

**331.389 Mental health and disability services regions — criteria.**

1. Local access to mental health and disability services shall be provided by a regional service system comprised of mental health and disability services regions approved by the director of the department. It is the intent of the general assembly that the residents of this state should have access to needed mental health and disability services regardless of the location of their residence.

2. The director of human services shall approve a region meeting the requirements of [subsection 3](#).

3. Each county in the state shall participate in an approved mental health and disability services region. A region exempted from the requirement to form a multicounty region prior to July 1, 2014, shall adhere to and fulfill all of the requirements of a multicounty region. A mental health and disability services region shall comply with all of the following requirements, as applicable:

a. The counties comprising a multicounty region are contiguous.

b. A multicounty region has at least three counties.

c. The region provides required core services and performs all other required functions.

d. At least one community mental health center or a federally qualified health center with providers qualified to provide psychiatric services, either directly or through contractual arrangements with mental health professionals qualified to provide psychiatric services, is located within the region, has the capacity to provide outpatient services for the region, and is under contract with the region.

e. A hospital with an inpatient psychiatric unit or a state mental health institute is located in or within reasonably close proximity to the region, has the capability to provide inpatient services for the region, and is under contract with the region.

f. The regional administrator structure utilized by the region demonstrates clear lines of accountability and the regional administrator functions as a lead agency utilizing appropriate means of limiting administrative costs.

4. A mental health and disability services region is subject to all of the following:

a. The approved region shall comply with all of the following criteria:

(1) Any counties comprising the region shall be identified.

(2) (a) The region complies with the requirements in [subsection 3](#).

(b) The department shall provide written notice to a region's regional administrator that the region is in compliance with the requirements in [subsection 3](#).

b. Upon the department's determination that a region is in compliance with the requirements of [subsection 3](#), the region shall be eligible for technical assistance provided by the department.

c. In addition to the regional governance agreement requirements in [section 331.392](#), the department may compel the county and region to engage in mediation for resolution of a dispute. The costs incurred for mediation shall be paid by the county and the region in dispute according to their governance agreement.

d. (1) If the department withdraws approval for a region, or if a county is not approved by the department as a single county region and otherwise not assigned to a region, the department may assign the county or counties no longer assigned to an approved region to an approved region.

(2) An approved region that has a county assigned to the region pursuant to subparagraph (1) shall amend the region's existing governance agreement to include the assigned county. The amended governance agreement shall include an effective date designated by the department.

(3) A county assigned to a region by the department pursuant to subparagraph (1) shall operate according to the governance agreement in existence at the time the county was assigned to the region until the region's amended governance agreement created pursuant to subparagraph (2) becomes effective.

e. A region shall be in compliance with all of the following criteria:

(1) The board of supervisors of each county participating in a multicounty region has voted to approve a [chapter 28E](#) agreement.

(2) The duly authorized representatives of all the counties participating in a multicounty region have signed the [chapter 28E](#) agreement that is in compliance with [section 331.390](#).

(3) The members of the region's governing board have been appointed in accordance with [section 331.390](#).

(4) Executive staff for the region's regional administrator have been identified.

(5) A regional service management plan has been developed which identifies all of the following:

(a) Local access points for the disability services administered by the region.

(b) The region's targeted case manager providers funded by the medical assistance program.

(c) The service provider network for the region.

(d) The service access and service authorization process utilized by the region.

(e) The information technology and data management capacity employed to support regional functions.

(f) Business functions, funds accounting procedures, and other administrative processes.

(g) Data reporting and other information technology requirements identified by the department.

(6) The department has approved the region's [chapter 28E](#) agreement unless the county was exempted from the requirements of subparagraph (1) prior to July 1, 2014.

(7) The department has approved the region's regional management plan.

5. a. If the department determines that a region is not adequately fulfilling the requirements under [this chapter](#) for a regional service system, the department shall address the region in the following order:

(1) Require compliance with a corrective action plan.

(2) Reduce the amount of the annual state funding provided for the regional service system, including amounts received under [section 225C.7A](#), not to exceed fifteen percent of the amount.

(3) Withdraw approval for the region.

b. The department shall rely on all information available, including annual audits submitted under [section 331.391](#), regional governance agreements submitted under [section 331.392](#), and annual service and budget plans submitted under [section 331.393](#) in determining whether a region is adequately fulfilling the requirements for a regional service system. The department may request and review financial documents, contracts, and other audits, and may perform on-site reviews and interviews to gather information.

2012 Acts, ch 1120, §32, 37, 39; 2013 Acts, ch 140, §170, 186; 2018 Acts, ch 1165, §84 – 88, 91; 2020 Acts, ch 1121, §49, 50; 2021 Acts, ch 177, §85, 86, 108; 2022 Acts, ch 1131, §69

Referred to in §222.2, 225.1, 225C.2, 225C.7A, 226.1, 227.1, 229.1, 230.1, 331.910

Section amended