According to enrolled Act; the word "measures" probably intended

¹¹ According to enrolled Act; the word "measures" probably intended

* Item veto; see message at end of the Act

committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 5, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 37. REPORTS. Any reports or information required to be compiled and submitted under this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 38. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The provision under the appropriation for child and family services, relating to requirements of section 232.143 for representatives of the department of human services and juvenile court services to establish a plan for continuing group foster care expenditures for the 2008-2009 fiscal year.
2. The section directing the chairpersons of the joint appropriations subcommittee on health and human services to convene a group to review drug product selection.

DIVISION II
 SENIOR LIVING TRUST FUND,
 PHARMACEUTICAL SETTLEMENT ACCOUNT,
 IOWACARE ACCOUNT, HEALTH CARE
 TRANSFORMATION ACCOUNT, AND
 PROPERTY TAX RELIEF FUND

Sec. 39. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of elder affairs for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the development and implementation of a comprehensive senior living program, including case management only if the monthly cost per client for case management for the frail elderly services provided does not exceed an average of \$70, and including program administration and costs associated with implementation:

..... \$ 8,442,707

1. Of the funds appropriated in this section, \$2,196,967 shall be used for case management for the frail elderly. Of the funds allocated in this subsection, \$1,010,000 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The monthly cost per client for case management for the frail elderly services provided shall not exceed an average of \$70.

2. Notwithstanding section 249H.7, the department of elder affairs shall distribute up to \$400,000 of the funds appropriated in this section in a manner that will supplement and maximize federal funds under the federal Older Americans Act and shall not use the amount distributed for any administrative purposes of either the department of elder affairs or the area agencies on aging.

3. Of the funds appropriated in this section, \$60,000 shall be used to provide dementia-specific education to direct care workers and other providers of long-term care to enhance existing or scheduled efforts through the Iowa caregivers association, the Alzheimer's association, and other organizations identified as appropriate by the department.

Sec. 40. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of inspections and appeals for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the inspection and certification of assisted living facilities and adult day care services, including program administration and costs associated with implementation:
 \$ 1,183,303

Sec. 41. DEPARTMENT OF HUMAN SERVICES. There is appropriated from the senior living trust fund created in section 249H.4 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement the medical assistance appropriations made in this Act, including program administration and costs associated with implementation:
 \$ 111,753,195

In order to carry out the purposes of this section, the department may transfer funds appropriated in this section to supplement other appropriations made to the department of human services.

Sec. 42. IOWA FINANCE AUTHORITY. There is appropriated from the senior living trust fund created in section 249H.4 to the Iowa finance authority for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To provide reimbursement for rent expenses to eligible persons:
 \$ 700,000

Participation in the rent subsidy program shall be limited to only those persons who meet the requirements for the nursing facility level of care for home and community-based services waiver services as in effect on July 1, 2008, and to those individuals who are eligible for the federal money follows the person grant program under the medical assistance program.

Sec. 43. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement the appropriations made for medical contracts under the medical assistance program:
 \$ 1,323,833

Sec. 44. APPROPRIATIONS FROM IOWACARE ACCOUNT.

1. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:
 \$ 27,284,584

a. Funds appropriated in this subsection shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this subsection, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

b. Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be allocated in twelve equal monthly payments as provided in section 249J.24.

2. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 35,969,365

The amount appropriated in this subsection shall be distributed only if expansion population claims adjudicated and paid by the Iowa Medicaid enterprise exceed the appropriation to the state board of regents for distribution to the university of Iowa hospitals and clinics provided in subsection 1. The amount appropriated in this subsection shall be distributed monthly for expansion population claims adjudicated and approved for payment by the Iowa Medicaid enterprise using medical assistance program reimbursement rates.

3. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 40,000,000

Notwithstanding any provision of law to the contrary, the amount appropriated in this subsection shall be allocated in twelve equal monthly payments as provided in section 249J.24. Any amount appropriated in this subsection in excess of \$37,000,000 shall be allocated only if federal funds are available to match the amount allocated.

4. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state mental health institute at Cherokee, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population pursuant to chapter 249J:

..... \$ 3,164,766

b. For the state mental health institute at Clarinda, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population pursuant to chapter 249J:

..... \$ 687,779

c. For the state mental health institute at Independence, for salaries, support, maintenance,

and miscellaneous purposes, including services to members of the expansion population pursuant to chapter 249J:

- \$ 3,146,494
- d. For the state mental health institute at Mount Pleasant, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population pursuant to chapter 249J:
- \$ 2,000,961

Sec. 45. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION. Notwithstanding any provision to the contrary, there is appropriated from the account for health care transformation created in section 249J.23 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For the costs of medical examinations and development of personal health improvement plans for the expansion population pursuant to section 249J.6:
- \$ 556,800
- 2. For the provision of a medical information hotline for the expansion population as provided in section 249J.6:
- \$ 150,000
- 3. For other health promotion partnership activities pursuant to section 249J.14:
- \$ 900,000
- 4. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J:
- \$ 400,000
- 5. For administrative costs associated with chapter 249J:
- \$ 1,132,412
- 6. For planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children:
- \$ 1,000,000

The department shall issue a request for proposals for a performance-based contract to implement the dental home for children and shall apply for any waivers from the centers for Medicare and Medicaid services of the United States department of health and human services as necessary to pursue a phased-in approach. The department shall submit progress reports regarding the planning and development of the dental home for children to the medical assistance projections and assessment council on a periodic basis.

- 7. For a mental health transformation pilot program:
- \$ 250,000
- 8. For the tuition assistance for individuals serving individuals with disabilities pilot program as enacted in this Act:
- \$ 500,000
- 9. For payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 that is a participating provider pursuant to chapter 249J:
- \$ 230,000

Disbursements under this subsection shall be made monthly. The hospital shall submit a report following the close of the fiscal year regarding use of the funds appropriated in this subsection to the persons specified in this Act to receive reports.

Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds among the appropriations made in this section as necessary to carry out the purposes of the account for health care transformation. The department shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 46. TRANSFER FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION. There is transferred from the account for health care transformation created pursuant to sec-

tion 249J.23 to the IowaCare account created in section 249J.24 a total of \$3,000,000 for the fiscal year beginning July 1, 2008, and ending June 30, 2009.

Sec. 47. IOWACARE PLAN REPORT. The department of human services, in cooperation with the members of the expansion population provider network as specified in chapter 249J and other interested parties, shall review the current IowaCare program and shall develop a plan for continuation, expansion, or elimination of the IowaCare program beyond June 30, 2010. The plan shall address the issue of establishing a procedure to either transfer an expansion population member who seeks medical care or treatment for a covered service from a non-participating provider to a participating provider in the expansion population provider network, or to compensate the nonparticipating provider for medical care or treatment for a covered service provided to an expansion population member, if transfer is not medically possible or if the transfer is refused and if no other third party is liable for reimbursement for the services provided. The review shall also address the issue of the future of the IowaCare program beyond June 30, 2010, including but not limited to expansion of the provider network beyond the initial network, expansion population member growth projections, member benefits, alternatives for providing health care coverage to the expansion population, and other issues pertinent to the continuation, expansion, or elimination of the program. The department shall report its findings and recommendations to the medical assistance projections and assessment council no later than December 15, 2008.

Sec. 48. PROPERTY TAX RELIEF FUND. There is appropriated from the property tax relief fund created in section 426B.1 to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the medical assistance program in addition to the appropriation made in section 426B.1, subsection 3, and other appropriations made for purposes of the program:
..... \$ 624,000

The appropriation made in this section consists of the revenues credited to the property tax relief fund pursuant to sections 437A.8 and 437A.15 after November 1, 2007, and before April 1, 2008.

Sec. 49. Section 426B.2, subsection 3, Code 2007, is amended to read as follows:

3. a. The director of human services shall draw warrants on the property tax relief fund, payable to the county treasurer in the amount due to a county in accordance with subsection 1 and mail the warrants to the county auditors in July and January of each year.

b. Any replacement generation tax in the property tax relief fund as of ~~November~~ May 1 shall be paid to the county treasurers in July and January of the fiscal year beginning the following July 1. The department of management shall determine the amount each county will be paid pursuant to this lettered paragraph for the following fiscal year. The department shall reduce by the determined amount the amount of each county's certified budget to be raised by property tax for that fiscal year which is to be expended for mental health, mental retardation, and developmental disabilities services and shall revise the rate of taxation as necessary to raise the reduced amount. The department of management shall report the reduction in the certified budget and the revised rate of taxation to the county auditors by June 15.

Sec. 50. MEDICAL ASSISTANCE PROGRAM — REVERSION TO SENIOR LIVING TRUST FUND FOR FY 2008-2009. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2008, and ending June 30, 2009, from the general fund of the state, the senior living trust fund, the healthy Iowans tobacco trust fund, the health care trust fund, and the property tax relief fund are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall be transferred to the senior living trust fund created in section 249H.4.

DIVISION III
MH/MR/DD/BI SERVICES
ALLOWED GROWTH FUNDING —
FY 2008-2009

Sec. 51. Section 225C.5, subsection 1, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. ii. One member shall be an active board member of an agency serving persons with a substance abuse problem selected from nominees submitted by the Iowa behavioral health association.

Sec. 52. NEW SECTION. 225C.19 EMERGENCY MENTAL HEALTH CRISIS SERVICES SYSTEM.

1. For the purposes of this section:

a. “Emergency mental health crisis services provider” means a provider accredited or approved by the department to provide emergency mental health crisis services.

b. “Emergency mental health crisis services system” or “services system” means a coordinated array of crisis services for providing a response to assist an individual adult or child who is experiencing a mental health crisis or who is in a situation that is reasonably likely to cause the individual to have a mental health crisis unless assistance is provided.

2. a. The division shall implement an emergency mental health crises¹² services system in consultation with counties, and community mental health centers and other mental health and social service providers, in accordance with this section.

b. The purpose of the services system is to provide a statewide array of time-limited intervention services to reduce escalation of crisis situations, relieve the immediate distress of individuals experiencing a crisis situation, reduce the risk of individuals in a crisis situation doing harm to themselves or others, and promote timely access to appropriate services for those who require ongoing mental health services.

c. The services system shall be available twenty-four hours per day, seven days per week to any individual who is determined by self or others to be in a crisis situation, regardless of whether the individual has been diagnosed with a mental illness or a co-occurring mental illness and substance abuse disorder, and shall address all ages, income levels, and health coverage statuses.

d. The goals of an intervention offered by a provider under the services system shall include but are not limited to symptom reduction, stabilization of the individual receiving the intervention, and restoration of the individual to a previous level of functioning.

e. The elements of the services system shall be specified in administrative rules adopted by the commission.

3. The services system elements shall include but are not limited to all of the following:

a. Standards for accrediting or approving emergency mental health crisis services providers. Such providers may include but are not limited to a community mental health center, a provider approved in a waiver adopted by the commission to provide services to a county in lieu of a community mental health center, a unit of the department or other state agency, a county, or any other public or private provider who meets the accreditation or approval standards for an emergency mental health crisis services provider.

b. Identification by the division of geographic regions, service areas, or other means of distributing and organizing the emergency mental health crisis services system to ensure statewide availability of the services.

c. Coordination of emergency mental health crisis services with all of the following:

- (1) The district and juvenile courts.
- (2) Law enforcement.
- (3) Judicial district departments of correctional services.
- (4) County central point of coordination processes.

¹² According to enrolled Act; the word “crisis” probably intended

(5) Other mental health, substance abuse, and co-occurring mental illness and substance abuse services available through the state and counties to serve both children and adults.

d. Identification of basic services to be provided through each accredited or approved emergency mental health crisis services provider which may include but are not limited to face-to-face crisis intervention, stabilization, support, counseling, preadmission screening for individuals who may require psychiatric hospitalization, transportation, and follow-up services.

e. Identification of operational requirements for emergency mental health crisis services provider accreditation or approval which may include providing a telephone hotline, mobile crisis staff, collaboration protocols, follow-up with community services, information systems, and competency-based training.

4. The division shall initially implement the program through a competitive block grant process. The implementation shall be limited to the extent of the appropriations provided for the program.

Sec. 53. NEW SECTION. 225C.51 DEFINITIONS.

For the purposes of this division:

1. "Child" or "children" means a person or persons under eighteen years of age.

2. "Children's system" or "mental health services system for children and youth" means the mental health services system for children and youth implemented pursuant to this division.

