

FEB 28 2006  
Place On Calendar

HOUSE FILE 2561  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2325)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act creating a brain injury services program and providing for  
2 allocation of a previously enacted appropriation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2561

1 Section 1. NEW SECTION. 135.22B BRAIN INJURY SERVICES  
2 PROGRAM.

3 1. DEFINITIONS. For the purposes of this section:

4 a. "Brain injury services waiver" means the state's  
5 medical assistance home and community-based services waiver  
6 for persons with brain injury implemented under chapter 249A.

7 b. "Program administrator" means the division of the  
8 department designated to administer the brain injury services  
9 program in accordance with subsection 2.

10 2. PROGRAM CREATED.

11 a. A brain injury services program is created and shall be  
12 administered by a division of the Iowa department of public  
13 health in cooperation with counties and the department of  
14 human services.

15 b. The division of the department assigned to administer  
16 the advisory council on brain injuries under section 135.22A  
17 shall be the program administrator. The division duties shall  
18 include but are not limited to serving as the fiscal agent and  
19 contract administrator for the program and providing program  
20 oversight.

21 c. The division shall consult with the advisory council on  
22 brain injuries, established pursuant to section 135.22A,  
23 regarding the program and shall report to the council  
24 concerning the program at least quarterly. The council shall  
25 make recommendations to the department concerning the  
26 program's operation.

27 3. PURPOSE. The purpose of the program is to provide  
28 services to persons with a brain injury who are either on the  
29 waiting list for the brain injury services waiver or have been  
30 determined to be ineligible for the brain injury services  
31 waiver.

32 4. GENERAL REQUIREMENTS. The general requirements for the  
33 program shall include but are not limited to all of the  
34 following:

35 a. Services offered are consistent with the services

1 offered through the brain injury services waiver.

2 b. Each service consumer has a service plan developed  
3 prior to service implementation and the service plan is  
4 reviewed and updated at least quarterly.

5 c. All other funding sources for which the service  
6 consumer is eligible are utilized to the greatest extent  
7 possible. The funding sources potentially available include  
8 but are not limited to community resources and public and  
9 private benefit programs.

10 d. The maximum monthly cost of the services provided shall  
11 be based on the maximum monthly amount authorized for the  
12 brain injury services waiver.

13 e. Assistance under the program shall be made available to  
14 a designated number of service consumers who are eligible, as  
15 determined from the funding available for the program, on a  
16 first-come, first-served basis.

17 f. Nothing in this section shall be construed or is  
18 intended as, or shall imply, a grant of entitlement to  
19 services to persons who are eligible for participation in the  
20 program based upon the eligibility provisions adopted  
21 consistent with the requirements of this section. Any  
22 obligation to provide services pursuant to this section is  
23 limited to the extent of the funds appropriated or provided  
24 for the program.

25 5. ELIGIBILITY. An individual must meet all of the  
26 following requirements to be eligible for the program:

27 a. The individual is age one month through sixty-four  
28 years.

29 b. The individual has a diagnosed brain injury as defined  
30 in section 135.22.

31 c. The individual is a resident of this state and either a  
32 United States citizen or a qualified alien as defined in 8  
33 U.S.C. § 1641.

34 d. The program's financial eligibility requirements shall  
35 be based on the requirements used for the hawk-i program under

1 chapter 514I. The individual must meet the program's  
2 financial eligibility requirements and be willing to pay a  
3 cost-share for the program.

4 e. The individual does not receive services or funding  
5 under any type of medical assistance home and community-based  
6 services waiver.

7 6. COST-SHARE.

8 a. An individual's cost-share responsibility for services  
9 under the program shall be determined on a sliding scale based  
10 upon the individual's family income. An individual's cost-  
11 share shall be assessed as a copayment, which shall not exceed  
12 thirty percent of the cost payable for the service.

13 b. The service provider shall bill the department for the  
14 portion of the cost payable for the service that is not  
15 covered by the individual's copayment responsibility.

16 7. APPLICATION PROCESS.

17 a. The application form for services under the program  
18 shall be designed so that it may be used for both the brain  
19 injury services program and the brain injury services waiver.

20 b. An individual must submit an application for the  
21 program through the program administrator.

22 c. An assessment of the individual's needs shall be  
23 performed.

24 d. The program administrator shall file copies of the  
25 individual's application and needs assessment with the medical  
26 assistance program and the program resource facilitator  
27 assigned to the individual's geographic area.

28 e. The department's program administrator shall make a  
29 final determination as to whether program funding will be  
30 authorized.

31 8. SERVICE PROVIDERS AND REIMBURSEMENT. All of the  
32 following requirements apply to service providers and  
33 reimbursement rates payable for services under the program:

34 a. A service provider must either be certified to provide  
35 services under the brain injury services waiver or have a

1 contract with a county to provide services and will become  
2 certified to provide services under such waiver within a  
3 reasonable period of time specified in rule.

4 b. The reimbursement rate payable for the cost of a  
5 service provided under the program is the rate payable under  
6 the medical assistance program. However, if the service  
7 provided does not have a medical assistance program  
8 reimbursement rate, the rate shall be the amount payable under  
9 the county contract.

