

CHAPTER 98

HUMAN SERVICES — MISCELLANEOUS CHANGES

S.F. 482

AN ACT relating to requirements of the department of human services involving individuals and families and including effective date provisions.

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

DIVISION I

CHILD CARE RESOURCE AND REFERRAL AGENCIES

Section 1. Section 237A.26, Code 2011, is amended to read as follows:

237A.26 Statewide resource and referral services — grants.

1. The department shall administer the funding for a statewide grant program for child care resource and referral services. Grants shall only be awarded to community-based nonprofit incorporated agencies and public agencies. Grants shall be awarded to facilitate the establishment of regional resource and referral agencies throughout the state, based upon the distribution of the child population in the state.

2. The department shall provide oversight of and annually evaluate an agency which is awarded a grant to provide resource and referral services to a region.

3. An agency which receives a grant to provide resource and referral services shall perform both of the following functions:

a. Organize assistance to child care homes and child development homes care facilities utilizing training levels based upon the homes' child care providers' degrees of experience and interest.

b. Operate in partnership with both public and private interests and coordinate resource and referral services with existing community services.

4. An agency, ~~to be eligible to receive a grant to provide resource and referral services, must~~ may be required by the department to match the grant with financial resources equal to at least of not more than twenty-five percent of the amount of the grant. The financial resources may include a private donation, an in-kind contribution, or a public funding source other than a separate state grant for child care service improvement.

5. An agency, to be eligible to receive a grant to provide resource and referral services, must have a board of directors if the agency is an incorporated nonprofit agency or must have an advisory board if the agency is a public agency, to oversee the provision of resource and referral services. The board shall include providers, consumers, and other persons interested in the provision or delivery of child care services.

6. An agency which receives a child care resource and referral grant ~~shall~~ may be awarded funding to provide all various child care-related services, which may include but are not limited to any of the following services:

a. Assist families in selecting quality child care. The agency must provide referrals to registered and licensed child care facilities, and to persons providing care, supervision, and guidance of a child which is not defined as child care under section 237A.1 and may provide referrals to unregistered providers.

b. Assist child care providers in adopting appropriate program and business practices to provide quality child care services.

c. Provide information to the public regarding the availability of child care services in the communities within the agency's region.

d. Actively encourage the development of new and expansion of existing child care facilities in response to identified community needs.

e. Provide specialized services to employers, including the provision of resource and referral services to employee groups identified by the employer and the provision of technical assistance to develop employer-supported child care programs. The specialized services may include but are not limited to working with employers to identify networks of recommended registered and licensed child care providers for employee groups and

to implement employer-supported quality improvement initiatives among the network providers.

f. Refer eligible child care facilities to the federal child care food programs.

g. Loan toys, other equipment, and resource materials to child care facilities.

~~*h.* Administer funding designated within the grant to provide a substitute caregiver program for registered child development homes to provide substitute child care in a home when the home provider is ill, on vacation, receiving training, or is otherwise unable to provide the care.~~

7. The department may contract with an agency receiving a child care resource and referral grant to perform any of the following functions relating to publicly funded services providing care, supervision, and guidance of a child:

a. Determine an individual's eligibility for the services in accordance with income requirements.

b. Administer a voucher, certificate, or other system for reimbursing an eligible provider of the services.

8. For purposes of improving the quality and consistency of data collection, consultation, and other support to child care home and child development home providers, a resource and referral services agency grantee shall coordinate and assist with publicly and privately funded efforts administered at the community level to provide the support. The support and efforts addressed by a grantee may include but are not limited to community-funded child care home and child development home consultants. Community members involved with the assistance may include but are not limited to the efforts of an early childhood Iowa area board under chapter 256I, and of community representatives of education, health, human services, business, faith, and public interests.

DIVISION II FOSTER HOME INSURANCE FUND

Sec. 2. Section 237.13, subsection 1, Code 2011, is amended to read as follows:

1. For the purposes of this section, "*foster home*" means either of the following:

~~*a.* An individual, as defined in section 237.1, subsection 7, who is licensed to provide child foster care and shall also be known as a "licensed foster home".~~

~~*b.* A guardian appointed on a voluntary petition pursuant to section 232.178, or a voluntary petition of a ward pursuant to section 633.557, or a conservator appointed on a voluntary petition of a ward pursuant to section 633.572, provided the ward has an income that does not exceed one hundred fifty percent of the current federal office of management and budget poverty guidelines and who does not have resources in excess of the criteria for resources under the federal supplemental security income program. However, the ward's ownership of one residence and one vehicle shall not be considered in determining resources.~~

Sec. 3. Section 237.13, subsection 5, Code 2011, is amended by striking the subsection.

DIVISION III UNIT FOR SEXUALLY VIOLENT PREDATORS — BARBERING LICENSE EXEMPTION

Sec. 4. Section 158.2, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Persons committed pursuant to chapter 229A to the custody of the director of the department of human services in the unit for sexually violent predators who cut the hair or trim or shave the beard of any other person within the unit, without receiving direct compensation from the person receiving the service.

DIVISION IV ADOPTION PLACEMENT INVESTIGATIONS AND REPORTS

Sec. 5. Section 600.8, subsection 9, Code 2011, is amended to read as follows:

9. The department may investigate, on its own initiative or on order of the juvenile court ~~or court~~, any placement made or adoption petition filed under this chapter or chapter 600A and may report its resulting recommendation to the juvenile court ~~or court~~.