3. "Functional impairment" means difficulties that substantially interfere with or limit a person from achieving or maintaining one or more developmentally appropriate social, behavioral, cognitive, communicative, or adaptive skills and that substantially interfere with or limit the person's role or functioning in family, school, or community activities. "Functional impairment" includes difficulties of episodic, recurrent, and continuous duration. "Functional impairment" does not include difficulties resulting from temporary and expected responses to stressful events in a person's environment.

4. "Other qualifying mental health disorder" means a mental health crisis or any diagnosable mental health disorder that is likely to lead to mental health crisis unless there is an intervention.

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

6. "Youth" means a person eighteen years of age or older but under twenty-two years of age who met the criteria for having a serious emotional disturbance prior to the age of eighteen.

Sec. 54. NEW SECTION. 225C.52 MENTAL HEALTH SERVICES SYSTEM FOR CHILDREN AND YOUTH — PURPOSE.

1. Establishing a comprehensive community-based mental health services system for children and youth is part of fulfilling the requirements of the division and the commission to facilitate a comprehensive, continuous, and integrated state mental health services plan in accordance with sections 225C.4, 225C.6, and 225C.6A, and other provisions of this chapter. The purpose of establishing the children's system is to improve access for children and youth with serious emotional disturbances and youth with other qualifying mental health disorders to mental health treatment, services, and other support in the least restrictive setting possible so the children and youth can live with their families and remain in their communities. The children's system is also intended to meet the needs of children and youth who have mental health disorders that co-occur with substance abuse, mental retardation, developmental disabilities, or other disabilities. The children's system shall emphasize community-level collaborative efforts between children and youth and the families and the state's systems of education, child welfare, juvenile justice, health care, substance abuse, and mental health.

2. The goals and outcomes desired for the children's system shall include but are not limited to all of the following:

- a. Identifying the mental health needs of children and youth.
- b. Performing comprehensive assessments of children and youth that are designed to identify functional skills, strengths, and services needed.
- c. Providing timely access to available treatment, services, and other support.
- d. Offering information and referral services to families to address service needs other than mental health.
- e. Improving access to needed mental health services by allowing children and youth to be served with their families in the community.
- f. Preventing or reducing utilization of more costly, restrictive care by reducing the unnecessary involvement of children and youth who have mental health needs and their families with law enforcement, the corrections system, and detention, juvenile justice, and other legal proceedings; reducing the involvement of children and youth with child welfare services or state custody; and reducing the placement of children and youth in the state juvenile institutions, state mental health institutes, or other public or private residential psychiatric facilities.
- g. Increasing the number of children and youth assessed for functional skill levels.
- h. Increasing the capacity to develop individualized, strengths-based, and integrated treatment plans for children, youth, and families.
- i. Promoting communications with caregivers and others about the needs of children, youth, and families engaged in the children's system.
- j. Developing the ability to aggregate data and information, and to evaluate program, service, and system efficacy for children, youth, and families being served on a local and state-wide basis.
- k. Implementing and utilizing outcome measures that are consistent with but not limited to the national outcomes measures identified by the substance abuse and mental health services administration of the United States department of health and human services.
- l. Identifying children and youth whose mental health or emotional condition, whether chronic or acute, represents a danger to themselves, their families, school students or staff, or the community.

Sec. 55. NEW SECTION. 225C.53 ROLE OF DEPARTMENT AND DIVISION — TRANSITION TO ADULT SYSTEM.

1. The department is the lead agency responsible for the development, implementation, oversight, and management of the mental health services system for children and youth in accordance with this chapter. The department's responsibilities shall be fulfilled by the division.
2. The division's responsibilities relating to the children's system include but are not limited to all of the following:
 - a. Ensuring that the rules adopted for the children's system provide that, within the limits of appropriations for the children's system, children and youth shall not be inappropriately denied necessary mental health services.
 - b. Establishing standards for the provision of home and community-based mental health treatment, services, and other support under the children's system.
 - c. Identifying and implementing eligibility criteria for the treatment, services, and other support available under the children's system.
 - d. Ongoing implementation of recommendations identified through children's system improvement efforts.
3. An adult person who met the criteria for having a serious emotional disturbance prior to the age of eighteen may qualify to continue services through the adult mental health system.

Sec. 56. NEW SECTION. 225C.54 MENTAL HEALTH SERVICES SYSTEM FOR CHILDREN AND YOUTH — INITIAL IMPLEMENTATION.

1. The mental health services system for children and youth shall be initially implemented by the division commencing with the fiscal year beginning July 1, 2008. The division shall begin implementation by utilizing a competitive bidding process to allocate state block grants to develop services through existing community mental health centers, providers approved in a waiver adopted by the commission to provide services to a county in lieu of a community

mental health center, and other local service partners. The implementation shall be limited to the extent of the appropriations provided for the children’s system.

2. In order to maximize federal financial participation in the children’s system, the division and the department’s Medicaid program staff shall analyze the feasibility of leveraging existing Medicaid options, such as expanding the home and community-based services waiver for children’s mental health services, reviewing the feasibility of implementing other Medicaid options such as the federal Tax Equity and Financial Responsibility Act of 1982 (TEFRA) option for children with severe mental illness or emotional disturbance and Medicaid administrative funding, and determining the need for service enhancements through revisions to the Medicaid state plan and the federal state children’s health insurance program and the healthy and well kids in Iowa program.

3. Initial block grants shall support a wide range of children, youth, and family services and initiatives including but not limited to school-based mental health projects, system reviews providing service gap analysis, status studies of the mental health needs of children and youth in representative areas of the state, and mental health assessment capacity development based in public and nonpublic schools and clinical settings using standard functional assessment tools. The purpose of developing the assessment capacity is to determine childrens’ and youths’ degree of impairment in daily functioning due to emotional, behavioral, psychological, psychiatric, or substance use problems.

4. The initial block grants may also support an array of programs and services including but not limited to mobile crisis intervention services, or other support intended to prevent more intensive or in-patient interventions, skills training, intensive care coordination, and cognitive-behavioral and multisystemic family therapy. In addition, support may be provided for prevention-oriented services including mental health consultations regarding home visits, child welfare, juvenile justice, and maternal and child health services, and consultation for preschool programs.

5. The division shall report regularly to the commission, general assembly, and governor concerning the implementation status of the children’s system, including but not limited to an annual report submitted each January. The report may address funding requirements and statutory amendments necessary to further develop the children’s system.

Sec. 57. Section 331.439, subsection 1, paragraph a, Code Supplement 2007, is amended to read as follows:

a. The county accurately reported by December 1 the county’s expenditures for mental health, mental retardation, and developmental disabilities services and the information required under section 225C.6A, subsection 2, paragraph “c”, for the previous fiscal year on forms prescribed by rules adopted by the state commission. If the department determines good cause exists, the department may extend a deadline otherwise imposed under this chapter, chapter 225C, or chapter 426B for a county’s reporting concerning mental health, mental retardation, or developmental disabilities services or related revenues and expenditures.

Sec. 58. 2007 Iowa Acts, chapter 215, section 1, is amended to read as follows:

SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS — FISCAL YEAR 2008-2009.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2008-2009, and for the brain injury services program in the department of public health:

.....	\$	64,600,002
		<u>54,081,310</u>

2. The amount appropriated in this section shall be allocated as provided in a later enactment of the general assembly.

2. There is appropriated from the property tax relief fund to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment, as provided in this section in lieu of the provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:

..... \$ 7,592,099

Sec. 59. 2007 Iowa Acts, chapter 215, section 1, as amended by this division of this Act, is amended by adding the following new subsections:

NEW SUBSECTION. 3. Of the amount appropriated in subsection 1, \$12,000,000 shall be distributed as provided in this subsection.

a. To be eligible to receive a distribution under this subsection, a county must meet the following requirements:

(1) The county is levying for the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year beginning July 1, 2008, or the county is levying for at least 90 percent of the maximum amount allowed for the county's services fund and that levy rate is more than \$2 per \$1,000 of the assessed value of all taxable property in the county.

(2) In the fiscal year beginning July 1, 2007, the county's mental health, mental retardation, and developmental disabilities services fund ending balance under generally accepted accounting principles was equal to or less than 15 percent of the county's actual gross expenditures for that fiscal year.

b. A county's allocation of the amount appropriated in this subsection shall be determined based upon the county's proportion of the general population of the counties eligible to receive an allocation under this subsection. The most recent population estimates issued by the United States bureau of the census shall be applied in determining population for the purposes of this paragraph.

c. The allocations made pursuant to this subsection are subject to the distribution provisions and withholding requirements established in this section for the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for the fiscal year beginning July 1, 2008.

NEW SUBSECTION. 4. The funding appropriated in this section is the allowed growth factor adjustment for fiscal year 2008-2009, and shall be credited to the allowed growth funding pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... \$ 49,673,409

NEW SUBSECTION. 5. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for fiscal year 2008-2009 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

a. For calculation of a distribution amount for eligible counties from the allowed growth funding pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1:

..... \$ 57,337,985

b. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in the appropriation made for the MH/DD community services fund for the fiscal year beginning July 1, 2008:

..... \$ 17,727,890

NEW SUBSECTION. 6. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 5 for purposes of producing preliminary distribution totals, the department of human services shall apply a withholding factor to adjust an eligible individual county's preliminary distribution total. In order to be eligible for a distribution under this section, a county must be levying seventy percent or more of the maximum amount allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A for taxes due and payable in the fiscal year for which the distribution is payable. An ending balance percentage for each county shall be determined by expressing the county's ending balance on a modified accrual basis under generally accepted accounting principles for the fiscal year beginning July 1, 2007, in the county's mental health, mental retardation, and developmental disabilities services fund created under section 331.424A, as a percentage of the county's gross expenditures from that fund for that fiscal year. If a county borrowed moneys for purposes of providing services from the county's services fund on or before July 1, 2007, and the county's services fund ending balance for that fiscal year includes the loan proceeds or an amount designated in the county budget to service the loan for the borrowed moneys, those amounts shall not be considered to be part of the county's ending balance for purposes of calculating an ending balance percentage under this subsection. The withholding factor for a county shall be the following applicable percent:

a. For an ending balance percentage of less than 5 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 3 percent of the gross expenditures reported for the county's services fund for the fiscal year.

b. For an ending balance percentage of 5 percent or more but less than 10 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 2 percent of the gross expenditures reported for the county's services fund for the fiscal year.

c. For an ending balance percentage of 10 percent or more but less than 25 percent, a withholding factor of 25 percent. However, for counties with an ending balance percentage of 10 percent or more but less than 15 percent, the amount withheld shall be limited to the amount by which the county's ending balance was in excess of the ending balance percentage of 10 percent.

d. For an ending balance percentage of 25 percent or more, a withholding percentage of 100 percent.

NEW SUBSECTION. 7. The total withholding amounts applied pursuant to subsection 6 shall be equal to a withholding target amount of \$7,664,576. If the department of human services determines that the amount to be withheld in accordance with subsection 6 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 6 as necessary to achieve the target withholding amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall not adjust the zero withholding factor or the inflation adjustment percentage specified in subsection 6, paragraph "a".

NEW SUBSECTION. 8. It is the intent of the general assembly that for distribution of the moneys addressed in this section to counties for the fiscal year beginning July 1, 2009, any factor utilizing services fund ending balances will be based upon the fiscal year beginning July 1, 2007, and a levy rate will be required for the fiscal year beginning July 1, 2009, that is at least 90 percent of the maximum allowed for the county's mental health, mental retardation, and developmental disabilities services fund under section 331.424A.

NEW SUBSECTION. 9. a. The department of human services may implement a pilot project for a regional service network established for mental health, mental retardation, and developmental disabilities services paid from the services funds under section 331.424A. The initial term of the pilot project is limited to the two-year period beginning July 1, 2008, and ending June 30, 2010.

b. Under the pilot project, the department may enter into an agreement with the counties

participating in the pilot project to administer a risk-based contract for the mental health, mental retardation, and developmental disabilities services provided by the participating counties. The pilot project provisions may include but are not limited to all of the following:

- (1) Pooling of the participating counties services fund moneys.
 - (2) Pooling of waiver slots for the participating counties.
 - (3) To the extent allowed under federal requirements, decategorizing the funding streams for mental health, mental retardation, and developmental disabilities available to the counties participating in the pilot project.
 - (4) If the department implements a new program, initiative, or service addressing the needs of the populations receiving services paid for by a county services fund, adapting any associated requirements to optimize implementation within the pilot project counties.
- c. For purposes of qualifying for the allowed growth and MH/DD community services fund moneys distributed under this section, the minimum levy and services fund ending balances of the counties participating in the pilot project may be combined and an average utilized to qualify for the moneys.
- d. For the allowed growth and MH/DD community services fund moneys distributed for the fiscal year beginning July 1, 2009, provided the counties participating in the pilot project do not reduce levies below the required percentages, the combined percentage of those moneys of such counties shall not be less than the combined percentage of such moneys in the preceding fiscal year.
- e. A county's participation in the pilot project and the provisions of the pilot project must be agreed upon by the department and the board of supervisors of each of the counties participating in the pilot project.
- f. The department may specify a minimum population level and other prerequisites for the consortium of counties participating in the pilot project.
- g. The pilot project counties shall provide periodic performance and evaluation information to the department, governor, and general assembly.