10 9. RESOURCE FACILITATION. The program shall utilize  
11 resource facilitators to facilitate program services. The  
12 resource facilitator shall be available to provide ongoing  
13 support for individuals with brain injury in coping with the  
14 issues of living with a brain injury and in assisting such  
15 individuals in transitioning back to employment and living in  
16 the community. The resource facilitator is intended to  
17 provide a linkage to existing services and increase the  
18 capacity of the state's providers of services to persons with  
19 brain injury by doing all of the following:

20 a. Providing brain injury-specific information, support,  
21 and resources.

22 b. Enhancing the usage of support commonly available to an  
23 individual with brain injury from the community, family, and  
24 personal contacts and linking such individuals to appropriate  
25 services and community resources.

26 c. Training service providers to provide appropriate brain  
27 injury services.

28 d. Accessing, securing, and maximizing the private and  
29 public funding available to support an individual with a brain  
30 injury.

31 Sec. 2. 2005 Iowa Acts, chapter 179, section 1, subsection  
32 2, paragraph d, is amended to read as follows:

33 d. For distribution to ~~counties-as-cost-share-for-county~~  
34 ~~coverage-of-services-to-adult-persons-with~~ the Iowa department  
35 of public health for the brain injury in accordance with the

1 ~~law-enacted-as-a-result-of-the-provisions-of-2005-Iowa-Acts,~~  
2 ~~House-File-876,-or-other-law-providing-for-such-coverage-to~~  
3 commence service program in the fiscal year beginning July 1,  
4 2006, as provided in accordance with section 135.22B, if  
5 enacted by the Eighty-first General Assembly, 2006 Session:

6 ..... \$ 2,426,893

7 The amount allocated in this paragraph "d" shall be  
8 allocated by the Iowa department of public health as follows:

9 (1) For state cost-share of services provided under  
10 section 135.22B:

11 ..... \$ 2,092,665

12 (2) For contract resource facilitator services:

13 ..... \$ 173,125

14 (3) For a sole source contract with a statewide  
15 association representing community providers of mental health,  
16 mental retardation, and brain injury services to provide, in  
17 collaboration with a statewide organization representing  
18 individuals with a brain injury and their families, brain  
19 injury training services and recruiting of service providers  
20 to increase the capacity within this state to address the  
21 needs of individuals with brain injuries and such individuals'  
22 families:

23 ..... \$ 40,000

24 (4) For reimbursement for needs assessments performed  
25 under section 135.22B:

26 ..... \$ 26,750

27 (5) For match of federal funding, administrative and  
28 personnel costs including salaries, support, maintenance, and  
29 miscellaneous purposes:

30 ..... \$ 94,353

31 Notwithstanding section 8.33, the appropriated moneys  
32 allocated in this paragraph "d" that remain unencumbered or  
33 unobligated at the close of the fiscal year shall not revert  
34 but shall remain available for expenditure for the purposes  
35 designated until the close of the succeeding fiscal year.



1 be based on those applicable under the hawk-i program for  
2 providing health coverage for low-income children.

3 Various cost-share requirements are applicable, including a  
4 sliding scale for individual cost-share and state cost-share  
5 for the portion not covered by the individual cost-share.

6 The program's application provisions include a requirement  
7 for an application that can be used both by this program and  
8 the Medicaid program's home and community-based brain injury  
9 services waiver. The application is required to be submitted  
10 through the program administrator. The program administrator  
11 is required to file copies of the needs assessment and  
12 application materials with the medical assistance (Medicaid)  
13 program and the area resource facilitator. The program  
14 administrator has final authority in determining whether  
15 program funding will be authorized.

16 Service provider and reimbursement provisions include  
17 requirements that service providers must be certified to  
18 provide services under the brain injury services waiver or  
19 have a county contract to provide services and become  
20 certified to provide services under the waiver. Reimbursement  
21 rates payable under the program are the same as the Medicaid  
22 rates. If there is not a Medicaid rate, the county contract  
23 rate applies.

24 The program includes a resource facilitator component to  
25 assist individuals with the program and to enhance the service  
26 system available to individuals in the state with brain  
27 injury. The bill addresses the duties of resource  
28 facilitators.

29 The provisions of an appropriation made for MH/MR/DD  
30 allowed growth for fiscal year 2006-2007 in a contingent  
31 allocation made for brain injury services are amended. The  
32 language is revised to refer to the program created in the  
33 bill and to allocate the appropriation to the Iowa department  
34 of public health for various purposes associated with the  
35 brain injury services program created in the bill. Moneys in

1 the allocation that remain unencumbered or unobligated at the  
2 close of the fiscal year do not revert but remain available  
3 for expenditure for the brain injury program in the succeeding  
4 fiscal year.

5 The Iowa department of public health is authorized to adopt  
6 rules to implement the brain injury services program utilizing  
7 emergency procedures that forego various public comment  
8 periods, but the rules remain subject to review by the  
9 administrative rules review committee before being adopted.

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