DIVISION V
RETAINING CHILD IN NEED OF ASSISTANCE COMPLAINT INFORMATION

Sec. 6. Section 232.81, subsection 4, Code 2011, is amended by striking the subsection.

DIVISION VI
REGISTRY ACCESS — CERTIFIED NURSE AIDES AND JUVENILE SHELTER AND
DETENTION FACILITY VOLUNTEERS

Sec. 7. Section 232.142, subsection 4, Code 2011, is amended to read as follows:

4. The director shall adopt minimal rules and standards for the establishment, maintenance, and operation of such homes as shall be necessary to effect the purposes of this chapter. The rules shall apply the requirements of section 237.8, concerning employment and evaluation of persons with direct responsibility for a child or with access to a child when the child is alone and persons residing in a child foster care facility, to persons employed by, ~~or residing in, or volunteering for~~ a home approved under this section. The director shall, upon request, give guidance and consultation in the establishment and administration of the homes and programs for the homes.

Sec. 8. Section 235A.15, subsection 2, paragraph e, Code 2011, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (20) To the administrator of a certified nurse aide program, if the data relates to a record check of a student of the program performed pursuant to section 135C.33.

NEW SUBPARAGRAPH. (21) To the administrator of a juvenile detention or shelter care home, if the data relates to a record check of an existing or prospective employee, resident, or volunteer for or in the home.

Sec. 9. Section 235B.6, subsection 2, paragraph e, Code 2011, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (16) To the administrator of a certified nurse aide program, if the data relates to a record check of a student of the program performed pursuant to section 135C.33.

NEW SUBPARAGRAPH. (17) To the administrator of a juvenile detention or shelter care home, if the data relates to a record check of an existing or prospective employee, resident, or volunteer for or in the home.

DIVISION VII
SIBLING VISITATION

Sec. 10. **SUBSIDIZED GUARDIANSHIP PROGRAM — SIBLING VISITATION.** The department of human services shall adapt the provisions of section 232.108 for application to the subsidized guardianship program in order to facilitate frequent visitation or ongoing interaction between children participating in the subsidized guardianship program for application to the subsidized guardianship program and the siblings of those children. However, the visitation or ongoing interaction shall not be facilitated if the department determines the visitation or ongoing interaction would be detrimental to the child's well-being or is suspended or terminated by the court.

Sec. 11. **EFFECTIVE UPON ENACTMENT.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VIII
REPRESENTATION BY COUNTY ATTORNEY IN JUVENILE PROCEEDINGS

Sec. 12. **LEGAL REPRESENTATION OF THE DEPARTMENT OF HUMAN SERVICES — STUDY.** The department of human services shall consult with representatives of county attorneys, the office of the attorney general, and other stakeholders in performing a review of the role of the county attorney in representing the department of human services in juvenile

proceedings under chapter 232. The review shall include the issues addressed in House File 608,¹ introduced by the committee on judiciary of the house of representatives during the 2011 Session, and other issues identified by stakeholders. The department shall report the results of the review along with findings and recommendations to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services and of the committees on judiciary of the senate and house of representatives, and the legislative services agency on or before December 15, 2011.

DIVISION IX
INMATES OF PUBLIC INSTITUTIONS — MEDICAID ELIGIBILITY

Sec. 13. NEW SECTION. 249A.38 Inmates of public institutions — suspension or termination of medical assistance.

1. The following conditions shall apply to an individual who is an inmate of a public institution as defined in 42 C.F.R. § 435.1010, who is enrolled in the medical assistance program at the time of commitment to the public institution, and who is eligible for medical assistance by reason of disability or being sixty-five years of age or older:

a. The department shall suspend the individual's eligibility for up to the initial twelve months of the period of commitment. The department shall delay the suspension of eligibility for a period of up to the first thirty days of commitment if such delay is approved by the centers for Medicare and Medicaid services of the United States department of health and human services. If such delay is not approved, the department shall suspend eligibility during the entirety of the initial twelve months of the period of commitment. Claims submitted on behalf of the individual under the medical assistance program for covered services provided during the delay period shall only be reimbursed if federal financial participation is applicable to such claims.

b. The department shall terminate an individual's eligibility following a twelve-month period of suspension of the individual's eligibility under paragraph "a".

2. a. A public institution shall provide the department and the social security administration with a monthly report of the individuals who are committed to the public institution and of the individuals who are discharged from the public institution.

b. The department shall provide a public institution with the forms necessary to be used by the individual in expediting restoration of the individual's medical assistance benefits upon discharge from the public institution.

3. This section applies to individuals as specified in subsection 1 on or after January 1, 2012.

4. The department may adopt rules pursuant to chapter 17A to implement this section.

Sec. 14. IMPLEMENTATION. The department of human services shall do all of the following:

1. Request any waiver or approval necessary from the centers for Medicare and Medicaid services of the United States department of health and human services to provide for the delay in suspension of eligibility as provided in this Act beginning January 1, 2012. The department shall implement the delay period to the maximum extent of the federal approval.

2. Develop a process for suspension of medical assistance eligibility for individuals as specified in this Act beginning January 1, 2012.

3. Incorporate provisions for suspension and termination of medical assistance eligibility for inmates of public institutions within any future redesign of the medical assistance program eligibility information management system.

Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

¹ Not enacted

DIVISION X
MEDICAID FAMILY PLANNING SERVICES

Sec. 16. Section 249A.3, subsection 2, paragraph a, subparagraph (10), Code 2011, is amended to read as follows:

(10) ~~Women~~ Individuals eligible for family planning services under a federally approved demonstration waiver.

Approved April 28, 2011