Sec. 60. COUNTY-STATE SHARED FUNDING FOR MENTAL HEALTH AND DISABILITY SERVICES COVERED BY THE MEDICAID PROGRAM.

1. The legislative council is requested to authorize for the 2008 legislative interim a task force to consider county-state shared funding for mental health and disability services covered by the Medicaid program. The membership of the task force should include five legislators from each chamber, one member of the mental health, mental retardation, developmental disabilities, and brain injury (MH/MR/DD/BI) commission; three members of county boards of supervisors, with one each from a large, medium, and small population county; three staff members from the county central point of coordination (CPC) office, with one each from a large, medium, and small population county; two individuals representing advocacy organizations, one of which shall be the governor's developmental disabilities council; one current consumer of county MH/MR/DD services; and one MH/MR/DD/BI service provider representative from each of the state's five congressional districts. The task force shall utilize a facilitator to assist the process.

2. The task force should be charged to review and estimate the shared impact for the state and for Iowa counties if financial responsibility for the nonfederal share of the costs of mental health and disability services covered under the Medicaid program is shifted from counties to the state. The task force should be charged to develop an eight-year transition plan that reflects the shared responsibility of costs and service delivery resulting from the shift in responsibilities. It is the intent of the general assembly that the task force will be formed by June 15, 2008, and meet a minimum of four times in 2008.

3. In addition to legislative staff, representatives of the department of management, the Iowa state association of counties, the department of human services, association of community providers, and Iowa substance abuse program directors association shall comprise a team of resource experts to the task force.

4. The task force's final report for consideration by the 2009 regular session of the general

assembly and governor shall include findings and recommendations and a service delivery and funding transition plan.

Sec. 61. COMMUNITY MENTAL HEALTH CENTER LAW UPDATE.

1. The division of mental health and disability services of the department of human services and the mental health, mental retardation, developmental disabilities, and brain injury commission, shall develop a proposal for updating and revising Code chapter 230A, relating to community mental health centers, and for revising the accreditation standards in rule that would result from the statutory revisions. An advisory committee shall be utilized in developing the proposal. In addition to interests represented on the commission, the advisory committee membership shall include but is not limited to representatives of the following: the child welfare advisory committee established pursuant to section 234.3, the coalition for family and children’s services in Iowa, the Iowa chapter of the national association of social workers, the Iowa psychological society, and the Iowa psychiatric society.

2. The proposal content shall include but is not limited to addressing Code chapter 230A requirements in the following areas: establishment and support of community mental health centers, services offered, consumer and family involvement, capability to address co-occurring disorders, forms of organization, board of directors, organization meetings, duties and powers of directors, center organization as a nonprofit entity, annual budget, financial support of centers through federal and state block grants, comprehensive community mental health programs, target populations to be served, emergency mental health crisis services, quality improvement programs, use of evidence-based practices, use of functional assessments and outcomes measures, establishment of standards, and review and evaluation processes.

3. The proposal, accompanied by findings and recommendations, shall be submitted to the governor and general assembly on or before December 1, 2008. Until that report has been considered and acted upon by the general assembly, the division administrator may defer consideration of requests for accreditation of a new community mental health center or for approval of a provider to fill the role of a community mental health center.

DIVISION IV
HEALTH CARE TRUST FUND APPROPRIATIONS —
HEALTH CARE ACTIVITIES

Sec. 62. DEPARTMENT OF PUBLIC HEALTH. The allocations made in this section may include amounts carried forward from appropriations and allocations made for the same purposes in the previous fiscal year. In addition to any other appropriation made in this Act for the purposes designated, there is appropriated from the health care trust fund created in section 453A.35A to the department of public health for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, for the purposes designated, and for not more than the following full-time equivalent positions:

1. ADDICTIVE DISORDERS		
.....	\$	3,195,164
.....	FTEs	5.00

a. Of the funds appropriated in this subsection, \$450,000 shall be used for culturally competent substance abuse treatment pilot projects.

(1) The department shall utilize the amount allocated in this lettered paragraph for at least three pilot projects to provide culturally competent substance abuse treatment in various areas of the state. Each pilot project shall target a particular ethnic minority population. The populations targeted shall include but are not limited to African-American, Asian, and Latino.

(2) The pilot project requirements shall provide for documentation or other means to ensure access to the cultural competence approach used by a pilot project so that such approach can be replicated and improved upon in successor programs.

b. Of the funds appropriated in this subsection, \$2,747,754 shall be used for tobacco use prevention, cessation, and treatment. The department shall utilize the funds to provide for a vari-

ety of activities related to tobacco use prevention, cessation, and treatment including to support Quitline Iowa, QuitNet cessation counseling and education, grants to school districts and community organizations to support Just Eliminate Lies youth chapters and youth tobacco prevention activities, the Just Eliminate Lies tobacco prevention media campaign, nicotine replacement therapy, and other prevention and cessation materials and media promotion. Of the funds allocated in this lettered paragraph, \$255,000 may be utilized by the department for administrative purposes.

c. Of the funds appropriated in this subsection, \$922,000 shall be used for substance abuse treatment activities.

2. HEALTHY CHILDREN AND FAMILIES

..... \$ 667,700
..... FTEs 1.00

a. Of the funds appropriated in this subsection, \$200,000 shall be used to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

b. Of the funds appropriated in this subsection, \$180,000 shall be used for childhood obesity prevention.

c. Of the funds appropriated in this subsection, \$39,000 shall be used for the dental screening of children program pursuant to 2007 Iowa Acts, chapter 146, section 1.

d. Of the funds appropriated in this subsection, \$10,000 shall be used for public health education and awareness of the children’s vision initiatives, including the InfantSee program and the student vision program, administered through a statewide association of optometric professionals for infants and preschool children.

e. Of the funds appropriated in this subsection, \$238,500 shall be used to provide audiologic services and hearing aids for children. The department may enter into a contract to administer this paragraph.

f. It is the intent of the general assembly that the department of public health shall implement the recommendations of the postnatal tissue and fluid bank task force created in 2007 Iowa Acts, chapter 147, based upon the report submitted to the general assembly in November 2007, as funding becomes available. The department shall notify the Iowa Code editor and the persons specified in this Act to receive reports when such funding becomes available.

3. CHRONIC CONDITIONS

..... \$ 1,164,181
..... FTEs 1.00

a. Of the funds appropriated in this subsection, \$473,981 shall be used for child health specialty clinics.

b. Of the funds appropriated in this subsection, \$500,000 shall be used for the comprehensive cancer control program to reduce the burden of cancer in Iowa through prevention, early detection, effective treatment, and ensuring quality of life. The department shall utilize one of the full-time equivalent positions authorized in this subsection for administration of the activities related to the comprehensive cancer control program.

c. Of the funds appropriated in this subsection, \$5,000 shall be used for the hemophilia advisory council¹³ pursuant to chapter 135N.

d. Of the funds appropriated in this subsection, \$200,000 shall be used for cervical and colon cancer screening.

4. COMMUNITY CAPACITY

..... \$ 2,790,000
..... FTEs 6.00

a. Of the funds appropriated in this subsection, \$75,000 shall be used to further develop and implement at the state level, and pilot at the local level, the Iowa public health standards approved by the department.

b. Of the funds appropriated in this subsection, \$200,000 shall be used for the mental health professional shortage area program implemented pursuant to section 135.80.

¹³ According to enrolled Act; the word “committee” probably intended

c. Of the funds appropriated in this subsection, \$50,000 shall be used for a grant to a state-wide association of psychologists that is affiliated with the American psychological association to be used for continuation of a program to rotate intern psychologists in placements in urban and rural mental health professional shortage areas, as defined in section 135.80.

d. Of the funds appropriated in this subsection, the following amounts shall be allocated to the Iowa collaborative safety net provider network established pursuant to section 135.153 to be used for the purposes designated:

- (1) For distribution to the Iowa-Nebraska primary care association for statewide coordination of the Iowa collaborative safety net provider network:

	\$ 100,000
--	------------
- (2) For distribution to the Iowa family planning network agencies for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

	\$ 100,000
--	------------
- (3) For distribution to the local boards of health that provide direct services for pilot programs in three counties to assist patients in determining an appropriate medical home:

	\$ 100,000
--	------------
- (4) For distribution to maternal and child health centers for pilot programs in three counties to assist patients in determining an appropriate medical home:

	\$ 100,000
--	------------
- (5) For distribution to free clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

	\$ 250,000
--	------------
- (6) For distribution to rural health clinics for necessary infrastructure, statewide coordination, provider recruitment, service delivery, and provision of assistance to patients in determining an appropriate medical home:

	\$ 150,000
--	------------
- (7) For continuation of the safety net provider patient access to specialty health care initiative as described in 2007 Iowa Acts, ch. 218, section 109:

	\$ 400,000
--	------------
- (8) For continuation of the pharmaceutical infrastructure for safety net providers as described in 2007 Iowa Acts, ch. 218, section 108:

	\$ 400,000
--	------------

The Iowa collaborative safety net provider network may continue to distribute funds allocated pursuant to this paragraph "d" through existing contracts or renewal of existing contracts.

e. Of the funds appropriated in this subsection, \$650,000 shall be used for the incubation grant program to community health centers that receive a total score of 85 based on the evaluation criteria of the health resources and services administration of the United States department of health and human services.

f. Of the funds appropriated in this subsection, \$75,000 shall be used for implementation of the recommendations of the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, based upon the report submitted to the governor and the general assembly in December 2006.

g. Of the funds appropriated in this subsection, \$140,000 shall be used for allocation to an independent statewide direct care worker association for education, outreach, leadership development, mentoring, and other initiatives intended to enhance the recruitment and retention of direct care workers in health and long-term care.

h. The department shall utilize one of the full-time equivalent positions authorized in this subsection for administration of the activities related to the Iowa collaborative safety net provider network.

i. The department shall utilize one of the full-time equivalent positions authorized in this subsection for administration of the voluntary health care provider program pursuant to section 135.24.

Sec. 63. DEPARTMENT OF HUMAN SERVICES. In addition to any other appropriation made in this Act for the purposes designated, there is appropriated from the health care trust fund created in section 453A.35A to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. MEDICAL ASSISTANCE
..... \$ 114,943,296

Of the funds appropriated in this subsection, \$250,000 shall be used for the grant to the Iowa healthcare collaborative as described in section 135.40.

2. MH/MR/DD ALLOWED GROWTH FACTOR
..... \$ 7,592,099

The funds appropriated in this subsection shall be credited to the property tax relief fund created in section 426B.1.

Sec. 64. BEHAVIORAL HEALTH — DEVELOPING WORKFORCE COMPETENCIES.

1. The department of public health shall continue during the fiscal year beginning July 1, 2008, the collaborative work with the departments of corrections, education, elder affairs, and human services, and other state agencies, commenced pursuant to 2007 Iowa Acts, ch. 218, section 111, to enhance the workforce competencies of professional and direct care staff who provide behavioral health services, including but not limited to all of the following:

- a. Treatment of persons with co-occurring mental health and substance use disorders.
- b. Treatment of children with mental health or substance use disorders.
- c. Treatment of persons with serious mental illness.
- d. Treatment of veterans of United States or Iowa military service with mental health or substance use disorders.
- e. Treatment of older adults with mental health or substance use disorders.

2. The department’s collaborative effort shall utilize the findings of the substance abuse and mental health services administration of the United States department of health and human services and materials developed by the Annapolis coalition on the behavioral health workforce in planning and implementing efforts to enhance the competency-based training of the state’s behavioral health workforce.

DIVISION V
APPROPRIATION-RELATED CHANGES — EFFECTIVE DATE

Sec. 65. Section 35D.18, subsection 5, Code 2007, is amended to read as follows:

5. Notwithstanding section 8.33, ~~up to five hundred thousand dollars of any balance in the Iowa veterans home revenue~~ annual appropriation or revenues that remain ~~remains~~ unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for specified purposes of the Iowa veterans home until the close of the succeeding fiscal year.

JUVENILE DETENTION HOME FUND

Sec. 66. HEALTHY IOWANS TOBACCO TRUST. There is appropriated from the healthy Iowans tobacco trust created in section 12.65, to the department of human services for the fiscal year beginning July 1, 2007, and ending June 30, 2008, for deposit in the juvenile detention home fund created in section 232.142:

..... \$ 1,000,000

CHILD WELFARE DECATEGORIZATION
FY 2006-2007 NONREVERSION

Sec. 67. 2006 Iowa Acts, chapter 1184, section 17, subsection 4, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 232.188, subsection 5, mon-

eyes from the allocations made in this subsection or made from any other source for the decategorization of child welfare and juvenile justice funding initiative under section 232.188, that are designated as carryover funding and that remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2007, shall not revert but shall remain available for expenditure until the close of the succeeding fiscal year to be used for the purposes of continuing the initiative in the succeeding fiscal year.

VIETNAM CONFLICT VETERANS BONUS FUND

Sec. 68. 2007 Iowa Acts, chapter 176, section 3, is amended by adding the following new unnumbered paragraph:

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

INJURED VETERANS GRANT PROGRAM

Sec. 69. 2006 Iowa Acts, chapter 1184, section 5, as enacted by 2007 Iowa Acts, chapter 203, section 1, subsection 4, unnumbered paragraph 2, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year beginning July 1, 2008.

DEPARTMENT OF ELDER AFFAIRS — LIVABLE COMMUNITY INITIATIVE

Sec. 70. 2007 Iowa Acts, chapter 215, section 32, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

CHRONIC CONDITIONS — PKU

Sec. 71. 2007 Iowa Acts, chapter 218, section 2, subsection 3, unnumbered paragraph 2, is amended to read as follows:

Of the funds appropriated in this subsection, \$100,000 shall be used as additional funding to provide grants to individual patients who have phenylketonuria (PKU) to assist with the costs of necessary special foods. Notwithstanding section 8.33, moneys appropriated in this subsection and allocated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

PUBLIC PROTECTION — ANTIVIRAL STOCKPILE

Sec. 72. 2007 Iowa Acts, chapter 218, section 2, subsection 8, paragraph d, is amended to read as follows:

d. Of the funds appropriated in this subsection, \$150,000 shall be used for management of the antiviral stockpile. Notwithstanding section 8.33, moneys appropriated in this subsection and allocated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

Sec. 73. 2007 Iowa Acts, chapter 218, section 4, subsection 1, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, up to \$100,000 of the moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this paragraph until the close of the succeeding fiscal year. The purposes shall include the sign for the veterans cemetery and other necessary expenses.

COUNTY GRANT PROGRAM

Sec. 74. 2007 Iowa Acts, chapter 218, section 4, subsection 4, unnumbered paragraph 3, is amended to read as follows:

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to the fund from which appropriated but shall be credited to the veterans trust fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
BLOCK GRANT — CHILD CARE

Sec. 75. 2007 Iowa Acts, chapter 218, section 7, subsections 1 and 7, are amended to read as follows:

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

.....	\$	36,890,944
		<u>28,390,944</u>

7. For state child care assistance:	\$	18,986,177
.....		<u>27,486,177</u>

a. Of the funds appropriated in this subsection, up to \$18,986,177 shall be transferred to the child care and development block grant appropriation made for the federal fiscal year beginning October 1, 2007, and ending September 30, 2008, in 2007 Iowa Acts, ch. 204, section 14. Of this amount, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. The Any funds appropriated in this subsection shall be transferred to the child care and development block grant appropriation that remain unallocated shall be used for state child care assistance payments for individuals enrolled in the family investment program who are employed.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM

Sec. 76. 2007 Iowa Acts, chapter 218, section 7, subsection 3, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. However, unless such moneys are encumbered or obligated on or before September 30, 2008, the moneys shall revert.

FAMILY INVESTMENT PROGRAM — TRANSITIONAL BENEFITS

Sec. 77. 2007 Iowa Acts, chapter 218, section 8, subsection 4, paragraph d, is amended to read as follows:

~~d. For developing and implementing a new program to provide transitional benefits to families with members who are employed at the time the family leaves the family investment program in accordance with section 239B.11A, as enacted by this Act:~~

~~..... \$ 2,000,000
The department may adopt emergency rules to implement the new program.~~

CHILDREN'S HEALTH INSURANCE PROGRAM

Sec. 78. 2007 Iowa Acts, chapter 218, section 15, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding sections 8.33 and 514I.11, up to \$441,000 of the moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any other fund but shall instead be transferred to the appropriation made in section 16 of this Act for child care assistance to be used for the state child care assistance program until the close of the succeeding fiscal year.

CHILD AND FAMILY SERVICES
TRANSFER FOR CHILD CARE

Sec. 79. 2007 Iowa Acts, chapter 218, section 18, subsection 3, is amended to read as follows:

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

CHILD AND FAMILY SERVICES FY 2007-2008

Sec. 80. 2007 Iowa Acts, chapter 218, section 18, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. Notwithstanding sections 8.33 and 232.188, up to \$6,600,000 of the funds appropriated in this section that could otherwise be designated as carryover funding under section 232.188 and that would remain unencumbered or unobligated at the close of the fiscal year shall instead be transferred to the appropriation made in section 16 of this Act for child care assistance to be used for the state child care assistance program until the close of the succeeding fiscal year.

CHILD AND FAMILY SERVICES
PROTECTIVE CHILD CARE

Sec. 81. 2007 Iowa Acts, chapter 218, section 18, subsection 9, is amended to read as follows:

9. Of the funds appropriated in this section, at least \$3,696,285 shall be used for protective child care assistance.

JUVENILE DETENTION FUNDING

Sec. 82. 2007 Iowa Acts, chapter 218, section 20, is amended to read as follows:

SEC. 20. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile deten-

tion home fund created in section 232.142 during the fiscal year beginning July 1, 2007, and ending June 30, 2008, are appropriated to the department of human services for the fiscal year beginning July 1, 2007, and ending June 30, 2008, for distribution as follows:

1. ~~An~~ The following amount which is equal to more than 10 percent of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2006. Moneys appropriated for distribution in accordance with this subsection shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2006. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2007, shall be limited to the amount appropriated for the purposes of this subsection.:

..... \$ 3,764,041

2. For renewal of a grant to a county with a population between 189,000 and 196,000 in the latest preceding certified federal census for implementation of the county's runaway treatment plan under section 232.195:

..... \$ 80,000

3. For continuation and expansion of the community partnership for child protection sites:

..... \$ 418,000

4. For continuation of the department's minority youth and family projects under the redesign of the child welfare system:

..... \$ 375,000

5. For funding of the state match for the federal substance abuse and mental health services administration (SAMHSA) system of care grant:

..... \$ 400,000

..... 300,000

6. ~~For transfer to the appropriation made in this Act for child and family services to supplement the statewide expenditure target amount under section 232.143 designated in the appropriation made in this Act for child and family services:~~

..... \$ 1,324,000

7. For training of nonlicensed relatives caring for children in the child welfare system:

..... \$ 276,000

8. ~~6.~~ The remainder for additional allocations to county or multicounty juvenile detention homes, in accordance with the distribution requirements of subsection 1 shall be credited to the appropriation made in section 18 of this Act for child and family services to supplement the statewide expenditure target amount under section 232.143 designated in that appropriation. Notwithstanding section 8.33, moneys credited pursuant to this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for caseload growth in the preparation for adult living program pursuant to section 234.46 until the close of the succeeding fiscal year.

MI/MR/DD STATE CASES
ADDICTIVE DISORDERS

Sec. 83. 2007 Iowa Acts, chapter 218, section 25, subsection 3, is amended to read as follows:

3. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. The first \$300,000 of such moneys shall be transferred to the appropriation made from the general fund of the state to the department of public health for addictive disorders for the fiscal year beginning July 1, 2008, to be used for substance abuse treatment activities.

MH/DD COMMUNITY SERVICES FUND
TRANSFER FOR ADDICTIVE DISORDERS

Sec. 84. 2007 Iowa Acts, chapter 218, section 26, subsection 6, is amended to read as follows:

6. Of the funds appropriated in this section, \$260,000 is allocated to the department for continuing the development of an assessment process for use beginning in a subsequent fiscal year as authorized specifically by a statute to be enacted in a subsequent fiscal year, determining on a consistent basis the needs and capacities of persons seeking or receiving mental health, mental retardation, developmental disabilities, or brain injury services that are paid for in whole or in part by the state or a county. The assessment process shall be developed with the involvement of counties and the mental health, mental retardation, developmental disabilities, and brain injury commission. Notwithstanding section 8.33, moneys allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall be transferred to the appropriation made from the general fund of the state to the department of public health for addictive disorders for the fiscal year beginning July 1, 2008, to be used for substance abuse treatment activities.

SEXUALLY VIOLENT PREDATORS

Sec. 85. 2007 Iowa Acts, chapter 218, section 27, is amended by adding the following new subsection:

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

DEPARTMENT OF HUMAN SERVICES FIELD OPERATIONS

Sec. 86. 2007 Iowa Acts, chapter 218, section 28, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, up to \$1,500,000 of the moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DEPARTMENT OF HUMAN SERVICES GENERAL ADMINISTRATION

Sec. 87. 2007 Iowa Acts, chapter 218, section 29, is amended by adding the following new subsections:

NEW SUBSECTION. 4. Of the funds appropriated in this section, \$1,000,000 is transferred to the juvenile detention home fund created in section 232.142.

NEW SUBSECTION. 5. Notwithstanding section 8.33, up to \$110,000 of the moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

ADJUSTMENT OF PHARMACY DISPENSING FEE

Sec. 88. 2007 Iowa Acts, chapter 218, section 31, subsection 1, paragraph b, is amended to read as follows:

b. (1) For the fiscal year beginning July 1, 2007, the department shall reimburse pharmacy dispensing fees using a single rate of \$4.52 per prescription, or the pharmacy's usual and customary fee, whichever is lower.

(2) Beginning July 1, 2007, the department of human services shall adopt rules, pursuant to chapter 17A, to provide for the adjustment of the pharmacy dispensing fee to compensate for any reduction in the drug product cost reimbursement resulting from implementation of the average manufacturer price reimbursement standards for multisource generic drug products imposed pursuant to the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171. In implementing the reimbursement, the department may adjust the reimbursement amount as necessary to provide reimbursement within the state funding appropriated for the fiscal year beginning July 1, 2007, and ending June 30, 2008, for this purpose. The department shall submit a medical assistance state plan amendment to the centers for Medicare and Medicaid services of the United States department of health and human services as necessary to implement this subparagraph (2).

PHARMACEUTICAL SETTLEMENT ACCOUNT

Sec. 89. 2007 Iowa Acts, chapter 218, section 72, is amended to read as follows:

SEC. 72. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement the appropriations made for medical contracts under the medical assistance program:

.....	\$	1,323,833
		<u>1,349,833</u>

Of the funds appropriated in this section, notwithstanding section 249A.33, \$26,000 is transferred to the appropriation made in this Act from the general fund of the state to the department of public health for chronic conditions to be used for the center for congenital and inherited disorders established pursuant to section 136A.3.

IOWACARE COSTS

Sec. 90. 2007 Iowa Acts, chapter 218, section 74, is amended by adding the following new subsections:

NEW SUBSECTION. 8. For payment to the publicly owned acute care teaching hospital located in a county with a population of over 350,000 included in the expansion population provider network pursuant to chapter 249J:

.....	\$	230,000
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Disbursements under this subsection shall be made monthly. The hospital shall submit a report following the close of the fiscal year regarding use of the funds appropriated in this subsection to the persons specified in this Act to receive reports.

NEW SUBSECTION. 9. For the medical assistance program only to the extent all other appropriations made for the program are insufficient:

.....	\$	2,500,000
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TRANSFER OF BRAIN INJURY FUNDING TO MEDICAL ASSISTANCE

Sec. 91. 2006 Iowa Acts, chapter 1185, section 1, subsection 2, as amended by 2007 Iowa Acts, chapter 218, section 83, subsection 2, paragraph c, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of law to the contrary, moneys that were transferred to the department of public health pursuant to this paragraph "c" that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall instead be transferred to the department of human services to the appropriation made for the medical assistance program in 2007 Iowa Acts, chapter 218, section 11. Notwithstanding section 8.33, the transferred moneys shall not revert at the close of the fiscal year but

shall instead remain available to be used for the medical assistance program in the succeeding fiscal year.

HEALTH CARE TRUST FUND
DEPARTMENT OF PUBLIC HEALTH — ADDICTIVE DISORDERS

Sec. 92. 2007 Iowa Acts, chapter 218, section 97, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys appropriated and allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

HEALTH CARE TRUST FUND — DEPARTMENT OF
PUBLIC HEALTH — HEALTHY CHILDREN AND FAMILIES

Sec. 93. 2007 Iowa Acts, chapter 218, section 97, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Notwithstanding section 8.33, moneys appropriated and allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

HEALTH CARE TRUST FUND — DEPARTMENT OF
PUBLIC HEALTH — CHRONIC CONDITIONS

Sec. 94. 2007 Iowa Acts, chapter 218, section 97, subsection 3, is amended by adding the following new paragraph:

NEW PARAGRAPH. dd. Notwithstanding section 8.33, moneys appropriated and allocated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

HEALTH CARE TRUST FUND — DEPARTMENT OF
HUMAN SERVICES — STATE CHILDREN'S
HEALTH INSURANCE PROGRAM

Sec. 95. 2007 Iowa Acts, chapter 218, section 98, subsection 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys appropriated in this subsection that are allocated for outreach and remain unencumbered or unobligated at the close of the fiscal year, shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 96. Section 239B.11A, Code Supplement 2007, is repealed.

Sec. 97. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI
PRIOR YEAR APPROPRIATION CHANGES

Sec. 98. 2007 Iowa Acts, chapter 214, section 9, subsection 2, paragraph b, is amended to read as follows:

b. Psychiatric hospital

For salaries, support, maintenance, equipment, miscellaneous purposes, for the care, treat-

ment, and maintenance of committed and voluntary public patients, and for not more than the following full-time equivalent positions:

.....	\$	7,043,056
.....		<u>0</u>
.....	FTEs	269.65

Sec. 99. 2007 Iowa Acts, chapter 215, section 15, unnumbered paragraph 1, is amended to read as follows:

There is appropriated from the general fund of the state to the salary adjustment fund for distribution by the department of management to the various state departments, boards, commissions, councils, and agencies, including the state board of regents except as otherwise provided, and the judicial branch, for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the amount of \$106,848,094 \$106,569,196, or so much thereof as may be necessary, to fully fund annual pay adjustments, expense reimbursements, and related benefits implemented pursuant to the following:

Sec. 100. 2007 Iowa Acts, chapter 215, section 15, is amended by adding the following new subsection:

NEW SUBSECTION. 16. The amount distributed to the state psychiatric hospital administered by the state board of regents from the appropriation in this section shall be reduced to zero.

Sec. 101. 2007 Iowa Acts, chapter 218, section 11, unnumbered paragraph 2, is amended to read as follows:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2007, except as otherwise expressly authorized by law, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

.....	\$	616,771,820
		<u>631,593,774</u>

Sec. 102. 2007 Iowa Acts, chapter 218, section 11, is amended by adding the following new subsections:

NEW SUBSECTION. 17. a. Of the funds appropriated in this section, \$2,797,719 is allocated for state match for disproportionate share hospital payment of \$7,321,954 to hospitals that meet both of the following conditions:

(1) The hospital qualifies for disproportionate share and graduate medical education payments.

(2) The hospital is an Iowa state-owned hospital with more than 500 beds and eight or more distinct residency specialty or subspecialty programs recognized by the American college of graduate medical education.

b. Distribution of the disproportionate share payment shall be made on a monthly basis. The total amount of disproportionate share payments including graduate medical education, enhanced disproportionate share, and Iowa state-owned teaching hospital payments shall not exceed the amount of the state's allotment under Pub. L. No. 102-234. In addition, the total amount of all disproportionate share payments shall not exceed the hospital-specific disproportionate share limits under Pub. L. No. 103-66.

NEW SUBSECTION. 18. Of the funds appropriated in this section, \$4,524,235 is transferred to the IowaCare account created in section 249J.24 for the fiscal year beginning July 1, 2007, and ending June 30, 2008.

NEW SUBSECTION. 19. The department shall immediately notify the governor and the general assembly of any changes in federal policies or application of policies that impact the distribution of hospital disproportionate share payments.

Sec. 103. 2007 Iowa Acts, chapter 218, section 73, subsection 2, is amended to read as follows:

2. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

.....	\$	10,000,000
		<u>25,684,211</u>

The amount appropriated in this subsection shall be distributed only if expansion population claims adjudicated and paid by the Iowa Medicaid enterprise exceed the appropriation to the state board of regents for distribution to the university of Iowa hospitals and clinics provided in subsection 1. The amount appropriated in this subsection shall be distributed monthly for expansion population claims adjudicated and approved for payment by the Iowa Medicaid enterprise using medical assistance program reimbursement rates.

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

Sec. 104. EFFECTIVE DATE — RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to December 21, 2007.

DIVISION VII
CODE CHANGES

Sec. 105. Section 28.9, subsection 5, Code 2007, is amended to read as follows:

5. A ~~community empowerment gifts and grants~~ first years first account is created in the Iowa empowerment fund under the authority of the department of management. The account shall consist of gift or grant moneys obtained from any source, including but not limited to the federal government. Moneys credited to the account are appropriated to the department of management to be used for the community empowerment-related purposes for which the moneys were received.

Sec. 106. Section 135.22B, subsections 3 and 4, Code Supplement 2007, are amended to read as follows:

3. PURPOSE. The purpose of the brain injury services program is to provide services, service funding, or other support for persons with a brain injury under ~~one of the cost-share program component or other~~ components established pursuant to this section. Implementation of the cost-share component or any other component of the program is subject to the funding made available for the program.

~~4. GENERAL REQUIREMENTS — WAIVER-ELIGIBLE COMPONENT.~~

~~a. The component of the brain injury services program for persons eligible for the brain injury services waiver is subject to the requirements provided in this subsection.~~

~~b. If a person is eligible for the brain injury services waiver and is on the waiting list for the waiver but the appropriation for the medical assistance program does not have sufficient funding designated to pay the nonfederal share of the costs to remove the person from the waiting list, the brain injury services program may provide the funding for the nonfederal share of the costs in order for the person to be removed from the waiting list and receive services under the waiver.~~

~~c. A person who receives support under the waiver-eligible component is not eligible to receive support under the cost-share component of the program.~~

~~d. Provision of funding under the waiver-eligible component is not an entitlement. Subject to the department of human services requirements for the brain injury services waiver waiting list, the program administrator shall make the final determination whether funding will be authorized under this component.~~

Sec. 107. Section 135.22B, subsection 5, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

The cost-share component of the brain injury services program shall be directed to persons who have been determined to be ineligible for the brain injury services waiver or persons who are eligible for the waiver but funding was not authorized or available to provide waiver eligibility for the persons ~~under the waiver-eligible component~~. The cost-share component is subject to general requirements which shall include but are not limited to all of the following:

Sec. 108. Section 135.22B, subsection 8, paragraph a, Code Supplement 2007, is amended to read as follows:

a. The application materials for services under ~~both the waiver-eligible and cost-share components~~ component of the brain injury services program shall use the application form and other materials of the brain injury services waiver. In order to apply for the brain injury services program, the applicant must authorize the department of human services to provide the applicant's waiver application materials to the brain injury services program. The application materials provided shall include but are not limited to the waiver application and any denial letter, financial assessment, and functional assessment regarding the person.

Sec. 109. NEW SECTION. 135.155 EARLY CHILDHOOD IOWA COUNCIL.

1. COUNCIL CREATED. An early childhood Iowa council is created as an alliance of stakeholders in early care, health, and education systems that affect children ages zero through five in Iowa.

2. PURPOSE. The purpose of the early childhood Iowa council is to oversee the development of an Iowa early childhood system by integrating the early care, health, and education systems addressing the needs of children ages zero through five and their families. The council shall advise the governor, general assembly, and public and private policy bodies and service providers in coordinating activities throughout the state to fulfill its purpose.

3. VISION STATEMENT. All system development activities addressed by the early childhood Iowa council shall be aligned around the following vision statement for the children of Iowa: "Every child, beginning at birth, will be healthy and successful."

4. MEMBERSHIP. The early childhood Iowa council membership shall include a representative of any organization that touches the lives of young children in the state ages zero through five, has endorsed the purpose and vision statement for the council, has endorsed the guiding principles adopted by the council for the early childhood system, and has formally asked to be a member and remains actively engaged in council activities. The council shall work to ensure there is geographic, cultural, and ethnic diversity among the membership.

5. PROCEDURE. Except as otherwise provided by law, the early childhood Iowa council shall determine its own rules of procedure and operating provisions.

6. STEERING COMMITTEE. The early childhood Iowa council shall operate with a steering committee to organize, manage, and coordinate the activities of the council and its component groups. The steering committee may act on behalf of the council as necessary. The steering committee membership shall consist of the co-chairpersons of the council's component groups, the chairperson of the state agency liaison team, the community empowerment facilitator or the facilitator's designee, and other leaders designated by the council.

7. COMPONENT GROUPS. The early childhood Iowa council shall maintain component groups to address the key components of the Iowa early childhood system. Each component group shall have one private and one public agency co-chairperson. The council may change the component groups as deemed necessary by the advisory council.¹⁴ Initially, there shall be a component group for each of the following:

¹⁴ According to enrolled Act; the phrase "deemed necessary by the council" probably intended

- a. Governance planning and administration.
 - b. Professional development.
 - c. Public engagement.
 - d. Quality services and programs.
 - e. Resources and funding.
 - f. Results accountability.
8. STATE AGENCY LIAISON TEAM. A state agency liaison team shall provide input into the efforts of the early childhood Iowa council. In addition to designees of the governor, the team shall consist of the directors or chief administrators, or their designees, from the following state agencies and programs:
- a. Child health specialty clinics.
 - b. Office of community empowerment in the department of management.
 - c. Department of education.
 - d. Division of libraries and information services of the department of education.
 - e. Office of the governor.
 - f. Department of human rights.
 - g. Department of human services.
 - h. Postsecondary education institutions, including but not limited to institutions of higher learning under the control of the state board of regents and Iowa community colleges.
 - i. Department of public health.
9. DUTIES. In addition to the advisory function specified in subsection 2, the early childhood Iowa council's duties shall include but are not limited to all of the following regarding the Iowa early childhood system:
- a. Coordinate the development and implementation of a strategic plan.
 - b. Assist in the development of responsibilities across agencies and other entities to achieve strategic goals.
 - c. Work with the Iowa empowerment board in developing public-private partnerships to support the early childhood system through the first years first account in the Iowa empowerment fund and other efforts for expanding investment of private funding in the early childhood system. As this and similar efforts to expand and coordinate investments from all public and private sources evolve and mature, make recommendations for designation of or contracting with a private nonprofit organization to serve as a fiscal agent for the early childhood system or another approach for increasing public and private investment in the system.
 - d. Report annually by December 31 to the governor and general assembly. The report content shall include but is not limited to all of the following:
 - (1) The status and results of the council's efforts to engage the public regarding the early care, health, and education needs of children ages zero through five and the efforts to develop and promote private sector involvement with the early childhood system.
 - (2) The status of the community empowerment initiative and the overall early childhood system in achieving the following initial set of desired results identified in section 28.2:
 - (a) Healthy children.
 - (b) Children ready to succeed in school.
 - (c) Safe and supportive communities.
 - (d) Secure and nurturing families.
 - (e) Secure and nurturing early care and education environments.

Sec. 110. NEW SECTION. 135.156 LEAD AGENCY AND OTHER STATE AGENCIES.

1. The lead agency for support of the early childhood Iowa council for state agency efforts to develop an early childhood system for Iowa shall be the department of public health.
2. The department shall work with the early childhood Iowa council in integrating early care, health, and education systems to develop an early childhood system for Iowa. The department shall do all of the following in developing the system:
 - a. Work with state agencies to enter into memorandums of understanding outlining the agencies' responsibilities in the system.

- b. Work with private businesses, foundations, and nonprofit organizations in implementing a public-private partnership to develop and provide funding for the system.
- c. Maintain an internet site for distributing the information provided through the council and its component groups.

Sec. 111. Section 135B.34, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

135B.34 HOSPITAL EMPLOYEES — CRIMINAL HISTORY AND ABUSE RECORD CHECKS — PENALTY.

1. Prior to employment of a person in a hospital, the hospital shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state. A hospital shall inform all persons prior to employment regarding the performance of the records checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A hospital shall include the following inquiry in an application for employment: "Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?"

2. a. If it is determined that a person being considered for employment in a hospital has committed a crime, the department of public safety shall notify the hospital that upon the request of the hospital the department of human services will perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the hospital.

b. If a department of human services child or dependent adult abuse record check shows that the person has a record of founded child or dependent adult abuse, the department of human services shall notify the hospital that upon the request of the hospital the department of human services will perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of the person's employment in the hospital.

c. An evaluation performed under this subsection shall be performed in accordance with procedures adopted for this purpose by the department of human services.

d. (1) If a person owns or operates more than one hospital, and an employee of one of such hospitals is transferred to another such hospital without a lapse in employment, the hospital is not required to request additional criminal and child and dependent adult abuse records checks of that employee.

(2) If the ownership of a hospital is transferred, at the time of transfer the records checks required by this section shall be performed for each employee for whom there is no documentation that such records checks have been performed. The hospital may continue to employ such employee pending the performance of the records checks and any related evaluation.

3. In an evaluation, the department of human services 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 or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved. If the department of human services performs an evaluation for the purposes of this section, the department of human services has final authority in determining whether prohibition of the person's employment is warranted.

4. a. Except as provided in paragraph "b" and subsection 2, a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a hospital licensed under this chapter unless an evaluation has been performed by the department of human services.

b. A person with a criminal or abuse record who is employed by a hospital licensed under this chapter and is hired by another licensee without a lapse in employment shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. If an evaluation was previously performed by the department of human services concerning the person's

criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other licensee while the department of human services' evaluation of the latest record checks is pending. Otherwise, the requirements of paragraph "a" remain applicable to the person's employment.

5. a. If a person employed by a hospital that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the hospital of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The hospital shall act to verify the information within forty-eight hours of notification. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the hospital to determine whether or not the person's employment is continued. The hospital may continue to employ the person pending the performance of an evaluation by the department of human services to determine whether prohibition of the person's employment is warranted. A person who is required by this subsection to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

b. If a hospital receives credible information, as determined by the hospital, that a person employed by the hospital has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment from a person other than the employee and the employee has not informed the hospital of such information within the period required under paragraph "a", the hospital shall act to verify the credible information within forty-eight hours of receipt of the credible information. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the hospital to determine whether or not the person's employment is continued.

c. The hospital may notify the county attorney for the county where the hospital is located of any violation or failure by an employee to notify the hospital of a criminal conviction or entry of an abuse record within the period required under paragraph "a".

6. A hospital licensed in this state may access the single contact repository established by the department pursuant to section 135C.33 as necessary for the hospital to perform record checks of persons employed or being considered for employment by the hospital.

Sec. 112. Section 135C.33, Code 2007, is amended to read as follows:

135C.33 EMPLOYEES — CHILD OR DEPENDENT ADULT ABUSE INFORMATION AND CRIMINAL RECORDS RECORD CHECKS — EVALUATIONS — APPLICATION TO OTHER PROVIDERS — PENALTY.

1. ~~Beginning July 1, 1997, prior~~ Prior to employment of a person in a facility, the facility shall request that the department of public safety perform a criminal history check and the department of human services perform a child and dependent adult abuse record check checks of the person in this state. ~~In addition, the facility may request that the department of human services perform a child abuse record check in this state. Beginning July 1, 1997, a~~ A facility shall inform all persons prior to employment regarding the performance of the records checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. Additionally, a A facility shall include the following inquiry in an application for employment: "Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?"

2. a. ~~If the it is determined that a person being considered for employment in a facility has been convicted of a crime under a law of any state or has a record of founded child or dependent adult abuse, the department of public safety shall notify the licensee that upon the request of the licensee the department of human services shall, upon the facility's request, perform an evaluation will perform an evaluation~~ to determine whether the crime or founded child or dependent adult abuse warrants prohibition of the person's employment in the facility.

b. If a department of human services child or dependent adult abuse record check shows

that such person has a record of founded child or dependent adult abuse, the department of human services shall notify the licensee that upon the request of the licensee the department of human services will perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of employment in the facility.

c. The An evaluation performed under this subsection shall be performed in accordance with procedures adopted for this purpose by the department of human services.

d. (1) If a person owns or operates more than one facility, and an employee of one of such facilities is transferred to another such facility without a lapse in employment, the facility is not required to request additional criminal and child and dependent adult abuse record checks of that employee.

(2) If the ownership of a facility is transferred, at the time of transfer the records checks required by this section shall be performed for each employee for whom there is no documentation that such records checks have been performed. The facility may continue to employ such employee pending the performance of the records checks and any related evaluation.

2. ~~If the department of public safety determines that a person has committed a crime and is to be employed in a facility licensed under this chapter, the department of public safety shall notify the licensee that an evaluation, if requested by the facility, will be conducted by the department of human services to determine whether prohibition of the person's employment is warranted. If a department of human services child or dependent adult abuse record check shows that the person has a record of founded child or dependent adult abuse, the department of human services shall inform the licensee that an evaluation, if requested by the facility, will be conducted to determine whether prohibition of the person's employment is warranted.~~

3. In an evaluation, the department of human services 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 or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved. The If the department of human services performs an evaluation for the purposes of this section, the department of human services has final authority in determining whether prohibition of the person's employment is warranted.

4. a. Except as provided in paragraph "b" and subsection 2, a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a facility licensed under this chapter unless an evaluation has been performed by the department of human services. ~~If the department of human services determines from the evaluation that the person has committed a crime or has a record of founded child or dependent adult abuse which warrants prohibition of employment, the person shall not be employed in a facility licensed under this chapter.~~

b. A person with a criminal or abuse record who is employed by a facility licensed under this chapter and is hired by another licensee without a lapse in employment shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. If an evaluation was previously performed by the department of human services concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other licensee while the department of human services' evaluation of the latest record checks is pending. Otherwise, the requirements of paragraph "a" remain applicable to the person's employment.

5. a. ~~Beginning July 1, 1998, this~~ This section shall also apply to prospective employees of all of the following, if the provider is regulated by the state or receives any state or federal funding:

a. (1) An employee of a homemaker, home-health aide, home-care aide, adult day services, or other provider of in-home services if the employee provides direct services to consumers.

- b. (2) An employee of a hospice, if the employee provides direct services to consumers.
- e. (3) An employee who provides direct services to consumers under a federal home and community-based services waiver.
- d. (4) An employee of an elder group home certified under chapter 231B, if the employee provides direct services to consumers.
- e. (5) An employee of an assisted living program certified under chapter 231C, if the employee provides direct services to consumers.

b. In substantial conformance with the provisions of this section, prior to the employment of such an employee, the provider shall request the performance of the criminal and child and dependent adult abuse record checks and may request the performance of the child abuse record checks. The provider shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The department of human services shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a provider shall not be employed by the provider.

6. a. The department of inspections and appeals, in conjunction with other departments and agencies of state government involved with criminal history and abuse registry information, shall establish a single contact repository for facilities and other providers to have electronic access to data to perform background checks for purposes of employment, as required of the facilities and other providers under this section.

b. The department may access the single contact repository for any of the following purposes:

- (1) To verify data transferred from the department's nurse aide registry to the repository.
- (2) To conduct record checks of applicants for employment with the department.

7. a. If a person employed by a facility, service, or program employer that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the employer of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The employer shall act to verify the information within forty-eight hours of notification. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the employer to determine whether or not the person's employment is continued. The employer may continue to employ the person pending the performance of an evaluation by the department of human services to determine whether prohibition of the person's employment is warranted. A person who is required by this subsection to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

b. If a facility, service, or program employer receives credible information, as determined by the employer, that a person employed by the employer has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment from a person other than the employee and the employee has not informed the employer of such information within the period required under paragraph "a", the employer shall act to verify the credible information within forty-eight hours of receipt of the credible information. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied to determine whether or not the person's employment is continued.

c. The employer may notify the county attorney for the county where the employer is located of any violation or failure by an employee to notify the employer of a criminal conviction or entry of an abuse record within the period required under paragraph "a".

Sec. 113. Section 217.19, Code 2007, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department of administrative services shall work with the department of human services to develop and implement an expense policy ap-

plicable to the members of a board, commission, committee, or other body under the auspices of the department of human services who meet the income requirements for payment of per diem in accordance with section 7E.6, subsection 2. The policy shall allow for the payment of the member's expenses to be addressed through use of direct billings, travel purchase card, prepaid expenses, or other alternative means of addressing the expenses in lieu of reimbursement of the member.

Sec. 114. Section 225C.40, Code 2007, is amended by adding the following new subsection: NEW SUBSECTION. 4. If a family appeals the termination of a family member who has attained the age of eighteen years, family support subsidy payments for that family member shall be withheld pending resolution of the appeal.

Sec. 115. NEW SECTION. 234.47 STATE CHILD CARE ASSISTANCE AND ADOPTION SUBSIDY PROGRAMS — EXPENDITURE PROJECTIONS.

The department of human services, the department of management, and the legislative services agency shall utilize a joint process to arrive at consensus projections for expenditures for the state child care assistance program under section 237A.13 and adoption subsidy and other assistance provided under section 600.17.

Sec. 116. Section 235B.6, subsection 2, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. To a person who submits written authorization from an individual allowing the person access to information on the determination only on whether or not the individual who authorized the access is named in a founded dependent adult abuse report as having abused a dependent adult.

Sec. 117. Section 235B.19, subsection 3, paragraph c, Code 2007, is amended to read as follows:

c. Order the provision of other available services necessary to remove conditions creating the danger to health or safety, including the services of peace officers or emergency services personnel and the suspension of the powers granted to a guardian or conservator and the subsequent appointment of a new temporary guardian or new temporary conservator pursuant to subsection 4 pending a decision by the court on whether the powers of the initial guardian or conservator should be reinstated or whether the initial guardian or conservator should be removed.

Sec. 118. Section 235B.19, subsection 4, Code 2007, is amended to read as follows:

4. a. Notwithstanding section sections 633.552 and 633.573, upon a finding that there is probable cause to believe that the dependent adult abuse presents an immediate danger to the health or safety of the dependent adult or is producing irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to the receipt of services, the court may order the appointment of a temporary guardian or temporary conservator without notice to the dependent adult or the dependent adult's attorney if all of the following conditions are met:

(1) It clearly appears from specific facts shown by affidavit or by the verified petition that a dependent adult's decision-making capacity is so impaired that the dependent adult is unable to care for the dependent adult's personal safety or to attend to or provide for the dependent adult's basic necessities or that immediate and irreparable injury, loss, or damage will result to the physical or financial resources or property of the dependent adult before the dependent adult or the dependent adult's attorney can be heard in opposition.

(2) The department certifies to the court in writing any efforts the department has made to give the notice or the reasons supporting the claim that notice should not be required.

(3) The department files with the court a request for a hearing on the petition for the appointment of a temporary guardian or temporary conservator.

(4) The department certifies that the notice of the petition, order, and all filed reports and affidavits will be sent to the dependent adult by personal service within the time period the court directs but not more than seventy-two hours after entry of the order of appointment.

b. An order of appointment of a temporary guardian or temporary conservator entered by the court under paragraph “a” shall expire as prescribed by the court but within a period of not more than thirty days unless extended by the court for good cause.

c. A hearing on the petition for the appointment of a temporary guardian or temporary conservator shall be held within the time specified in paragraph “b”. If the department does not proceed with a hearing on the petition, the court, on the motion of any party or on its own motion, may dismiss the petition.

Sec. 119. Section 237A.3, Code 2007, is amended by adding the following new subsection: NEW SUBSECTION. 3. The location at which the child care is provided shall be a single-family residence that is owned, rented, or leased by the person or program providing the child care. For purposes of this subsection, a “single-family residence” includes an apartment, condominium, townhouse, or other individual unit within a multiple unit residential dwelling, but does not include a commercial or industrial building that is primarily used for purposes other than a residence.

Sec. 120. Section 237A.3A, subsection 3, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The rules shall require a child development home to be located in a single-family residence that is owned, rented, or leased by the person or, for dual registrations, at least one of the persons who is named on the child development home’s certificate of registration. For purposes of this paragraph, a “single-family residence” includes an apartment, condominium, townhouse, or other individual unit within a multiple unit residential dwelling, but does not include a commercial or industrial building that is primarily used for purposes other than a residence.

Sec. 121. Section 237A.5, subsection 2, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. cc. If a record check performed in accordance with paragraph “b” or “c” identifies that an individual is a person subject to an evaluation, the department shall perform the evaluation in accordance with this subsection, even if the application which made the person subject to the record check is withdrawn or the circumstances which made the person subject to the record check are no longer applicable. If the department’s evaluation determines that prohibition of the person’s involvement with child care is warranted, the provisions of this subsection regarding such a prohibition shall apply.

Sec. 122. Section 237A.13, subsection 8, Code Supplement 2007, is amended by striking the subsection.

Sec. 123. NEW SECTION. 249A.15A LICENSED MARITAL AND FAMILY THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

1. The department shall adopt rules pursuant to chapter 17A entitling marital and family therapists who are licensed pursuant to chapter 154D to payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

2. The department shall adopt rules pursuant to chapter 17A entitling master social workers who hold a master’s degree approved by the board of social work, are licensed as a master social worker pursuant to section 154C.3, subsection 1, paragraph “b”, and provide treatment services under the supervision of an independent social worker licensed pursuant to section 154C.3, subsection 1, paragraph “c”, to payment for behavioral health services provided to recipients of medical¹⁵ assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

¹⁵ According to enrolled Act; the word “medical” probably intended

Sec. 124. NEW SECTION. 249A.36 HEALTH CARE INFORMATION SHARING.

1. As a condition of doing business in the state, health insurers including self-insured plans, group health plans as defined in the federal Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, service benefit plans, managed care organizations, pharmacy benefits managers, and other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service, shall do all of the following:

a. Provide, with respect to individuals who are eligible for or are provided medical assistance under the state's medical assistance state plan, upon the request of the state, information to determine during what period the individual or the individual's spouse or dependents may be or may have been covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address, and identifying number of the plan, in accordance with section 505.25, in a manner prescribed by the department of human services or as agreed upon by the department and the entity specified in this section.

b. Accept the state's right of recovery and the assignment to the state of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the medical assistance state plan.

c. Respond to any inquiry by the state regarding a claim for payment for any health care item or service that is submitted no later than three years after the date of the provision of such health care item or service.

d. Agree not to deny any claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if all of the following conditions are met:

(1) The claim is submitted to the entity by the state within the three-year period beginning on the date on which the item or service was furnished.

(2) Any action by the state to enforce its rights with respect to such claim is commenced within six years of the date that the claim was submitted by the state.

2. The department of human services may adopt rules pursuant to chapter 17A as necessary to implement this section. Rules governing the exchange of information under this section shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and regulations promulgated in accordance with that Act and published in 45 C.F.R. pts. 160 through 164.

Sec. 125. Section 249J.20, subsections 2 and 4, Code 2007, are amended to read as follows:

2. The council shall meet as often as deemed necessary, but shall meet at least ~~quarterly~~ annually. The council may use sources of information deemed appropriate, and the department and other agencies of state government shall provide information to the council as requested. The legislative services agency shall provide staff support to the council.

4. The council shall do all of the following:

a. Make ~~quarterly~~ cost projections for the medical assistance program and the expansion population.

b. Review ~~quarterly~~ reports on all initiatives under this chapter, including those provisions in the design, development, and implementation phases, and make additional recommendations for medical assistance program and expansion population reform on an annual basis.

c. Review annual audited financial statements relating to the expansion population submitted by the providers included in the expansion population provider network.

d. Review ~~quarterly~~ reports on the success of the Iowa Medicaid enterprise based upon the contractual performance measures for each Iowa Medicaid enterprise partner.

e. Assure that the expansion population is managed at all times within funding limitations. In assuring such compliance, the council shall assume that supplemental funding will not be available for coverage of services provided to the expansion population.

Sec. 126. NEW SECTION. 256.35A IOWA AUTISM COUNCIL.

1. An Iowa autism council is created to act in an advisory capacity to the state in developing

and implementing a comprehensive, coordinated system to provide appropriate diagnostic, intervention, and support services for children with autism and to meet the unique needs of adults with autism.

2. a. The council shall consist of thirteen voting members appointed by the governor and confirmed by the senate. The majority of the voting members shall be individuals with autism or members of their families. Additionally, each of the following shall be represented among the voting members:

- (1) Autism diagnostic and research specialists.
- (2) Individuals with recognized expertise in utilizing best practices for diagnosis, intervention, education, and support services for individuals with autism.
- (3) Individuals providing residential services for individuals with autism.
- (4) Mental health professionals with background or expertise in a pertinent mental health field such as psychiatry, psychology, or behavioral health.
- (5) Private insurers.
- (6) Teachers and representatives of area education agencies.

b. In addition, representatives of the department of education, the division of vocational rehabilitation of the department of education, the department of public health, the department of human services, the governor's developmental disabilities council, the division of insurance of the department of commerce, and the state board of regents shall serve as ex officio members of the advisory council. Ex officio members shall work together in a collaborative manner to serve as a resource to the advisory council. The council may also form workgroups as necessary to address specific issues within the technical purview of individual members.

c. Voting members shall serve three-year terms beginning and ending as provided in section 69.19, and appointments shall comply with sections 69.16 and 69.16A. Vacancies on the council shall be filled in the same manner as the original appointment. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. Public members shall receive reimbursement for actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6.

d. The council shall elect a chairperson from its voting members annually. A majority of the voting members of the council shall constitute a quorum.

e. The department shall convene and provide administrative support to the council.

3. The council shall focus its efforts on addressing the unmet needs of individuals with autism at various levels of severity and their families. The council shall address all of the following:

- a. Early identification by medical professionals of autism, including education and training of health care and mental health care professionals and the use of best practice guidelines.
- b. Appropriate early and intensive early intervention services with access to models of training.
- c. Integration and coordination of the medical community, community educators, childhood educators, health care providers, and community-based services into a seamless support system for individuals and their families.
- d. General and special education support services.
- e. In-home support services for families requiring behavioral and other supports.
- f. Training for educators, parents, siblings, and other family members.
- g. Enhancing of community agency responsiveness to the living, learning, and employment needs of adults with autism and provision of services including but not limited to respite services, crisis intervention, employment assistance, case management, and long-term care options.
- h. Financing options including but not limited to medical assistance waivers and private health insurance coverage.
- i. Data collection.

4. The council shall meet quarterly. The council shall submit a report to the governor and the general assembly, annually by December 15, identifying the needs and making recommendations for improving and enhancing the lives of individuals with autism and their families.

5. For the purposes of this section, "autism" means a spectrum disorder that includes at vari-

ous levels of severity, autism, Asperger's disorder, pervasive developmental disorder not otherwise specified, Rett's syndrome, and childhood disintegrative disorder.

Sec. 127. Section 642.2, subsection 4, Code 2007, is amended to read as follows:

4. Notwithstanding subsections 2, 3, and 6, and 7, any moneys owed to the child support obligor by the state, with the exception of unclaimed property held by the treasurer of state pursuant to chapter 556, and payments owed to the child support obligor through the Iowa public employees' retirement system are subject to garnishment, attachment, execution, or assignment by the child support recovery unit if the child support recovery unit is providing enforcement services pursuant to chapter 252B. Any moneys that are determined payable by the treasurer pursuant to section 556.20, subsection 2, to the child support obligor shall be subject to setoff pursuant to section 8A.504, notwithstanding any administrative rule pertaining to the child support recovery unit limiting the amount of the offset.

Sec. 128. 2005 Iowa Acts, chapter 167, section 61, is amended by striking the section and inserting in lieu thereof the following:

SEC. 61. INMATES, STUDENTS, PATIENTS, AND FORMER INMATES OF STATE INSTITUTIONS — REVIEW.

1. The president of the state board of regents shall convene a workgroup comprised of the president or the president's designee, the director of the department of corrections or the director's designee, the director of the department of human services or the director's designee, and a representative of the university of Iowa hospitals and clinics to review the provision of treatment and care to the inmates, students, patients, and former inmates specified in sections 263.21 and 263.22. The review shall determine all of the following:

a. The actual cost to the university of Iowa hospitals and clinics to provide care and treatment to the inmates, students, patients, and former inmates on an annual basis. The actual cost shall be determined utilizing Medicare cost accounting principles.

b. The number of inmates, students, patients, and former inmates provided treatment at the university of Iowa hospitals and clinics, annually.

c. The specific types of treatment and care provided to the inmates, students, patients, and former inmates.

d. The existing sources of revenue that may be available to pay for the costs of providing care and treatment to the inmates, students, patients, and former inmates.

e. The cost to the department of human services, the Iowa department of corrections, and the state board of regents to provide transportation and staffing relative to provision of care and treatment to the inmates, students, patients, and former inmates at the university of Iowa hospitals and clinics.

f. The effect of any proposed alternatives for provision of care and treatment for inmates, students, patients, or former inmates, including the proposed completion of the hospital unit at the Iowa state penitentiary at Fort Madison.

2. The workgroup shall submit a report of its findings to the governor and the general assembly no later than December 31, 2008. The report shall also include any recommendations for improvement in the provision of care and treatment to inmates, students, patients, and former inmates, under the control of the department of human services, the Iowa department of corrections, and the state board of regents.

Sec. 129. MEDICAID STATE PLAN — MARITAL AND FAMILY THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

1. The department of human services shall amend the medical assistance state plan to allow marital and family therapists licensed in the state to be participating behavioral health providers under the medical assistance program.

2. The department of human services shall amend the medical assistance state plan to allow master social workers who hold a master's degree approved by the board of social work, are licensed as a master social worker pursuant to section 154C.3, subsection 1, paragraph "b",

and provide treatment services under the supervision of an independent social worker licensed pursuant to section 154C.3, subsection 1, paragraph “c”, to be participating behavioral health services providers under the medical assistance program.

DIVISION VIII
TUITION ASSISTANCE — HEALTH CARE
FACILITY EMPLOYEES

Sec. 130. TUITION ASSISTANCE FOR INDIVIDUALS SERVING INDIVIDUALS WITH DISABILITIES — PILOT PROGRAM.

1. If the general assembly appropriates moneys for the establishment of a tuition assistance pilot program for employees of health care facilities serving adults with mental illness or mental retardation, the department of education, in consultation with the department of human services and the community colleges, shall establish a statewide pilot program to provide grants to community colleges for the purpose of awarding tuition assistance to individuals pursuing a course of study leading to a degree applicable to the health care workforce and employment by health care facilities that provide services to adults with mental illness or mental retardation.

2. Within the limits set by the appropriation for this purpose, the departments of education and human services shall work collaboratively to develop a system for determining the number of hours a student shall work in a health care facility in return for a percentage reduction in the student’s tuition costs.

3. A participating community college shall enter into an agreement with one or more participating health care facilities, and may also enter into an agreement with one or more local non-profit public agencies, to match state funds provided on a dollar-for-dollar basis for tuition assistance for an eligible student who is employed by a participating health care facility to provide services to adults with mental illness or mental retardation. A participating health care facility shall agree to provide the community college with the number of hours the student has accrued in order that the community college may determine the percentage reduction in the student’s tuition costs.

4. The grant recipient shall compile and submit information regarding the program’s implementation and level of local participation in the program in the manner prescribed by the department. The department shall summarize the information and shall submit the information and its findings and recommendations in a report to the general assembly by January 15 of the fiscal year following the completion of the pilot program.

5. For purposes of this section, unless the context otherwise requires:

a. “Eligible student” means an individual who is a resident of Iowa, enrolled in a community college pursuing a course of study leading to a degree applicable to the health care workforce, and employed by a participating health care facility to serve adults with mental illness or mental retardation.

b. “Health care facility” means as defined in section 135C.1.

c. “Participating health care facility” means a health care facility that has entered into an agreement with a community college in accordance with this section and which employs an eligible student.

DIVISION IX
JUVENILE COURT PROCEEDINGS

Sec. 131. Section 232.2, subsection 4, paragraph e, Code Supplement 2007, is amended to read as follows:

e. The most recent information available regarding the child’s health and education records, including the date the records were supplied to the agency or individual who is the child’s foster care provider. If the child remains in foster care until the age of majority, the child is entitled to receive prior to discharge the most recent information available regarding the child’s health and educational records.

Sec. 132. Section 232.46, subsection 4, Code 2007, is amended to read as follows:

4. A consent decree shall remain in force for ~~six months~~ up to one year unless the child is sooner discharged by the court or by the juvenile court officer or other agency or person supervising the child. Upon application of a juvenile court officer or other agency or person supervising the child made prior to the expiration of the decree and after notice and hearing, or upon agreement by the parties, a consent decree may be extended for up to an additional ~~six months~~ year by order of the court.

Sec. 133. Section 232.91, subsection 3, Code Supplement 2007, is amended to read as follows:

3. Any person who is entitled under section 232.88 to receive notice of a hearing concerning a child shall be given the opportunity to be heard in any other review or hearing involving the child. A foster parent, relative, or other individual with whom a child has been placed for pre-adoptive care shall have the right to be heard in any proceeding involving the child. If a child is of an age appropriate to attend the hearing but the child does not attend, the court shall determine if the child was informed of the child's right to attend the hearing.

DIVISION X
INVESTIGATION OF DEATHS AT INSTITUTIONS

Sec. 134. NEW SECTION. 218.64 INVESTIGATION OF DEATH.

1. For the purposes of this section, unless the context otherwise requires, "institution" and "resident" mean the same as defined in section 218.13.

2. Upon the death of a resident of an institution, the county medical examiner shall conduct a preliminary investigation of the death as provided in section 331.802. The cost of the preliminary investigation shall be paid by the department of human services.

Sec. 135. Section 222.12, Code 2007, is amended to read as follows:

222.12 DEATHS INVESTIGATED.

~~1. In the event of a sudden or mysterious~~ Upon the death of a patient of a resource center or the special unit or ~~any private institution for persons with mental retardation, an, a preliminary investigation of the death shall be held conducted as required by section 218.64~~ by the county medical examiner as provided in section 331.802. Such a preliminary investigation shall also be conducted in the event of a sudden or mysterious death of a patient in a private institution for persons with mental retardation. The superintendent of a resource center or a special unit or chief administrative officer of any private institution may request an investigation of the death of any patient by the county medical examiner.

~~2. Notice of the death of the patient, and the cause thereof of death,~~ shall be sent to the county board of supervisors and to the judge of the court ~~having that~~ had jurisdiction over a committed patient. The fact of death with the time, place, and alleged cause shall be entered upon the docket of the court.

~~3. The parent, guardian, or other person responsible for the admission of a patient to such institutions a private institution for persons with mental retardation may also request an such a preliminary investigation by the county medical examiner in the event of the death of the patient that is not sudden or mysterious.~~ The person or persons making the request shall be are liable for the expense of such preliminary investigation and payment ~~therefor~~ for the expense may be required in advance. The expense of a county medical examiner's investigation when requested by the superintendent of a state resource center or a special unit shall be paid from support funds of that institution.

Sec. 136. Section 226.34, Code 2007, is amended to read as follows:

226.34 INVESTIGATION OF DEATH — NOTICE.

~~1. An~~ Upon the death of a patient, the county medical examiner shall conduct a preliminary investigation by the county medical examiner shall be held in those cases where a death shall

occur suddenly and without apparent cause, or a patient die and the patient's relatives so request, but in the latter case the relatives making the request shall be liable for the expense of the same, and payment therefor may be required in advance as required by section 218.64, in accordance with section 331.802.

2. ~~When~~ If a patient in any a mental health institute shall die dies from any cause, the superintendent of said the institute shall within three days of the date of death, send by certified mail a written notice of death to all of the following:

1. ~~a.~~ The decedent's nearest relative.
2. ~~b.~~ The clerk of the district court of the county from which the patient was committed, and
3. ~~c.~~ The sheriff of the county from which the patient was committed.

Sec. 137. Section 331.802, subsection 2, Code 2007, is amended to read as follows:

2. a. If a person's death affects the public interest, the county medical examiner shall conduct a preliminary investigation of the cause and manner of death, prepare a written report of the findings, promptly submit the full report to the state medical examiner on forms prescribed for that purpose, and submit a copy of the report to the county attorney.

b. ~~For Except as provided in section 218.64 or as otherwise provided by law, for~~ each preliminary investigation and the preparation and submission of the required reports, the county medical examiner shall receive from the county of appointment a fee determined by the board plus the examiner's actual expenses. The fee and expenses paid by the county of appointment shall be reimbursed to the county of appointment by the county of the person's residence. However, if the person's death is caused by a defendant for whom a judgment of conviction and sentence is rendered under section 707.2, 707.3, 707.4, 707.5, or 707.6A, the county of the person's residence may recover from the defendant the fee and expenses.

c. The fee and expenses of the county medical examiner who performs an autopsy or conducts an investigation of a person who dies after being brought into this state for emergency medical treatment by or at the direction of an out-of-state law enforcement officer or public authority shall be paid by the state. A claim for payment shall be filed with the Iowa department of public health. If moneys are not appropriated to the Iowa department of public health for the payment of autopsies under this subsection paragraph, claims for payment shall be forwarded to the state appeal board and, if authorized by the board, shall be paid out of moneys in the general fund of the state not otherwise appropriated.

Sec. 138. Section 331.802, subsection 3, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Death of a person committed or admitted to a state mental health institute, a state resource center, the state training school, or the Iowa juvenile home.

DIVISION XI HEALTHY KIDS ACT

Sec. 139. SHORT TITLE. This Act shall be known and may be cited as the "Healthy Kids Act".

Sec. 140. Section 256.7, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 29. Adopt rules establishing nutritional content standards for foods and beverages sold or provided on the school grounds of any school district or accredited non-public school during the school day exclusive of the food provided by any federal school food program or pursuant to an agreement with any agency of the federal government in accordance with the provisions of chapter 283A, and exclusive of foods sold for fundraising purposes and foods and beverages sold at concession stands. The standards shall be consistent with the dietary guidelines for Americans issued by the United States department of agriculture food and nutrition service.

Sec. 141. Section 256.9, Code Supplement 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 57. Convene, in collaboration with the department of public health, a nutrition advisory panel to review research in pediatric nutrition conducted in compliance with accepted scientific methods by recognized professional organizations and agencies including but not limited to the institute of medicine. The advisory panel shall submit its findings and recommendations, which shall be consistent with the dietary guidelines for Americans published jointly by the United States department of health and human services and department of agriculture if in the judgment of the advisory panel the guidelines are supported by the research findings, in a report to the state board. The advisory panel may submit to the state board recommendations on standards related to federal school food programs if the recommendations are intended to exceed the existing federal guidelines. The state board shall consider the advisory panel report when establishing or amending the nutritional content standards required pursuant to section 256.7, subsection 29. The director shall convene the advisory panel by July 1, 2008, and every five years thereafter to review the report and make recommendations for changes as appropriate. The advisory panel shall include but is not limited to at least one Iowa state university extension nutrition and health field specialist and at least one representative from each of the following:

- a. The Iowa dietetic association.
- b. The school nutrition association of Iowa.
- c. The Iowa association of school boards.
- d. The school administrators of Iowa.
- e. The Iowa chapter of the American academy of pediatrics.
- f. A school association representing parents.
- g. The Iowa grocery industry association.
- h. An accredited nonpublic school.
- i. The Iowa state education association.
- j. The farm-to-school council established pursuant to section 190A.2.

NEW SUBSECTION. 58. Monitor school districts and accredited nonpublic schools for compliance with the nutritional content standards for foods and beverages adopted by the state board in accordance with section 256.7, subsection 29. School districts and accredited nonpublic schools shall annually make the standards available to students, parents, and the local community. A school district or accredited nonpublic school found to be in noncompliance with the nutritional content standards by the director shall submit a corrective action plan to the director for approval which sets forth the steps to be taken to ensure full compliance.

Sec. 142. Section 256.11, subsection 6, Code Supplement 2007, is amended to read as follows:

6. a. A pupil is not required to enroll in either physical education or health courses, or meet the requirements of paragraph "b" or "c", if the pupil's parent or guardian files a written statement with the school principal that the course or activity conflicts with the pupil's religious belief.

b. (1) All physically able students in kindergarten through grade five shall be required to engage in a physical activity for a minimum of thirty minutes per school day.

(2) All physically able students in grades six through twelve shall be required to engage in a physical activity for a minimum of one hundred twenty minutes per week. A student participating in an organized and supervised athletic program or non-school-sponsored extracurricular activity which requires the student to participate in physical activity for a minimum of one hundred twenty minutes per week is exempt from the requirements of this subparagraph.

(3) The department shall collaborate with stakeholders on the development of daily physical activity requirements and the development of models that describe ways in which school districts and schools may incorporate the physical activity requirement of this paragraph into

the educational program. A school district or accredited nonpublic school shall not reduce instructional time for academic courses in order to meet the requirements of this paragraph.

c. Every student by the end of grade twelve shall complete a certification course for cardiopulmonary resuscitation. The administrator of a school may waive this requirement if the student is not physically able to successfully complete the training. A student is exempt from the requirement of this paragraph if the student presents satisfactory evidence to the school district or accredited nonpublic school that the student possesses cardiopulmonary resuscitation certification.

Sec. 143. Section 273.2, Code 2007, is amended by adding the following new subsection:
NEW SUBSECTION. 7. The board of an area education agency or a consortium of two or more area education agencies shall contract with one or more licensed dietitians for the support of nutritional provisions in individual education plans developed in accordance with chapter 256B and to provide information to support school nutrition coordinators.

Sec. 144. DEPARTMENT OF EDUCATION — FITNESS WORKING GROUP. The department of education shall convene a working group comprised of elementary and secondary education and fitness professionals and stakeholders to assist the department in developing daily physical activity opportunities and requirements and developing models that describe ways in which school districts and schools may incorporate physical activities for students into the educational program as provided in section 256.11, subsection 6, paragraph “b”, as enacted by this Act. The working group shall also develop recommendations for a system of implementation that offers every student the opportunity to become physically active. The department of education shall submit its findings and recommendations, including any recommendations for changes in policy or statute, in a report to the general assembly by January 15, 2009.

Sec. 145. EFFECTIVE DATE. The section of this division of this Act that amends section 256.11, subsection 6, takes effect July 1, 2009.

DIVISION XII MASS TRANSIT

Sec. 146. MASS TRANSIT INTERIM COMMITTEE. The legislative council is requested to establish a legislative interim study committee to conduct a comprehensive study of the ways in which mass transit might be employed to provide public transportation services among Iowa communities. The study should include but not be limited to an examination of the following:

1. The ways in which the availability of mass transit affects various populations within rural and urban communities. In particular, the study should examine the benefits of mass transit for poor, elderly, and disabled individuals who are unable to drive or cannot afford to own a motor vehicle.
2. Any impact that mass transit services among Iowa communities might have on population levels, quality of life, and economic development in urban job centers, smaller satellite communities, and rural towns.
3. The effect of mass transit on statewide greenhouse gas emissions and overall air quality, including the role that mass transit can play in meeting the goals of the Iowa energy independence plan.
4. The level of public need for mass transit among Iowa communities, including any specific areas of the state where the need is most immediate.
5. The feasibility of expanding mass transit services and the types and combinations of services that might comprise a mass transit system for Iowa.
6. The potential costs and possible funding mechanisms for developing and maintaining specific mass transit services.
7. The attitudes and habits of Iowans concerning personal transportation. The study should

include a component for educating the public about the economic, social, and environmental advantages of mass transit.

The committee membership should include ten members representing both political parties and both houses of the general assembly. The committee should consult with the department of transportation, the office of energy independence, the department of human services, local officials, members of the general public who are knowledgeable concerning intercity public transit and passenger rail service, and other interested parties as necessary to accomplish the work of the committee. The committee, if authorized, shall submit a written report of its findings and recommendations to the governor and the general assembly by December 31, 2008.

Approved May 13, 2008, with exception noted.

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 2425, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. Senate File 2425 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve item designated as Section 34 in its entirety. Section 34 imposes restrictions on how pharmaceutical drugs are included on the State's preferred drug list. With the continual release of generic drugs, and relying on the advice of the Pharmaceutical and Therapeutics Committee, the Department of Human Services should have the latitude to add pharmaceutical drugs to the preferred drug list, as needed, to achieve the greatest possible savings, while meeting the medical needs of people enrolled in Medicaid. The preferred drug list is an effective tool in helping to reduce one of the fastest growing health-care costs within Medicaid — pharmaceutical costs — and the Department of Human Services thoughtfully and responsibly manages additions to the list.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2425 are hereby approved this date.

Sincerely,
CHESTER J. CULVER, *Governor*